

## Supplementary Questions

### PFAS Burden on Local Councils

- 1. How many NSW councils are currently dealing with PFAS-contaminated sites, and what financial impact has this had?**

LGNSW does not have this data as individual councils do not report to LGNSW. This information should be requested from the NSW Environment Protection Authority (EPA) and NSW Health. The full financial impacts on councils are as yet unknown, but will be substantial, and beyond the ability of local governments to fund.

- 2. Are councils receiving adequate support from the NSW Government to manage PFAS contamination?**

With guidance and funding support from NSW Health, it is understood that all local water utilities to date have undertaken initial PFAS screenings on their water supply systems as a precautionary measure to safeguard public health. LGNSW understands that few if any Local Water Utilities (LWUs) have water supplies with PFAS contamination exceeding the current drinking water standards.

The adequacy of support in managing PFAS contamination cannot be determined at this stage as the PFAS contamination sites are still being investigated by the NSW EPA and the revised drinking water standards have not yet been issued. Stricter standards will increase the scale and cost of remediation.

- 3. Should the NSW Government take full financial responsibility for PFAS clean-up in local areas?**

LGNSW is of the view that the polluter pays principle should be applied to determine who is financially responsible for cleaning up PFAS in local areas, pending investigation reports. For example, if PFAS contamination is linked to firefighting foams used by Fire & Rescue NSW (FRNSW), the NSW Government should bear the full cost. Similarly, if the source is a Department of Defence site, the Commonwealth Government should be responsible.

LGNSW also notes that the Commonwealth Government is ultimately responsible for allowing the import of PFAS chemicals and goods containing PFAS into Australia over several decades.

## Regulatory Uncertainty and Government Accountability

### **4. Have councils been given clear legal guidelines on their responsibilities for managing PFAS contamination?**

It is important to recognise that councils are not responsible for PFAS contamination.

In terms of managing PFAS contamination, councils are primarily guided by advice from NSW Health and the Australian Drinking Water Guidelines issued by the National Health and Medical Research Council (NHMRC).

Under the Public Health Regulation 2022, councils with LWUs are responsible for testing and monitoring drinking water and communicating with the community about results and water quality issues.

It is expected that more comprehensive guidelines will be issued in the near future.

### **5. Is there a need for a single agency to take control of PFAS remediation efforts across NSW?**

It is understood that PFAS remediation efforts are being led by the NSW EPA. Sufficient resourcing is required in the agency to ensure it can effectively respond and manage the risks of PFAS.

### **6. Have gaps in inter-agency coordination made it harder for councils to manage PFAS risks?**

It is acknowledged that agencies such as NSW Health, DCCEE and the NSW EPA have provided guidance to councils on managing PFAS risks. However, clearer communication between the NSW Government and local government would be welcomed by councils. Improved coordination would help councils receive timely information to manage PFAS risks effectively.

## Funding for PFAS Testing and Remediation

### **7. Has the NSW Government provided adequate funding to councils for PFAS water testing and environmental monitoring?**

The NSW Government has provided funding to councils for a baseline assessment of PFAS through initial screening and testing. There has been no further commitment from the NSW Government for ongoing tests for PFAS.

As mentioned at the parliamentary hearing by LGNSW Board Director, Cr Dallas Tout, councils have spent their own funds investigating causes of contamination. For instance, Wagga Wagga City Council spent a further \$20,000 of its own funding to investigate the cause of contamination at Tarcutta.

**8. Should the NSW Government introduce mandatory funding for PFAS filtration upgrades in council-managed water supplies?**

LGNSW is firmly of the view that that the State Government should make a commitment to provide funding to councils to cover the costs of any required PFAS remediation measures.

LGNSW supports a risk-based approach in managing PFAS. Different solutions should be assessed and explored first, noting that operational costs in managing PFAS filtration upgrades would be high for councils.

**9. What funding model would LGNSW propose to ensure long-term PFAS management in local government areas?**

Given that councils have limited control over PFAS sources, targeted programs should be primarily funded from the State and Commonwealth Governments. Councils can provide assistance such as supporting public education to local communities to ensure communities understand PFAS standards and thresholds.

**Infrastructure and Water Supply Concerns**

**10. Do local councils have the necessary water treatment infrastructure to meet future PFAS safety standards?**

The tightening of PFAS standards would undeniably place greater pressure on councils to manage PFAS, despite having limited control over its source. As part of our submission for the 2025-26 State Budget, LGNSW is calling on the NSW Government to commit funding for Local Water Utilities (LWUs) to address PFAS contamination. This must include infrastructure upgrades and investment as required.

**11. Should NSW introduce new PFAS removal technologies at a state level to reduce financial strain on councils?**

LGNSW would be supportive of this measure.

**12. Are there any councils currently struggling to provide PFAS-safe drinking water?**

LGNSW is unaware of any cases at present beyond evidence already provided to the inquiry.

**Legal and Insurance Risks**

**13. Do councils fear legal liability for PFAS contamination, even in cases where they are not the original polluters?**

As stated previously, councils did not create PFAS contamination as councils have limited control over PFAS sources. Councils may be concerned about potential liabilities, however there is no known exposure at present.

**14. Should councils be allowed to take legal action against industries or Defence sites responsible for PFAS contamination?**

Yes. Parties responsible for causing PFAS contamination should be liable.

**15. What legal protections does LGNSW believe councils need to avoid being unfairly blamed for PFAS pollution?**

LGNSW maintains that local government should be fully indemnified by the State Government for any potential legal liability arising from PFAS.

Further investigation into the sources and extent of PFAS contamination are needed before determining the appropriate legal protections required to ensure councils are not unfairly held responsible for pollution beyond their control.

**16. If the NSW Government does not provide urgent financial and regulatory support, what will be the long-term consequences for local councils managing PFAS contamination?**

Councils operating LWUs would arguably be at risk of non-compliance with the future Australian Drinking Water Guidelines. This is due to many councils not having the financial resources and technical expertise to respond to PFAS contamination without support. This may place populations at risk.

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Addressing PFAS contamination requires broader government action and regulation to further restrict its use in consumer and industrial products. Without tighter regulations to limit the sale and import of products containing PFAS, controlling contamination in water will remain challenging.

Thank you again for the opportunity to provide evidence to this inquiry. For further information, the committee secretariat is welcome to contact \_\_\_\_\_, LGNSW Director Advocacy on \_\_\_\_\_.

Yours sincerely

Cr Dallas Tout  
**Board Member**

Mr David Reynolds  
**Chief Executive**