

General Purpose Standing Committee No 3

Budget Estimates 2000-2001

Volume 1

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How to contact the Committee

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Terms of Reference¹

1. That the Budget Estimates and related documents presenting the amounts to be appropriated from the Consolidated Fund be referred to the General Purpose Standing Committees for inquiry and report.
2. That the Committees consider the Budget Estimates in accordance with the allocation of portfolios to the Committees.
3. For the purposes of this inquiry any Member of the House may attend a meeting of a Committee in relation to the Budget Estimates and question witnesses, participate in the deliberations of the Committee at such meeting and make a dissenting statement relating to the Budget Estimates, but may not vote or be counted for the purpose of any quorum.
4. The Committees must hear evidence on the Budget Estimates in public.
5. Not more than 3 Committees are to hear evidence on the Budget Estimates simultaneously.
6. When a Committee hears evidence on the Budget Estimates, the Chair is to call on items of expenditure in the order decided on and declare the proposed expenditure open for examination.
7. The Committees may ask for explanations from Ministers in the House, or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure.
8. The report of a Committee on the Budget Estimates may propose the further consideration of any items.
9. A daily Hansard record of the hearings of a Committee on the Budget Estimates is to be published as soon as practicable after each day's proceedings.
10. The Committees have leave to sit during the sittings or any adjournment of the House.
11. After a Committee has considered proposed expenditure referred to it by the House and agreed to its report to the House, the Committee must fix:
 - (a) a day for the submission to the Committee of any written answers or additional information relating to the proposed expenditure, and
 - (b) a day for the commencement of supplementary meetings of the Committee to consider matters relating to the proposed expenditure, which day must be not less than 10 days after the day fixed under subparagraph (a).

¹ Legislative Council Minutes of the Proceedings, No.41, 23 May 2000 items 16, 19 and 20).

12. (1) A Member may lodge with a Committee, not less than 3 working days before the day fixed under subparagraph (11) (b), notice of matters relating to the written answers or additional information, or otherwise relating to the proposed expenditure referred to the committee, which the Member wishes to raise at the supplementary meetings of the Committee.
- (2) Any notice lodged with a Committee must be forwarded by the Committee to the Minister in the House responsible for the matters to which the notice relates.
13. A Committee may determine at any time the number and duration of any supplementary meetings.
14. At a supplementary meeting, questions may be put to Ministers or officers of departments, statutory bodies or corporations, relating to matters of which notice has been given, and the proceedings of the Committee must be confined to those matters.
15. A Committee may report to the House any recommendation for further action by the House arising from the Committee's supplementary meetings.
16. Written questions relating to the Budget Estimates may be supplied to the Clerk of the Committee, who must distribute them to the relevant Minister and to Members of the Committee. Answers must be supplied to, and circulated by, the Clerk.
17. The Committees must:
 - (a) present a first report to the House before the House adjourns for the winter recess, and
 - (b) present a final report to the House by the first sitting day in August 2000.

Committee Membership

The Hon Helen Sham-Ho MLC, Chair
Independent

The Hon John Hatzistergos MLC, Deputy Chair
Australian Labor Party

The Hon Don Harwin MLC
Liberal Party

The Hon John Johnson MLC
Australian Labor Party

The Hon Jim Samios MLC
Liberal Party

The Hon Andrew Manson MLC
Australian Labor Party

Ms Lee Rhiannon MLC
The Greens

Other Members who attended the hearings

The Hon Michael Gallacher MLC
Liberal Party

The Hon Patricia Forsythe MLC
Liberal Party

The Hon John Ryan MLC
Liberal Party

The Hon Richard Bull MLC
National Party

The Hon John Jobling MLC
Liberal Party

The Hon Ron Dyer MLC
Australian Labour Party

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Chair's Foreword

General Purpose Standing Committee No 3 has examined the Budget Estimates for 2000-2001 for the portfolio areas of:

Police

Sport and Recreation, Fair Trading

Juvenile Justice

Attorney General, Industrial Relations

In this report, the Committee considers a number of specific matters relating to the various portfolio areas, and comments on one issue of a more general nature.

The Committee expresses its appreciation for Ministers and officers of the departments and organisations who appeared before it.

The Hon Helen Sham-Ho MLC
Chair

Introduction

Establishment of the General Purpose Standing Committees

The five General Purpose Standing Committees were first constituted by resolution of the Legislative Council on 7 May 1997, during the 51st Parliament.² On 13 May 1999, shortly after the commencement of the 52nd Parliament, the five committees were reconstituted.³

The General Purpose Standing Committees may inquire and report on:

- (a) any matters referred to them by the House;
- (b) the expenditure, performance or effectiveness of any department of government, statutory body or corporation;
- (c) any matter in any annual report of a department of government, statutory body or corporation.⁴

Portfolios

The five committees reflect the Government Minister's portfolios as follows:

Committee No 1

Premiers, Arts and Citizenship

Treasury, State Development

Olympics

Education and Training

Special Minister of State

The Legislature

Committee No 2

Health

Community Services, Ageing,
Disability Services, Women

Small Business, Tourism

Mineral Resources, Fisheries

² Minutes of Proceedings, No 65, 7 May 1997, p677. Also see Minutes of Proceedings, No 4, 14 September 1999, p48, for amendment to the resolution (the addition of Special Minister of State to the portfolio areas).

