

# GENERAL PURPOSE STANDING COMMITTEE No. 4

Thursday 16 October 2008

Examination of proposed expenditure for the portfolio areas

## FAIR TRADING, CITIZENSHIP

The Committee met at 9.15 a.m.

### MEMBERS

The Hon. J. A. Gardiner (Chair)

The Hon. C. Cusack  
Ms S. P. Hale  
Dr J. Kaye  
The Hon. C. M. Robertson

The Hon. R. A. Smith  
The Hon. H. S. Tsang  
The Hon. L. J. Voltz

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### PRESENT

**The Hon. D. V. Judge**, *Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts*

#### **Office of Fair Trading**

**Ms L. Baker**, *Commissioner*

**Mr R. Stowe**, *Deputy Commissioner*

**Mr S. Griffin**, *Assistant Commissioner, Home Building Service*

**Ms Elizabeth Tydd**, *Assistant Commissioner, Compliance and Legal*

**Mr M. Silk**, *Executive Director, Fair Trading Services*

#### **Community Relations Commission**

**Mr S. Kerkyasharian**, *Chairperson and Chief Executive Officer*

**Mr H. Harman**, *Director, Financial and Corporate Services*

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## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

**Corrections should be marked on a photocopy of the proof and forwarded to:**

**Budget Estimates secretariat  
Room 812  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000**

**CHAIR:** I declare open to the public this inquiry into budget estimates 2008-09. I welcome Minister Judge and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Fair Trading and Citizenship. Before we commence I will make some comments about procedural matters. In accordance with the Legislative Council's guidelines for the broadcast of proceedings only Committee members and witnesses may be filmed or recorded; people in the public gallery should not be the primary focus of any filming or photographs.

In reporting the proceedings of this Committee, members of the media must take responsibility for what they publish or what interpretation they place on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available on the table by the door. Any messages from attendees in the public gallery should be delivered through the Chamber and support staff or the Committee clerks. Minister, I remind you and the officers accompanying you that you are free to pass notes and to refer directly to your advisers while at the table. I remind everyone to turn off their mobile phones.

The Committee has agreed to the following format for the hearing. We will commence with the Citizenship portfolio followed by a brief morning tea break and then we will proceed with the Fair Trading portfolio. The House has resolved that answers to questions on notice must be provided within 21 days, unless otherwise determined by the Committee. The Committee has agreed to conform to the resolution of the House. Transcripts of this hearing will be available on the website from tomorrow morning.

All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. I ask all other witnesses to each in turn state their full name, job title and agency and swear either an oath or an affirmation—the words of both the oath and the affirmation are on the cards on the table in front of you.

**HAKAN HARMAN**, Director, Financial and Corporate Services, Community Relations Commission, affirmed and examined:

**STEPAN KERKYASHARIAN**, Chairperson and Chief Executive Officer, Community Relations Commission, sworn and examined:

**CHAIR:** I declare open for examination the proposed expenditure for the portfolios of Fair Trading and Citizenship. As there is no provision for a Minister to make an opening statement before the Committee commences questioning, we will begin with questions from me. Minister, can you advise what funding has been allocated and what strategies have been introduced by you to assist Sudanese immigrants and refugees to integrate into New South Wales society?

**Ms VIRGINIA JUDGE:** Firstly, I would like to just say it is an honour to be here today. This is my very first budget estimates Committee meeting, and I would like to say good morning to everyone. Thank you very much for your question. I would like to take it on notice and provide you with a response in due course, unless the Commissioner would like to make some comments.

**Mr KERKYASHARIAN:** Yes, if I may.

**CHAIR:** You may.

**Mr KERKYASHARIAN:** I have to take the issue of the funds on notice because I do not have the figures available to me. However, the commission has been involved in the issue of the settlement of refugees from Africa to a great extent. The commission has taken a number of initiatives in Western Sydney, in the Newcastle area and up in the Coffs Harbour area, which have involved meetings with the community, running workshops and also coordinating workshops to see what other government agencies are providing.

**CHAIR:** Has there been any particular work on that particular matter done up in Tamworth?

**Mr KERKYASHARIAN:** There was a proposal by the Federal Department of Immigration about two years ago now, I think, roughly, to settle a number of refugees under the humanitarian assessment program in the Tamworth area. In that context, we also facilitated some meetings between the Department of Immigration and community members of the council.

**CHAIR:** What has been the outcome of that? Have they settled in? There was quite a bit of controversy at the time. Have they settled in well?

**Mr KERKYASHARIAN:** I think the final decision by the immigration department was not to proceed with that to any great extent.

**The Hon. CATHERINE CUSACK:** Are you aware of the controversy in Tamworth?

**Mr KERKYASHARIAN:** Yes. There was a lot of controversy in the media. It was very public.

**CHAIR:** Are there any other particular actions that you have taken to assist new citizens to settle into non-metropolitan areas?