³ Minutes of Proceedings, No 3, 13 May 1999, p62 (hereafter referred to as Resolution of 13 May 1999).

⁴ Resolution of 13 May 1999, para 3.

Committee No 3

Police
Attorney General, Industrial Relations
Fair Trading, Sport and Recreation
Juvenile Justice, Youth

Committee No 4

Urban Affairs and Planning,
Aboriginal Affairs, Housing
Transport, Road
Gaming and Racing, Hunter
Development
Public Works and Services

Committee No 5

Information Technology, Energy,
Forestry, Western Sydney
Agriculture, Land and Water
Conservation
Environment, Emergency Services,
Corrective Services
Local Government, Regional
Development, Rural Affairs

Powers of the General Purpose Standing Committees

The General Purpose Standing Committees have power:

- (a) to send for and examine persons, papers, records and things;
- (b) to adjourn from place to place;
- (c) to make visits of inspection within the State;
- (d) to request the attendance of and examine Members of the House;
- (e) to publish, before presentation to the House, submissions received and evidence taken in public; and
- (f) to report from time to time their proceedings, evidence taken in public and recommendations.⁵

⁵ Resolution of 13 May 1999, para 8.

Referral of the 2000-2001 Budget Estimates

On 23 May 2000, the Legislative Council resolved that the Budget Estimates and related documents presenting the amounts to be appropriated from the Consolidated Funds be referred to the General Purpose Standing Committees for inquiry and report.⁶ Each Committee is to examine the Budget Estimates for their relevant portfolios and present a first report to the House before the House adjourns for the winter recess, and present a final report to the House by the first sitting day in August 2000.⁷

Under the resolution there is no requirement for the Committees' consideration of the Budget Estimates to be completed prior to the passage of the 2000-2001 Appropriation Bills. Separation of consideration of the Budget Estimates from the passage of the Appropriation Bills provides greater flexibility for the Committees to scrutinise government expenditure. Under section 5A of the Constitution Act 1902 the Legislative Council is not able to prevent the passage of Bills appropriating money for the ordinary annual services of the Government.

6 Minutes of Proceedings, No 41, 23 May 2000, items 16, 19 and 20 (hereafter referred to as Resolution of 23 May 2000).

7 Resolution of 23 May 2000, para 17.

Chapter 1 Police

The Committee heard evidence from the Hon Paul Whelan MP, Minister for Police, together with Police Commissioner Peter Ryan, Mr Les Tree, Director General of the Ministry for Police and Mr Graham Sage, Assistant Commissioner, Police Integrity Commission, at a public hearing held on 6 June 2000. A brief summary of issues discussed at the hearing is provided below.

Olympics Security

1.1 A substantial segment of the hearing was given to questions regarding planning by the Police Service for the Olympics. The Committee began by querying the content of the \$22 million assets acquisition for the Olympics referred to in the Budget papers. Following this a number of questions were asked regarding a plan to allocate staff to Olympic security tasks and the impact this will have on the 80 local police area commands. Issues raised included:

- strategies to minimise reductions in front line police available to local area commands;
- integrity testing of officers appointed to the Olympic Security Command Centre;
- cost of overtime during the Olympics;
- closure of police stations prior to, during or after the Olympics;
- whether the digital radio system will be operational by the Olympics;
- the numbers of specialist police assigned to general duties during the Olympics;
- police liaison with Indigenous protest groups;
- training of civilian staff in police duties;
- the numbers of volunteers for Olympic security; and
- the timetable for the implementation of the statewide policing plan for the Olympics.

1.2 The Police Commissioner undertook to provide information to the committee about the cost of training volunteers as part of Olympic security preparations.

Glock Pistols, Capsicum Sprays and Extendable Batons

- 1.3** The Committee asked the Police Commissioner a series of questions about the numbers of police trained in use of Glock pistols and capsicum sprays, and the number of police issued with extendable batons. The Commissioner was then asked about missing Glock pistols and capsicum sprays. Questions were directed to the Police Commissioner and the Assistant Commissioner of the Police Integrity Commission on the status of investigations into the disappearance of the Glock pistols.
- 1.4** The Assistant Commissioner undertook to provide the committee with information about the outcome of an investigation into two Glocks which went missing in the previous financial year. The Police Commissioner undertook to provide the committee with information about whether any police had lodged compensation claims in regard to the use of capsicum sprays.

Police Assistance Line

- 1.5** The Committee noted the Police Service had recently established a Police Assistance Line. The Committee sought details on access to the line by non-English speakers. The Minister undertook to provide the committee with information about the breakdown of the \$11 million establishment costs. The Police Commissioner was asked about response times for the Assistance Line and how these times would be audited; staffing levels; and the breakdown between sworn and unsworn staff. The Commissioner undertook to provide the committee with information about the staff levels on rosters at the Tuggerah Centre for the Assistance Line.

Recruitment of Non-English Speaking and Indigenous Police

- 1.6** The Minister undertook to provide the committee with information about the expenditure on recruitment of police officers from a non-English speaking background and from an Aboriginal or Torres Strait Islander background. The Minister and Commissioner answered questions about cross cultural training programs for police.

Motorola Contract

- 1.7** The Assistant Commissioner of the Police Integrity Commission and the Director General of the Ministry of Police answered questions about a report into the Motorola radio contract and its timing in relation to the reappointment of Deputy Commissioner Jarratt.

Police Integrity Commission

- 1.8** The Assistant Commissioner of the Police Integrity Commission was asked questions about the level of staffing at the Commission and the resources devoted to investigation. The Assistant Commissioner undertook to provide the committee with information about the number of complaints reported to the Commission over the last year.

DNA Testing

- 1.9** The Committee questioned the Minister and the Police Commissioner regarding the Wee Waa DNA testing operation. The Minister undertook to provide the committee with information about the costs of the operation.

Behavioural Change Unit

- 1.10** The Committee questioned the Police Commissioner about the Behavioural Change Unit and the role of former police officer Terry O'Connell in promoting Restorative Justice.

Chapter 2 Sport and Recreation, Fair Trading

The Committee heard evidence from the Hon John Watkins MP, Minister for Sport and Recreation and Minister for Fair Trading, together with Mr Garry Waters, Director, Management and Marketing Services, at a public hearing held on 8 June 2000. An additional public hearing was held on 19 June 2000, at which the Committee further considered the portfolio area of Fair Trading. Mr David O'Connor, Director General, Mr John Schmidt Assistant Director General, and Mr Brian Given, Assistant Director General, all of the Department for Fair Trading attended the second hearing.

A brief summary of issues discussed at the hearings is provided below. During the course of the first hearing three documents were tabled, one of a general nature and two relating to the portfolio area of Fair Trading. A list of tabled documents is provided at Appendix 1.

Sport and Recreation

Post-Olympic venues

- 2.1** The Committee asked the Minister what was proposed for the various Olympic venues after the 2000 Olympic Games. The Minister informed the Committee that the CEOs of relevant government agencies were in the process of examining future plans for these venues, including their management.

The Sydney Cricket Ground

- 2.2** The Committee questioned the Minister about why the government is contributing \$2 million towards the resurfacing of the Sydney Cricket Ground.

Eastern Creek Raceway

- 2.3** The Minister was asked a series of questions about leasing arrangements for Eastern Creek Raceway. The Minister advised that, in 1997, Cabinet had agreed not to provide further funding to the raceway.

International Athletic and Aquatic Centres

- 2.4** The Minister provided a breakdown of the annual budget allocation for the International Athletic and Aquatic centres.

Olympic Service Grants

- 2.5** The Committee asked about the various projects funded under the Olympics Service Grants Program.

Regional Sports Facilities Program

- 2.6** The Minister provided information about the fourteen regional sports facilities funded this year. The Minister also informed the Committee that he would continue to have discussions with members of the Chinese community regarding a sporting centre.

Water safety programs

- 2.7** The Committee asked the Minister about water safety programs and how much money had been allocated to these programs.

Child protection for the Sport and Recreation Industry

- 2.8** The Minister was asked by the Committee about programmes in place to protect young people in sport. He outlined new legislation designed to protect children, including the "Working with Children Check" which is designed to check the suitability of people who work with children. The Department of Sport and Recreation is an Approved Screening Agency which will conduct the check on behalf of employers in the sport and recreation industry.

Fair Trading (8 June 2000)**Community education on consumer rights**

- 2.9** The Committee asked what specific programs or initiatives have been implemented by the Department to educate the community on consumer protection law and consumer rights, including programs targeting vulnerable members of the community. The Minister also outlined recent initiatives to improve the Department's customer service.

Fair Trading Tribunal

- 2.10** The Committee asked about the high proportion of part time members of the Fair Trading Tribunal compared to full-time positions.

Television advertisements

- 2.11** The Committee was asked which television stations were contracted to run advertisements made by the Department about fair trading rights and responsibilities.

Home Building Investigations Unit

- 2.12** The Committee asked how many investigators there are in the Home Building Investigations Unit. The Minister informed the Committee about the steps taken by the Department to encourage compliance with the Home Building Act and the Fair Trading Act.

Funding for consumer groups

- 2.13** In response to questions, the Minister informed the Committee about the Department's involvement in funding community based consumer groups in the home building industry, through the Home Building Grants Program.

The Home Warranty Insurance Scheme

- 2.14** The Committee asked several questions about the Home Warranty Insurance Scheme. The Scheme, which provides cover for consumers against faulty or incomplete building work., is currently under review.

Complaints about disposable lighters

- 2.15** The Committee asked how many complaints had been received by the Department about the safety of disposable lighters.

Fair Trading (19 June 2000)**Credit Card Fraud**

- 2.16** The Committee asked about education programs and other strategies of the Department to combat credit card fraud, particularly during the period of the Olympics. The Director General advised that credit card fraud was primarily a police responsibility.

Warnings to Builders under the Home Building Act

- 2.17** The Committee questioned the Department's officers about their use of s23 (2) of the Home Building Act to issue warnings to builders.

Review of Home Building Insurance Scheme

- 2.18** Departmental officers were asked about a consultant's review of the Home Building Insurance Scheme, particularly regarding plans to consult consumers during the review. The Committee also asked questions about the information the Department requires from insurers under the Scheme, such as numbers of claims paid and premiums collected. Mr Schmidt undertook to provide the committee with information about total premiums collected.