**Ms VIRGINIA JUDGE:** Thank you for your question. Obviously, when newcomers come to live in our country, they do need assistance. I would like the Commissioner to make comments on what has been the process to date.

**Mr KERKYASHARIAN:** Thank you, Minister. Obviously, the settlement of migrants is one of the issues that the commission is involved in. The Government has nominated the commission as the lead agency. As a result of that, the commission chairs a New South Wales migrant settlement committee, which includes key agencies as well as the Federal Department of Immigration. That committee looks at all activities around New South Wales, including regional settlements. The commission has regional advisory councils, which deal with issues that confront migrant communities, or newly arrived communities, in various regional areas. These include running workshops. They also include coordinating government services and other educational programs.

**CHAIR:** What is the budget for those regional advisory councils?

**Mr KERKYASHARIAN:** I do not have the exact figure, but they are part and parcel of the commission's everyday activities. We can get specific figures, if you want to.

**CHAIR:** Yes. That would be good, if you could take that on notice.

**Ms VIRGINIA JUDGE:** I will make sure that that information comes back to you.

**CHAIR:** Thank you. Do you know what the proportion is of new migrants or new citizens of New South Wales who settle outside the metropolitan area?

**Ms VIRGINIA JUDGE:** That is an interesting question, and it is very detailed. Perhaps the commissioner may answer that question.

**Mr KERKYASHARIAN:** We will have to take that on notice if you want specific figures, Madam Chair.

**CHAIR:** Do you have a policy of encouraging migrants to settle outside the metropolitan areas of Sydney, Newcastle and Wollongong?

**Mr KERKYASHARIAN:** For the past eight years, I think, the New South Wales Government has actively cooperated with the Federal Government to try to encourage newly arrived migrants to go to regional and rural New South Wales. There was an agreement between former Premier Bob Carr and the former Minister for Immigration, Philip Ruddock, to set up an intergovernmental committee, which had representatives from the New South Wales Government's bureaucracy, the commission and the Federal immigration department. The committee did extensive work and brought forward a raft of proposals as to how migrants who chose to come to New South Wales would be encouraged to go to regional areas. I understand that that has had some positive results. At the same time that was complemented by initiatives by other States such as South Australia, Western Australia and, to a lesser extent, Tasmania to encourage migrants to go to those States. The most recent indications are that there has been a decrease in the number of migrants arriving in New South Wales in general and an increase in migrants who go to those other States, but we will get you the percentages.

**CHAIR:** It will be interesting to know what the New South Wales perspective is on whether or not that program has been successful, if there has been an evaluation of it, and the break-up of migrants coming to metropolitan areas, compared to non-metropolitan areas, in, say, the past couple of years.

**Ms VIRGINIA JUDGE:** The comments you have just made are interesting.

**Mr KERKYASHARIAN:** We will get the figures.

**CHAIR:** Can you provide us with the dollar amount that the Government allocates to address the issue of mental health among new arrivals or those who have, for example, come out of detention, particularly for younger new citizens? Do you have a specific allocation for such a purpose?

**Ms VIRGINIA JUDGE:** That is also an interesting question. I will ask the Commissioner to share his perspective on that. You asked about the mental health issue of newly arrived migrants to New South Wales, is that correct?

**CHAIR:** Yes, that is correct.

**Ms VIRGINIA JUDGE:** That is not quite within the portfolio but perhaps the Commissioner can shed some clarification on that issue.

**Mr KERKYASHARIAN:** There is an issue. However, I am aware that the New South Wales Department of Health operates the trans-cultural mental health unit, and that responsibility rests with that particular unit. Perhaps the Department of Health can provide an answer to the question.

**CHAIR:** So you do not have a particular role in liaising with that unit?

**Mr KERKYASHARIAN:** We liaise with them but we do not provide any cash or financial support.

**Ms VIRGINIA JUDGE:** Did you also ask about corrective services?

**CHAIR:** Detention.

**Mr KERKYASHARIAN:** Detention is the responsibility of the Federal Government. On occasions there may be some people who come out of detention and they may temporarily, for a short time or perhaps a longer period, be housed in a New South Wales corrective institution but that would be simply on behalf of the Federal Government. So we do not have a specific allocation or a specific role in terms of unlawful or other migrants who are held in detention.

**CHAIR:** Has any funding been provided for the purposes of employing community interpreters, particularly in the areas of health, education, the Department of Community Services and justice jurisdictions, to help new citizens who are interacting with those agencies? Do you have a role in assisting them in that way?