Fair Trading Tribunal

- 2.19** The Committee asked several questions about delays and alleged inefficiencies of case management by the Tribunal. Mr Given undertook to provide the committee with information about:

- whether there is a pattern of delays of more than eight weeks from lodgement to hearing in Tribunal matters lodged since March 2000, and if so the reasons for the delays
- delays in Tribunal members returning claimants files
- appointment of assessors to the Tribunal
- processing delays caused when claimants fail to provide three copies of applications at time of lodging a claim

Prosecutions in Home Building Division

- 2.20** Mr Schmidt undertook to provide the Committee with information on the typical costs of disciplinary hearings against builders; the number of notices issued this year to licensed builders; and the categories of actions by which building licences can be cancelled under the Home Building Act 1997.

Research into Petrol Co-operatives

- 2.21** Mr Schmidt undertook to provide the Committee with information about the cost of research by the Department into the feasibility of using petrol buying co-operatives to promote competition in the petrol industry. He advised the committee that the research report was available on the Department's website.

Fuel Shrinkage

- 2.22** The Committee asked about legislation to ensure fuel shrinkage in cold weather is accounted for at the wholesale level. Mr Given advised that the Department was represented on a national working party examining this issue. He undertook to provide the committee with information as to why NSW had not followed the lead of the ACT government in passing legislation.

Addition of Toluene to Petrol

- 2.23** The Committee asked about progress in the Department's inspection and prosecution of retailers suspected of adding toluene to petrol.

Staff Levels

- 2.24** Mr Schmidt undertook to provide the Committee with information about additional staff for the Marketplace Performance program to explain an apparent discrepancy between the Budget papers and a statement by the Minister on 1 June 2000. Mr Schmidt explained the staffing figures were provided to Treasury in early April 2000 and thus predate the Minister's statement.

Legal Assistance to Individual Litigants

- 2.25** The Committee asked the Director General about funding assistance provided to individuals pursuing litigation against home builders and the criteria for granting such assistance.

Complaints by Retirement Villages Association

- 2.26** Mr Given undertook to provide the Committee with information regarding investigations into a complaint from the Retirement Villages Association about the conduct of a Department officer.

Department Education and Promotional Campaigns

- 2.27** The Director General undertook to provide the Committee with information about the television stations contracted to run television commercials paid for by the Department. The committee asked about the Department's marketing program to educate consumers and traders about minimising the risks of home building disputes. The Director General undertook to provide the committee with information about the timing of this marketing program.

Relocation of Register of Encumbered Vehicles

- 2.28** The Committee asked about the reasons for the relocation of the Register of Encumbered Vehicles from Liverpool to Parramatta.

Chapter 3 Juvenile Justice

The Committee heard evidence from the Hon Carmel Tebbutt MLC, Minister for Juvenile Justice, together with Mr Ken Buttrum, Director General, and Mr Robert Hermann, Director of Corporate Services, both of the Department of Juvenile Justice, at a public hearing held on 9 June 2000. A brief summary of issues discussed at the hearing is provided below.

Over Representation of Indigenous Young People

- 3.1** The Committee questioned the Minister about programs and initiatives to reduce the over representation of Aboriginal and Torres Strait Islander young people in juvenile detention centres. The Minister undertook to provide the committee with information about the level of participation of Indigenous young people in youth conferencing; the effectiveness of conferencing in reducing recidivism by Indigenous offenders; and the numbers of Aboriginal staff employed at each detention centre.

Non English speaking Background Clients

- 3.2** The Committee noted a small increase in the numbers of detainees from a non-English speaking background (NESB) and asked the Minister to outline initiatives aimed at this group. The Minister undertook to provide the committee with information about the level of participation of NESB young people in youth conferencing.

The Frank Baxter Juvenile Justice Centre

- 3.3** The Director General was asked questions regarding the costs of construction of the new Frank Baxter centre and its future operating budget.

Closure of Worimi Centre

- 3.4** The Committee asked the Director General several questions about the implications for funding and staff of the closure of the Worimi centre. The Director General undertook to provide the committee with information about the current level of staff vacancies at the Frank Baxter and Kariong Centres compared to the situation prior to the closure of Worimi.

Maintenance of Centres

- 3.5** The Director General was queried about plans to maintain and improve Kariong, Reiby and Yasmar centres, in light of statements made by him that these were physically below standard. The Minister also undertook to provide the committee with information about the maintenance costs of the new Arcmena Centre.

Reduction in Juvenile Detainees

- 3.6** The Committee noted the success of the Department in reducing the number of children held in custody and asked what strategies were used by the Department to achieve this result. Questions were also asked about increases in numbers of offenders held in detention on remand; and the use of bail hostels.

State Wards

- 3.7** The Committee noted comments of the Children's Court Magistrate that State wards are often remanded in custody due to non-attendance of Department of Community Service officers at court hearings. The Minister was asked how frequently this occurred and what measures the Department of Juvenile Justice was taking to bring such situations to the attention of the Department of Community Services.

Drug and Alcohol Counsellors and Social Workers

- 3.8** The Minister was asked about the number of drug and alcohol counsellors employed by the Department and the access of young people in detention to drug and alcohol programs. The Minister was asked to provide information to the committee about the support given to counsellors and social workers to prevent burnout; and the follow up role of these staff with young people on their release.

Smuggling of Drugs into Centres

- 3.9** The Committee asked a number of questions about searches aimed at preventing the smuggling of illicit drugs, cigarettes and alcohol into detention centres. Issues raised included the use of sniffer dogs; searches of staff; urine analysis; searches of visitors; and the use of lockers, particularly at Kariong. The Committee queried whether searches were cost effective given the small amounts of drugs found, and whether the searches were in conflict with the aims of other Department programs.
- 3.10** The Minister undertook to provide the committee with information about the number of times Department staff had been reprimanded for supplying cigarettes, alcohol or illicit drugs.

Escapes from Centres

- 3.11** The Minister was asked questions about the number of escapes from detention centres, the protocol when a young person escapes, and the procedure and supervision used when a young person is returned to a centre.

Access to Director General's Telephone numbers

- 3.12** The Director General was asked about the access of detainees to his mobile, office and home telephone number.

Response to Auditor General's Report

- 3.13** The Committee noted concerns raised by the Auditor-General in his 1999 report that every cluster of the Department had failed to reach its budgetary targets. Questions were asked about budget controls that had been introduced to address this problem and whether clusters were currently operating within budget. The impact of the closure of the Worimi centre on meeting budget targets was also raised.

National Benchmarks

- 3.14** The Committee requested the Minister to provide a copy of the most recent review of the Department's performance against its counterparts in other states.

Graffiti Removal

- 3.15** The Minister was asked by the Committee about its funding of a graffiti removal initiative.

Workplace Safety

- 3.16** The Committee raised a number of questions regarding occupation health and safety problems in the Department. Particular concern was expressed about working days lost under the category "hit by object". The Minister undertook to provide the committee with information about the numbers of working days lost due to injury of staff.

Appeals to the Children's Court.

- 3.17** The Director General undertook to provide the committee with information about the numbers of young people using s28 B (a) of the *Children (Detention Centres) Amendment Act* to appeal to the Children's Court when charged with an offence which could lead to transfer to an adult prison.

Pre Release Programs

- 3.18** The Director General answered a question on programs used at the Kariong centre for young people due for release.

Staff Training

- 3.19** The Committee asked questions relating to staff support, programs aimed at reducing divisions within the Department and new induction courses. Information was also sought on the minimum educational requirements of youth workers in juvenile detention centres, and the salaries paid to these officers.

Department's Website

- 3.20** The Committee queried the current lack of a Departmental website.

Disposal of Department Land

- 3.21** The Committee asked the Director of Corporate Services a series of questions about the status of surplus land at Mt Penang. Questions were also asked about the disposal of land at Minali, Minda and Worimi.

Retirement of Director General

- 3.22** The meeting concluded with the Committee noting that the Director General, Mr Ken Buttrum, was retiring following the end of his current term of appointment. The Committee congratulated Mr Buttrum on his excellent service and honest and genuine commitment to young people in the State, and thanked him for the assistance he had provided to various parliamentary committees. The Minister thanked the Committee and endorsed their comments.

Chapter 4 Attorney General, Industrial Relations

The Committee heard evidence from the Hon Jeff Shaw MLC, Attorney General and Minister for Industrial Relations, together with Mr Laurie Glanfield, Director General, Attorney General's Department, Mr Bill Grant, Deputy Director General, Attorney General's Department, Ms Margaret Allison, Managing Director, Legal Aid Commission, Mr Warwick McDonald, Director General, Department of Industrial Relations, and Mr Paul Hollis, Business Support Manager, Department of Industrial Relations, at a public hearing held on 9 June 2000. A brief summary of issues discussed at the hearing is provided below.

Attorney General

Judicial Commission

- 4.1** The Committee questioned the Attorney about the educative function of the Judicial Commission, with particular reference to cross cultural programs to assist the judiciary in its understanding of Indigenous and non English speaking background peoples. The issue of complaints against the judiciary and the role of state magistrates in Family Court matters was briefly examined.

DNA Testing

- 4.2** The Committee queried the impact on legal aid of the use of DNA testing and whether appeals could be made by previously convicted offenders as a result of the new forensic evidence being available.

TeleService Centre

- 4.3** A new legal help line, known as the TeleService Centre, has been established through the Legal Aid Commission in consultation with the Law Society, the Bar Association and the Attorney-General's Department. The committee asked a number of questions about hours of operations; numbers of lawyers and telephonists on shifts; training of call operators; and provisions for callers from non English speaking backgrounds. A question was also asked about the impact of use of the help line on approval rates for legal aid assistance.

Drug Court

- 4.4** The Committee questioned the Attorney and Department officers at some length about the effectiveness of drug testing procedures used for participants in the new Drug Court pilot program. Questions were asked about the extent and rigour of random urine testing; the type of drugs for which tests were made; possible manipulation of the system by

participants; current progress in the evaluation of the program and other drug diversion options considered. The Attorney undertook to provide the committee with information about the number of random, at home, tests conducted on participants and on whether participants had been given rapid opiate detoxification treatment.

Industrial Relations

Outworkers

- 4.5** The Committee questioned the Minister about the content of information and education campaigns for home based workers or outworkers in the clothing industry.

Business Support

- 4.6** The Committee clarified the role of the Business Support unit, which is to support the Department's operations rather than directly supporting the business community.

Ombudsman Mystery Shopper Audit

- 4.7** In 1999 the Ombudsman's Office conducted a "mystery shopper" audit to test the levels of customer service provided by the Department. The Committee queried the Director General on his response to the audit's findings.