**Ms VIRGINIA JUDGE:** The Community Relations Commission operates a unique interpreting and translating service that is, I am advised, of international quality, and it is an important part of the efficient and fair functioning of the great State of New South Wales. I am advised that it facilitates the work of key agencies such as our hardworking police officers, housing, education, the Roads and Traffic Authority, the law courts and throughout New South Wales. This is so that people can fully understand their rights and obligations. It also reduces the risk of unnecessary delays in proceedings created by language barriers when people go into those sorts of settings and, hopefully, will minimise any misunderstandings during those processes.

I am advised that under the leadership of our commissioner fully qualified, highly professional interpreters and translators are employed by the commission, and they speak more than 80 languages and dialects. Earlier you mentioned Sudanese people who have arrived who speak no English at all, or an aged Italian grandmother who has forgotten her English. These people can be assisted by the appropriate New South Wales agency with the assistance of an interpreter from the Community Relations Commission. This service is not just about interpreting discussions between ordinary people and the New South Wales Government; it is also about the translation of immigrants' vital documents, such as wedding certificates, educational qualifications or trade level certificates, whether they are certificates for nursing from the Philippines or a trade certificate for a fork lift driver from Holland.

Precision is absolutely essential in translating a newcomer's exact level of expertise and experience. The service is free for people upon request when dealing with a New South Wales Government agency, with the police and indeed the courts. The commission also provides free interpreters to clients at community legal centres for matters that relate to New South Wales Government activities. I am advised that during the 2006-07 financial year interpreters were provided free of charge on more than 300 occasions.

**CHAIR:** What was the budget for that?

**Ms VIRGINIA JUDGE:** The commission also considers other requests from individuals for interpreters on a case-by-case basis. Outside these situations the service is provided primarily on a user-pays basis, with exemptions granted on a needs basis. A face-to-face interpreter service is available 24 hours a day, seven days a week, and I believe that requests can be made for the cost of a local call on the 130 651 500 number. I am advised that the commission—

**CHAIR:** I simply want to know what the budget is for that service.

**Ms VIRGINIA JUDGE:** That is a very specific question, and I will defer to the expertise of the Commissioner to answer it. If he does not have the detailed information with him, we will take the question on notice.

**Mr HARMAN:** The Community Relations Commission has two programs listed in the budget papers. Page 275 of Budget Paper No. 3 shows that the budget for the language service in 2007-08 was \$3.3 million, with total expenses for the program of \$7.4 million.

**CHAIR:** Is that increasing or going down?

**Mr HARMAN:** The number of assignments performed by our language services unit has increased on average by approximately 10 per cent. The increase from 2006-07 to 2007-08 was 12 percent. We went from performing about 43,800 interpreting and translating assignments in 2006-07 to 45,770 assignments completed by the commission's language services division in 2007-08.

**Ms VIRGINIA JUDGE:** Does the Commissioner have anything to add on the interpreter services question?

**Mr KERKYASHARIAN:** Just one minor point. As Mr Harman mentioned, the expenditure was \$7.4 million. The commission raises about \$4 million plus of that through the user-pays operations.

**Ms VIRGINIA JUDGE:** Would you like to know many how interpreters and translators there are?

**CHAIR:** We might get back to that.

**The Hon. HENRY TSANG:** I ask a supplementary question.

**CHAIR:** You can come back to it.

**The Hon. HENRY TSANG:** No, to your question.

**CHAIR:** No, you can come back to it.

**The Hon. HENRY TSANG:** It is just on how much income they derived from—

**CHAIR:** No, you can ask that later.

**The Hon. CATHERINE CUSACK:** They have already said it is \$4 million plus. Does the Australian Labor Party still support the Australian flag?

**The Hon. LYNDA VOLTZ:** Point of order: I do not understand—

**The Hon. CATHERINE CUSACK:** The Minister for Citizenship—

**The Hon. LYNDA VOLTZ:** The Minister is responsible for the New South Wales Government; she is not the Minister responsible for the Australian Labor Party.

**Ms VIRGINIA JUDGE:** May I ask a question to you, Madam Chair?

**CHAIR:** You can ask a procedural question, yes.

**Ms VIRGINIA JUDGE:** As the Minister for this portfolio area, I thought the meeting today was for you to quiz and ask us anything you like about the budget estimates. I have great respect for the Hon. Catherine Cusack but I think perhaps that point of order should be upheld.

**CHAIR:** You cannot do that. As the Minister for Citizenship I think the question is in order.

**The Hon. LYNDA VOLTZ:** Further to the point of order:

**CHAIR:** I have made my ruling.

**The Hon. HENRY TSANG:** You have made your ruling but this is a question of—

**CHAIR:** Citizenship—

**The Hon. HENRY TSANG:** politics. It has nothing to do with the Ministry.

**Ms VIRGINIA JUDGE:** I would like to answer that question. I am not the Minister for the Australian Labor Party. I am the Minister for Citizenship.

**The Hon. CATHERINE CUSACK:** As Minister for Citizenship, do you support the Australian flag?

**Ms VIRGINIA JUDGE:** I think that question is out of order.

**CHAIR:** So you are not prepared to answer that question?

**The Hon. LYNDA VOLTZ:** It is a silly question.

**CHAIR:** As the Minister for Citizenship you are not prepared to answer the question as to whether you support the Australian flag?

**The Hon. LYNDA VOLTZ:** Point of order: She is allowed to object to a question that has been asked of her.

**CHAIR:** She can.

**Ms VIRGINIA JUDGE:** As an absolutely proud Australian citizen and as an absolutely proud Minister for Citizenship, of course, I support the Australian flag. In fact, my father fought in the Second World War. He was a soldier for the duration of the war, and was in what was then called Borneo. He sadly passed away recently, but I used to organise for my beloved father to come to Sydney for the Anzac ceremony. He used to travel in the vintage taxis because his knees were getting a bit sore. It was a very moving experience to be in that parade around the city. That is part of what it is to be an Australian.

**The Hon. CATHERINE CUSACK:** Why has the Australian Labor Party removed the flag from its—

**The Hon. LYNDA VOLTZ:** Point of order: She is Minister for Citizenship; she is not the Minister for the Australian Labor Party marketing.

**Ms VIRGINIA JUDGE:** I think that the hardworking citizens of New South Wales have endorsed me to represent them. I am not here as a representative of the Labor Party. I am here representing the State and, the Hon. Catherine Cusack, it is a bit of a try but I think something that is what this budget estimates Committee should be about. I am happy to take questions about citizenship, not about Australian Labor Party—

**CHAIR:** Order!

**Dr JOHN KAYE:** Minister, I apologise for not being here earlier if this question has already been asked. Is it correct that between the 2007-08 and 1008-09 forward estimates have increased by 1.8 per cent?

**Ms VIRGINIA JUDGE:** I ask the commissioner to share his perspective on this question.

**Mr KERKYASHARIAN:** Can we clarify which figures the honourable member is referring to?

**Dr JOHN KAYE:** The way the Government operates is it goes from forward estimates to forward estimates. From the forward estimates of 2007-08 to the forward estimates of 2008-09, I think you will find it is correct; the increase is 1.8 per cent. I am actually surprised you are not aware of that figure, to be honest, as it is one of the key driving figures.

**The Hon. LYNDA VOLTZ:** Point of order: That is out of order.

**Mr HARMAN:** Does the question refer to the budget figures in the 2007-08 budget papers?

**Dr JOHN KAYE:** That is correct.

**Mr HARMAN:** There is a revision figure and then a 2008-09 budget figure?

**Dr JOHN KAYE:** That is budget to budget.

**Mr HARMAN:** Yes. The increases within the expenditure line items are representative of an increase in wages and in other operational expenses.

**Dr JOHN KAYE:** No, is there a 1.8 per cent increase in overall budget allocation for the portfolio area.

**Mr HARMAN:** In terms of the increase to the Community Relations Commission I am not aware of the rest of the portfolio area. I can quickly work that out.

**Dr JOHN KAYE:** It is 1.8 per cent.

**Mr HARMAN:** The answer is, yes, then.

**Dr JOHN KAYE:** In real terms does that not mean that the area is getting a 1.6 per cent decrease?

**Ms VIRGINIA JUDGE:** I will ask the commissioner to share his perspective on that.

**Dr JOHN KAYE:** If there is a 1.8 per cent increase in dollar terms, that is about a 1.6 per cent—

**Mr HARMAN:** The only way that I can respond to that is that the whole sector is subject to budget cuts, efficiency dividends so the Community Relations Commission is not immune from that. We do have to find cost savings to improve our operations. Aside from that, there are a number of initiatives that the commission has undertaken in terms of improving its language service provision through the implementation of new technologies, an online booking system which enables us to perform more transactions with increasing use of technology, and also implementing other initiatives such as video conference facilities for interpreting assignments that allows us to go out to rural and regional areas at a fraction of the cost of flying our people out there to provide those services. So all of those initiatives, plus others, has enabled us to deliver on the expected efficiency dividends.

**Mr KERKYASHARIAN:** The point I would like to make is that whatever the final budget figure has been for the commission, specifically the final figure for the net cost of services has been the result of the Government's and Treasury's formula which is global and is applied across all agencies. There has been no specific cut applied to the commission. In addition, in the 2007-08 budget the Government increased the funding for the grants program by including it into the indexation formula from which it was exempt, from which it was excluded, for the previous 10 years or so. So we have not been signalled out or deliberately cut in any way shape or form. In addition, as Mr Harman said, we have introduced some efficiencies for technology and also



increased our business activities. As the Minister mentioned earlier, revenue from interpreting services has gone up by 12 per cent in the last financial year.