Women's Equity Bureau

- 4.8** The Committee asked the Minister whether the reduction in staff of the Women's Equity Bureau from 11 to five staff would impact on the ability of the Department to pursue the Government's priorities relating to the reduction of gender inequalities in the workplace. Specific reference was made about education programs based upon the maternity/parental leave rights legislation to be considered by the Legislative Council.

State Executive Service Staff

- 4.9** Questions were asked by the Committee about the salary packages of Senior Executive Service (SES) officers; bonus payments made to SES officers and the appointment of a new General Manager for WorkCover. The Minister undertook to provide the committee with information about the individual salaries of SES officers employed in the Department.

WorkCover Safety Audits

- 4.10** The Committee examined WorkCover's use of private companies to conduct safety audits, especially for asbestos. The Minister undertook to provide the committee with information about the mechanisms in place to ensure private companies are correctly conducting safety audits; and on whether there are special information programs and health

checkups aimed at members of the Cambodian community employed in the construction industry.

Parliamentary Oversight of Work Safety

- 4.11** The Committee discussed the benefits of a parliamentary committee overseeing work safety, as recommended by the Law and Justice Committee in its 1998 report into Workplace Safety. It was suggested that an existing committee, such as the Staysafe committee, might perform such a role.

Industrial Relations Commission

- 4.12** The impact of the review of NSW awards on the workload of the Industrial Relations Commission was probed by the Committee. The committee queried whether numbers of judicial officers were sufficient for the increase in workload as described in the 1999 Annual Report of the Commission. An examination was made of the components of the workload in terms of unfair dismissals, disputes, occupational health and safety, unfair contracts, appeals and review of awards and agreements.

Relocation of Department and WorkCover

- 4.13** Questions were asked about the choice of sites for the relocation of WorkCover to the Central Coast and of any possible plans for a future relocation of the Department of Industrial Relations.

Indigenous Employment

- 4.14** The Minister was asked about the funding and effectiveness of the Department's Aboriginal and Torres Strait Islander Unit.

Staff Reductions

- 4.15** The Committee questioned the Director General about the impact of staff reductions in 2000/2001, particularly in the policy section, on the ability of the Department to assist the community to understand changes to employment laws. The impact of staff reductions on shifting the balance between the prosecution role and the educative role of the Department was considered.

Industrial Disputes

- 4.16** The Director General undertook to provide the committee with information on the number of working days lost in industrial disputes in NSW. The Committee also asked questions about the number of industrial complaints handled by the Department.

Proposed Inquiry into Labour Hire Firms

- 4.17** The committee concluded with questions to the Minister on a proposed inquiry into labour hire firms to clarify the rights and responsibilities of employees and employers. The Minister noted that this was a separate issue to matters covered in a bill shortly to be considered by the Legislative Council.

Chapter 5 Administrative matters

Conduct of the budget estimates hearings

Questions by Topic

- 5.1** During 1999 hearings into the Budget Estimates, the Committee allocated time for questions equally between the Opposition and Independent members. This year, the Committee instead agreed to ask questions about a specific topic, such as Olympic security, until questions from all members on that topic were exhausted, before proceeding on to a new topic. Members found this process allowed for more effective questioning of witnesses and recommend its use in future hearings.

Questions on notice

- 5.2** No questions were placed on notice prior to the public hearings.
- 5.3** The Committee has set 21 July 2000 as the date by which all Ministers should respond to questions placed on notice at, or after, the hearing. Responses to these questions will be tabled in the Legislative Council, in a second volume to this report, once they are received.

Supplementary hearings

- 5.4** The Committee has not set a date for supplementary hearings at this stage.

Appendix 1 – Documents tabled at the hearings

Fair Trading

8 June 2000

Letter from Mr David Kuk to the Hon John Ryan MLC, dated 12 May 2000, relating to complaints against a builder.

Letter from Ms Julie Mastrovasili to the Hon John Ryan MLC, dated 29 May 2000, relating to complaints against a builder.

Advice from Mr John Evans, Clerk of the Parliaments, to the Hon John Jobling MLC, dated 6 June 2000.

Proceedings of the Committee

Minutes No. 15

Tuesday 6 June 2000
At Parliament House at 5.15 pm

1 Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Gallacher (Harwin)
Mr Jobling (Samios)
Mr Johnson
Mr Manson
Ms Rhiannon

2 Budget estimates reference

The Chair advised that Mr Gallacher would be representing Mr Harwin and Mr Jobling would be representing Mr Samios.

The Chair made a statement to members regarding the broadcasting of proceedings.

The Chair informed the Committee correspondence had been received from Mr Gregory Miller, requesting permission to film the budget estimates hearing for the Police portfolio.

Resolved, on the motion of Mr Johnson, that Mr Miller be permitted to film the budget estimates hearing for the Police portfolio.

The Committee considered the approach to be taken to the format of questioning.

Resolved, on the motion of Mr Gallacher, that the Committee exhaust questions on each subject matter in turn, rather than allocating fixed periods of time for particular members' questions.

The Hon Paul Whelan MP, Minister for Police, was admitted and accompanied by the following advisers:

Mr Peter Ryan QPM, Commission of Police
Mr Les Tree, Director-General, Ministry for Police
Mr Phillip Bradley, Commissioner, NSW Crime Commission
Mr Tim Sage, Assistant Commissioner, Police Integrity Commission

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on estimates.

The Minister answered questions by Members of the Committee.

The examination of the proposed expenditure for the portfolio area of Police concluded and the witnesses withdrew.