**Ms VIRGINIA JUDGE:** We are committed to promoting and improving community relations so that does not preclude the commission from seeking budget efficiencies, including the use of new technology, as Mr Harman has just outlined for the Committee today.

**Dr JOHN KAYE:** Presumably the majority of staff employed by the Community Relations Commission will see at least a 2.5 per cent pay rise in this financial year?

**Ms VIRGINIA JUDGE:** That is an operational matter, I believe, so I will refer it to Mr Harman.

**Mr HARMAN:** The directives from New South Wales Treasury are that—and the circulars have just recently been issued—Crown Employees Awards have been granted a 4 per cent increase over the next three years, 2.5 per cent of which will be funded through recurrent allocations and the rest will need to be negotiated by way of sector-wide improvements.

**Dr JOHN KAYE:** Given that your budget is increasing by 1.8 per cent and your funded salary bill is increasing by 2.5, you will have to find 0.7 per cent of your total budget in efficiency gains, roughly speaking, to cover your wages bill, but on top of that you are going to have to find other efficiency gains to cover the rest, so it is a substantial value of efficiency gains that is required, and at the same time you are increasing your grants program?

**Ms VIRGINIA JUDGE:** It is good to get questions that are actually about the budget estimates.

**The Hon. CATHERINE CUSACK:** It is good to get some answers too.

**Ms VIRGINIA JUDGE:** I think it is always important to treat each other politely, but I think the Commissioner would like to add something further to clarify the concerns that you have.

**Mr KERKYASHARIAN:** I think it is important to bear in mind—and we are talking about salary increases here—the commission will honour any salary increases that have been won by the staff. They will be delivered. The full-time effective staff figure for the commission in 2007-08 was 72. In addition to that we have 52 casual interpreters and the casual interpreters are employed when and only if we have interpreting assignments or translation assignments to deliver. That is a commercial operation and, therefore, a significant part of our salary increases and any increases involved in that would be covered through commercial activities. If we do not have the commercial activity then we will not have those salary costs.

**Dr JOHN KAYE:** So the interpreters are cost neutral to the commission?

**Mr KERKYASHARIAN:** The ones that do user-pays work are cost neutral; however, we must bear in mind that it is New South Wales policy that the courts and the judicial system, dealing with matters which are under New South Wales jurisdiction, are exempt. We do have a community service obligation, as Mr Harman mentioned earlier, which is in the order of \$3 million per year.

**Dr JOHN KAYE:** You have gone right to where I wanted to be, which is the issue of what services will we see less of. Will we see less provision of the non-fee for service interpreting services? The Community Relations Commission has done a lot of work in the ethnic communities. Which services will we see less of?

**Mr KERKYASHARIAN:** I am sure I will have the full support of the Minister and can emphatically say there will be no cut whatsoever in any interpreting service, and I think even the thought should not be put forward. When it comes to providing interpreting services to the courts, community service obligations, I can assure you as chief executive officer that I will do whatever possible to meet those obligations. I do not want people to be under any misapprehension about that.

**Ms VIRGINIA JUDGE:** Might I add that we have 650 interpreters and translators employed on a casual basis and these language services are not only vital to running the State and encouraging participation and connection to our Government and its services, they are also, I think as outlined already, a successful enterprise servicing commercial activities. In New South Wales, as we all know—many I can see in this room represent areas that have bustling multicultural communities, et cetera—when we are dealing with our work, our business,

our social activities, language plays a vital role, and also when it comes to courts and looking at solving civil disputes, so it is very important that we take that on board. There is also demand for translation and production of multilingual brochures, international trade contacts, translation of reports, books and documentary films. So the commission's revenue from interpreting and translation is substantial. I am advised that it has increased in the last financial year from \$4.1 million to \$4.6 million. I think it is a great service and I know that it is something that we are proud of.

**Dr JOHN KAYE:** You said you had 650 interpreters on a casual basis. That is presumably 650 bodies and the figure of 52 that you gave us was full-time equivalent. Is that correct?

**Mr KERKYASHARIAN:** Yes.

**Dr JOHN KAYE:** So 52 full-time equivalent interpreters and 650 bodies?

**Mr KERKYASHARIAN:** Yes, the 52 figure is arrived at by the amount of work and time they have provided to the commission.

**Dr JOHN KAYE:** Could I go to the Community Development Grants Program [CDGP]? What would be the total value of CDGP grants given this year, in respect of 2008 and 2009?

**Ms VIRGINIA JUDGE:** The Community Development Grants Program, as you are probably aware, is an ongoing grants program of the Community Relations Commission [CRC]. It provides funding to submission-based projects of not-for-profit community organisations. The program aims to promote community harmony and encourages the participation of people from multicultural communities in all aspects of life here in New South Wales. Funding under the program is non-recurrent. The program gives priority to projects that target one or more of the following areas: Emerging communities or small ethnic communities, communities that are geographically isolated, promotion of community harmony and mutual understanding between and within communities of different cultural backgrounds, development of community networks and structures and projects addressing critical issues relating to cultural diversity at a local level. The former Premier and Minister for Citizenship approved the 2008 grants as recommended by the commission and 79 projects were funded to a total amount of \$821,641.

**Dr JOHN KAYE:** Sorry, was that \$821,000?

**Ms VIRGINIA JUDGE:** And the commission has also received 140 applications for the 2009 program and considered them during its regular meeting in September 2008. I would like now to ask the Commissioner to shed some further light on those figures.

**Dr JOHN KAYE:** I was really only after a one-line answer, which is what is the anticipated total value of grants for 2009?

**Ms VIRGINIA JUDGE:** Yes, Dr Kaye, I think the Commissioner is about to provide that information.

**Dr JOHN KAYE:** And also it would assist—

**Ms VIRGINIA JUDGE:** I am sorry, but why do people keep talking over the top of other people?

**The Hon. HENRY TSANG:** Point of order: If the Minister has been asked a question, could she please be allowed to finish the answer rather than be interrupted by Dr Kaye?

**Dr JOHN KAYE:** Just to explain, I asked how much were the grants and you were answering a different question, which was what are the grants, so because I did not phrase my question particularly well you may have misunderstood my question, so I was interrupting you to save a bit of time. While your answer was of great interest, it was not actually what I wanted to know. I wanted a one-line answer to what was the total value and you told me that in 2008 it was \$821,000 and some other smaller amount.

**Ms VIRGINIA JUDGE:** Thank you, Dr Kaye, it is a good question and I believe now that the Commissioner is going to provide the detailed information for you.

**Mr KERKYASHARIAN:** The grants item in the budget is a fenced-off item, which means that any unexpended grants are returned to Treasury. The figure for the 2007 year for the community development program was \$1.130 million and for 2008 it was \$1.103 million. That is the allocated figure. Some money is still being expended. In addition to that there is also the Community Partnership Program, which comes under that line item and that was \$195,000 in 2007 and \$127,000 in 2008.

**Dr JOHN KAYE:** Thank you for that. Where did the figure of \$821,000 come from that the Minister just quoted to us?

**Mr HARMAN:** That figure is allocated out of this financial year, 2008-09, and as the year progresses—

**Dr JOHN KAYE:** I understand.

**Mr HARMAN:** The Chairman has quoted you the actual audited figure for the 2006-07 and 2007-08 closed-off financial years.

**Dr JOHN KAYE:** I understand that. What is the anticipated total value of grants for 2009?

**Mr HARMAN:** It is \$1.585 million. That is indexed from the 2007-08 year.

**Dr JOHN KAYE:** It is good to see that that has gone up again. When did the grants in respect of 2008 receive the ministerial signature?

**Ms VIRGINIA JUDGE:** Are you talking—

**Dr JOHN KAYE:** As I understand the process, they are recommended by the CRC and the then Minister, not you, had to put the final signature on it. Can you tell me what month they received the signature?

**Ms VIRGINIA JUDGE:** That was the previous Minister.

**Mr KERKYASHARIAN:** I do not have the ministerial memorandum with me, so I will have to take that on notice and give you the date, but I can assure you it was well in keeping with the guidelines.

**Ms VIRGINIA JUDGE:** Can I ask through the Chair, is there a particular grant you are worried about for a community group?

**CHAIR:** No, Dr Kaye will ask the questions.

**Dr JOHN KAYE:** In the normal course of events when are they signed off?

**Mr KERKYASHARIAN:** The community development program is usually advertised around May-June. In the interests of efficiency, some years ago the commission changed the process. Initially the commission asks for expressions of interest, which have to be just one sheet of paper broadly outlining the objectives and the identity of the organisation that is applying. The commission then shortlists that in terms of the objectives of the projects being applied for and calls for full applications from those organisations. That process takes about two months. The full applications are received and usually at its September or October meeting the commission considers all the applications.

**Dr JOHN KAYE:** Is it normal for the Minister to sign off almost immediately after that?

**Mr KERKYASHARIAN:** No, it can take anything from another six to eight weeks because we also do some checks on the applicant organisations. The Minister would usually sign off around December or January.

**Dr JOHN KAYE:** So there is nothing unusual, for example, about a grant for 2008 not being signed off by the end of 2007?

**Mr KERKYASHARIAN:** It is signed off in the financial year as against the calendar year.

**The Hon. HENRY TSANG:** I would like to congratulate the Minister for receiving a worthwhile portfolio. Virginia has always been respected by the community as a supporter of ethnic communities, so I thank her for her service and as a long-time supporter and promoter of community harmony in particular during the time of Pauline Hanson. My question is: How does the commission promote community relations? Perhaps there are some projects that it is doing. I understand that during the period of the Cronulla riots it made a contribution. Other contributions are the Ethnic Business Awards and so on. Perhaps the Minister could outline what the commission does to promote community harmony.