The public and media withdrew.

The Committee deliberated.

Resolved, on the motion of Mr Hatzistergos, that any additional questions relating to the portfolio area of Police be lodged with Director of the General Purpose Standing Committees by 7.30 pm, Thursday 8 June 2000.

3 Adjournment

The Committee adjourned at 7.35 pm until 6.55 pm on Thursday 8 June 2000.

David Blunt
Clerk to the Committee

Minutes No. 16

Tuesday 8 June 2000
At Parliament House at 6.55 pm

1 **Members Present**

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Bull (Samios)
Mr Gallacher (Harwin)
Mr Johnson
Mr Manson

Mr Ryan (participating)

2 **Apologies**

Ms Rhiannon

3 **Budget estimates reference**

The Chair advised that Mr Gallacher would be representing Mr Harwin and Mr Bull would be representing Mr Samios.

The Chair made a statement to members regarding the broadcasting of proceedings.

The Committee deliberated.

Resolved, on the motion of Mr Gallacher, that the Committee examine the portfolio of Sport and Recreation for up to one hour this evening, with the remaining time to be used for the examination of Fair Trading.

The Hon John Watkins MP, Minister for Fair Trading, Minister for Sport and Recreation, was admitted and accompanied by the following advisers:

Mr John Cuthbert, Financial Manager, Department of Sport and Recreation
Mr Garry Waters, Director Management and Marketing Services, Department of Fair Trading
Ms Jane Fitzgerald, Chief of Staff for the Minister for Fair Trading, Minister for Sport and Recreation.

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on estimates.

The Minister answered questions by Members of the Committee.

The Hon M Gallacher tabled correspondence from Mr John Evans, Clerk of the Parliaments,

dated 6 June 2000.

The Hon J Ryan tabled correspondence from Mr David Kuk, dated 12 May 2000, and Ms Julie Mastrovasili, dated 29 May 2000.

The Hon M Gallacher moved that the Committee continue sitting and questioning the witnesses until 10.00 pm.

The Committee divided:

Ayes:

Mr Bull
Mr Gallacher

Noes:

Mr Johnson
Mr Manson
Mrs Sham-Ho

And so the question was negatived.

The examination of the proposed expenditure for the portfolio area of Fair Trading, Sport and Recreation concluded and the witnesses withdrew.

The public and media withdrew.

The Committee deliberated.

Resolved, on the motion of Mr Bull, that the tabled documents be accepted by the Committee.

Resolved, on the motion of Mr Gallacher, that any additional questions relating to the portfolio area of Fair Trading, Sport and Recreation be lodged with Director of the General Purpose Standing Committees by 5.00 pm, Tuesday 13 June 2000.

Resolved, on the motion of Mr Bull, that the Committee accept written questions on notice in relation to the portfolio of Fair Trading, Sport and Recreation, from Mr Ryan.

4 Adjournment

The Committee adjourned at 9.05 pm until 9.25 am on Friday 9 June 2000.

David Blunt
Clerk to the Committee

Minutes No. 17

Friday 9 June 2000
At Parliament House at 9.25 am

1 **Members Present**

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mrs Forsythe (Harwin)
Mr Johnson
Mr Manson
Ms Rhiannon
Mr Ryan (Samios)

2 **Budget Estimates reference**

The Chair advised that Mrs Forsythe would be representing Mr Harwin and Mr Ryan would be representing Mr Samios.

The Chair made a statement to members regarding the broadcasting of proceedings.

The Hon Carmel Tebbutt MLC, Minister for Juvenile Justice, was admitted and accompanied by the following advisers:

Mr Ken Buttrum, Director-General, Department of Juvenile Justice
Mr Robert Hermann, Director, Corporate Services, Department of Juvenile Justice

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on estimates.

The Minister answered questions by Members of the Committee.

The examination of the proposed expenditure for the portfolio area of Juvenile Justice concluded and the witnesses withdrew.

The public and media withdrew.

The Committee deliberated.

Resolved, on the motion of Mrs Forsythe, that any additional questions relating to the portfolio area of Juvenile Justice be lodged with Director of the General Purpose Standing Committees by 5.00 pm, Wednesday 14 June 2000.

The Committee deliberated.

Mr Ryan moved:

1. That an additional hearing be held for the portfolio of Fair Trading;
2. That Director-General and senior officers of the Department of Fair Trading be requested to attend this hearing; and
3. That in the event of the Minister not complying with the request for the attendance of these officers a summons be issued to compel their attendance.

The Committee divided:

Ayes:

Mrs Forsythe
Ms Rhiannon
Mr Ryan
Mrs Sham-Ho

Noes:

Mr Johnson
Mr Manson

And so the question was resolved in the affirmative.

3. Adjournment

The Committee adjourned at 11.45 am until 12.55 pm on Friday 9 June 2000.

David Blunt
Clerk to the Committee

Minutes No. 18

Friday 9 June 2000
At Parliament House at 12.55 pm

1 Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Dyer (Manson)
Mr Gallacher (Harwin)
Mr Johnson
Ms Rhiannon
Mr Samios

2 Budget estimates reference

The Chair advised that Mr Dyer would be representing Mr Manson and Mr Galacher would be representing Mr Harwin.

The Chair made a statement to members regarding the broadcasting of proceedings.