**The Hon. CATHERINE CUSACK:** A very nice speech.

**Ms VIRGINIA JUDGE:** Thank you for your very generous comments, Mr Tsang. I am sure everyone contributes to trying to promote activities among people of non-English speaking background and from a different cultural heritage, and to do the right thing by their constituents. I would like to advise the Committee that New South Wales is the most culturally diverse community in Australia with people from 140 birthplaces choosing to make this great country of ours, particularly New South Wales, their home. At least one in five people in the community speak a language other than English at home. This great diversity supports the continued economic growth of our State.

New South Wales attracts a greater number of immigrants with about a third of new arrivals, including skilled immigrants and their families as well as 457 visa holders choosing to settle here. This is not surprising given that New South Wales is Australia's economic powerhouse and one of the most competitive business locations in the Asia Pacific region. Generally, new immigrants deliver hundreds of millions of dollars to the Australian economy every year, as reported by economic analysts Access Economics, through their consumption of goods and services and by filling critical labour shortages. I believe that we need a sound foundation for multicultural policy in the State to ensure that all residents of New South Wales contribute to and fully participate in all aspects of life here.

In the year 2000 the New South Wales Government led the way in Australia and enshrined the principles of multiculturalism in State legislation. Other Australian jurisdictions have since followed our lead. These principles of participation, mutual respect, access to services and programs, and recognising the linguistic and cultural assets of New South Wales as a valuable resource affirm that people in New South Wales have the right to access to Government services. Since 1983 the vehicle for moving multicultural policy forward in the New South Wales Government public sector has been the Ethnic Affairs Priorities Statement. Since 2000 it has also been the main vehicle for implementing the principles of multiculturalism.

We know that the Ethnic Affairs Priorities Statement has no parallel even in States, provinces or countries with some comparable form of multicultural legislation. We do not stop there. The Community Relations Commission is working to ensure that the Ethnic Affairs Priorities Statement stays at the heart of the planning and innovation by public sector agencies. Intensive collaboration with up to 20 large and important public sector agencies has been done to uniformly monitor and assess progress against the Ethnic Affairs Priorities Statement. These agencies include New South Wales Health, the Department of Community Services, New South Wales Police and the Department of Commerce. We have also rolled out this planning framework to local governments.

The implementation of this framework means that from basic needs at street level up to the sophisticated medical or legal needs local government will be working in concert with the now well-established high-level services provided by most State Government agencies. This is not just rhetoric; even the econometricians in the New South Wales Treasury have given the Ethnic Affairs Priorities Statement program the big tick. The review of internal Government red tape found that, "On balance, the benefits of Ethnic Affairs Priorities Statement planning and reporting are deemed to outweigh the costs." It was recommended that the Community Relations Commission continue with its "proactive and continuous monitoring approach". This review also found that a number of agencies, particularly the key agencies, have well-developed ethnic affairs priorities statements, which result in considerable savings to the State through improved access to and the use of public services, the better targeting of services, and greater participation by people of culturally, religious and linguistically diverse backgrounds in the workforce, thereby increasing the overall productivity of our State.

Today in New South Wales the languages of our major trading partners are spoken by hundreds of thousands of people. Only a few weeks ago Premier Nathan Rees opened the Sydney branch of China's largest bank—the Industrial and Commercial Bank of China. The bank, which is located in the heart of Sydney's central business district, is the first in Australia. The bank operates in more than 35 provinces, regions and

municipalities in China as well as in Hong Kong, Macau, Singapore, Frankfurt, Luxembourg, Seoul, Tokyo, London and Kazakhstan. The Bank of China's branch relocation to Sydney is an endorsement for Sydney as Australia's financial capital and a leading financial centre in the Asia-Pacific region.

Nine of our top 10 export destinations are in the Asia-Pacific region. Japan is first, South Korea third, and four others are export locations where Chinese languages are spoken—Hong Kong, Taiwan, Singapore and China. In Sydney we have over 30,000 native speakers of Korean, and over 190,000 speakers of Chinese languages live, learn and work in New South Wales. Lots of wonderful Koreans live in my electorate of Strathfield. There are now 100 businesses along the Boulevard that are Korean run and Korean owned. It is a fact that our diversity translates into export opportunities. That is why the Rees Government recognises the linguistic and cultural assets of New South Wales as a valuable resource.

By helping people participate in society through multicultural policy and programs in the New South Wales public sector we believe we are making the New South Wales of the future more resilient and robust, stronger, and a more exciting and dynamic place in which to live and work. I was wondering whether the commissioner would like to add anything to that.