The Hon Jeff Shaw QC MLC, Attorney General and Minister for Industrial Relations, was admitted and accompanied by the following advisers:

Mr Laurie Glanfield, Director-General, Attorney General's Department
Mr Bill Grant, Deputy Director-General, Attorney General's Department
Mr Russell Cox, Director, Financial and Strategic Services, Attorney General's Department

Ms Margaret Allison, Managing Director, Legal Aid Commission

Mr Warwick McDonald, Director-General, Department of Industrial Relations
Ms Pat Manser, A/Deputy Director-General, Department of industrial Relations
Mr Paul Hollis, Manager Business Support, Department of Industrial Relations

Mr Keith Napper, Director, Long Service Payments Corporation

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on estimates.

The Minister answered questions by Members of the Committee.

The examination of the proposed expenditure for the portfolio areas of Attorney General and Industrial Relations concluded and the witnesses withdrew.

The public and media withdrew.

The Committee deliberated.

Resolved, on the motion of Mr Samios, that any additional questions relating to the portfolio areas of Attorney General and Industrial Relations Justice be lodged with Director of the General Purpose Standing Committees by 5.00 pm, Wednesday 14 June 2000.

The Committee deliberated.

Resolved, on the motion of Mr Gallacher, that the following officers be requested to attend the additional hearing for the portfolio of Fair Trading:

Director-General of the Department of Fair Trading;
Mr Peter Schmidt, Unit Manager Home Building Division, Department of Fair Trading; and
An appropriate senior representative of the Fair Trading Tribunal.

The Committee agreed that the General Purpose Standing Committee Secretariat arrange the additional hearing for the Fair Trading portfolio in accordance with the Committee's preferred alternatives of: Monday 19 June 2000, Tuesday 20 June 2000 during the House's dinner break or Wednesday 21 June 2000 between 5-6 pm.

3. Adjournment

The Committee adjourned at 3.05 pm *sine die*.

David Blunt
Clerk to the Committee

Minutes No. 19

Monday 19 June 2000
At Parliament House at 5.30 pm

1 Members Present

Mrs Sham-Ho (in the Chair)
Mr Hatzistergos
Mr Gallacher (Harwin)
Mr Johnson
Mr Manson
Mr Ryan (Samios)
Ms Rhiannon

2 Confirmation of minutes

Resolved, on the motion of Mr Johnson, that minutes of meetings numbers 15, 16, 17 and 18, be confirmed.

3 Budget estimates reference

The Chair advised that Mr Gallacher would be representing Mr Harwin and Mr Ryan would be representing Mr Samios.

The Chair made a statement to members regarding the broadcasting of proceedings.

The following officials were admitted:

Mr David O'Connor, Director-General, Department of Fair Trading
Mr John Schmidt, Assistant Director-General, Department of Fair Trading
Mr Brian Given, Assistant Director-General, Department of Fair Trading

The public and media were admitted.

The Chair made a statement regarding certain procedural matters during hearings on estimates.

The officials answered questions by Members of the Committee.

The examination of the proposed expenditure for the portfolio area of Fair Trading concluded and the witnesses withdrew.

The public and media withdrew.

The Committee deliberated.

Resolved, on the motion of Mr Gallacher, that any additional questions relating to the portfolio area of Fair Trading be lodged with Director of the General Purpose Standing Committees by 5.00 pm, Wednesday 21 June 2000.

The Committee deliberated.

Resolved, that the Committee hold a deliberative meeting at 10.15 am on Thursday 22 June 2000 to consider the Chair's draft report on the 2000-2001 budget estimates.

4 Adjourment

The Committee adjourned at 6.40 pm until 10.15 am on Thursday 22 June 2000.

David Blunt
Clerk to the Committee

Minutes No. 20

Thursday 22 June 2000
At Parliament House at 10.15 am

1. Members Present

Mrs Sham-Ho (in the Chair)
Mr Gallacher (Harwin until 10.25 am)
Mr Jobling (Harwin from 10.25 am)
Mr Johnson
Mr Manson
Mr Samios
Ms Rhiannon

2. Apologies

Mr Hatzistergos

3. Confirmation of minutes

Resolved, on the motion of Mr Johnson, that the minutes of meeting number 19 be confirmed.

4. Budget estimates reference

The Chair submitted her draft report entitled "Budget Estimates 2000-2001, Volume 1", which having been circulated to each Member of the Committee, was accepted as being read.

Resolved, on the motion of Mr Samios, that the report be adopted.

Resolved, on the motion of Mr Jobling, that the report be signed by the Chair and presented to the House in accordance with the resolution referring the Budget Estimates.

The Committee deliberated.

Resolved, on the motion of Mr Manson, that 5 pm on Friday 21 July 2000 be the date by which Ministers are requested to respond to questions placed on notice in relation to each of the portfolios examined by the Committee, and that answers be made available to Members of the Committee by 5 pm on Monday 24 July 2000.

Resolved, on the motion of Mr Jobling, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the Committee authorises the Clerk of the Committee to publish the answers provided to questions placed on notice, after these answers have been circulated to Committee Members.

Resolved, on the motion of Mr Jobling, that the President and Committee Members be advised of any questions not answered by Ministers within the timeframe set by the Committee, including any reasonable extension agreed to by the Committee Chair, and that the President be requested to report to the House any questions not so answered.

5. Adjournment

The Committee adjourned at 10.31 am, *sine die*.

David Blunt
Clerk to the Committee