**Mr KERKYASHARIAN:** No, your answer was very comprehensive, Minister.

**The Hon. HENRY TSANG:** Minister, what is New South Wales Government doing to maximise the benefit to immigrants of engaging in the community and fully participating with all members of the community?

**Ms VIRGINIA JUDGE:** I thank the Hon. Henry Tsang for his question and I inform the Committee that the New South Wales Government has put in place a number of mechanisms to address the variety of community relations issues that we confront. As members would be fully aware, hardworking people in the Community Relations Commission facilitate some of these issues. For example, regional advisory councils advise the Community Relations Commission on issues affecting our multicultural community in rural and regional areas. Some of the questions that were asked earlier in today's proceedings indicate that we receive some interesting advice.

Ten of these regional advisory councils cover the metropolitan areas of Sydney and regional areas of New South Wales. They advise us on matters affecting specific regions in the State and they develop strategies to work in partnership with local community organisations and government agencies to address community relations issues as they arise. The Community Relations Crisis Management Plan is another mechanism that details arrangements for a coordinated response to any impact on relationships between people and their communities that may occur as a result of local and international conflict.

The Community Relations Commission chairs the Standing Committee on the Community Relations Crisis Management Plan. The plan defines the roles and responsibilities of government agencies and community organisations, actions to be taken, resources available, and specific protocols and procedures to activate when community harmony is threatened. The Community Relations Commission can activate a number of resources to communicate with people in the event of a breakdown in community relations. These include: the provision of accessible information and advice; inappropriate languages through its pool of interpreters and translators who, as I said earlier, are available 24 hours—an email link to over 1,500 ethnic community organisations; a database of key people in our culturally diverse community who can be contacted to assist in such times; direct links to the ethnic media and an ability to monitor the ethnic press to gauge community reaction and the messages being published; and, finally, the ability to bring key people together from different cultural, linguistic and religious backgrounds to resolve differences and manage perceptions.

The Community Relations Commission also maintains close links with local communities and provides leadership through strategic partnerships with local, State and Federal stakeholders to respond to any major community relations issues. For example, the Community Relations Commission is working closely with Camden council to address local community issues. These include supporting the council's culturally diverse initiatives such as Refugee Week events, inviting the council to participate in the Streets Festival program, and offering assistance to manage cultural diversity as the areas develop. The commission has also established a steering committee with the Department of Immigration and Citizenship and Camden City Council to develop and implement long-term sustained strategies to improve community relations in those areas.

As I said earlier, New South Wales is a major destination for people migrating to Australia. This ever-changing scenario is often preceded by an adjustment phase where older established communities understand

appreciate the new wave of immigrants and their cultures. A number of strategies are implemented by agencies such as the Community Relations Commission, the Department of Education and Training, and the Anti-Discrimination Board to facilitate such an understanding between communities and to promote positive community relations. The Community Relations Commission's Multicultural Street Festival project aims to provide harmonious communities through participation in the planning and implementation of multicultural street festivals at the local council level. On Saturday or Sunday a great festival was held in Ashfield Park. That festival, which has been running for 12 years, was amazing. There was fantastic participation from all the different groups that comprise a vibrant Ashfield, which I am thrilled to have as part of my community. A representative from the commission is also located in Ashfield.

I thank members for their patience and for their interest in the area of citizenship. I also thank members for their detailed questions. In time I hope to familiarise myself with all the details of my portfolio. I have been in my portfolio for only a short time but it is incredibly exciting and challenging. I am thrilled to have been given an opportunity to be the Minister for Citizenship.

**CHAIR:** Thank you, Minister. That brings this session to a close. I thank Mr Harman and Mr Kerkysharian for their assistance.

**(The witnesses withdrew)**

*[Short adjournment]*

**ELIZABETH TYDD**, Assistant Commissioner, Compliance and Legal, Office of Fair Trading,

**STEVE GRIFFIN**, Assistant Commissioner, Home Building Service, Office of Fair Trading,

**LYN BAKER**, Commissioner, Office of Fair Trading,

**MICHAEL SILK**, Executive Director, Fair Trading Services, Office of Fair Trading, and

**RODNEY STOWE**, Deputy Commissioner, Office of Fair Trading and Department of Commerce, sworn and examined:

**CHAIR:** Thank you for attending. We will now commence with questions for the portfolio of Fair Trading.

**The Hon. CATHERINE CUSACK:** Minister, I will first ask a question concerning Beechwood Homes. A big concern of people was that 120 complaints were made to Fair Trading about Beechwood Homes, but there does not seem to be any system of capturing, assessing or linking those complaints and whether they ever need to be followed up?

**Ms VIRGINIA JUDGE:** I thank Catherine for her question. I know she takes a very keen interest in this particular issue. I would like to advise her that the Beechwood group of companies consisted of LED Builders Pty Ltd, LED South Coast Pty Ltd, and LED North Coast Pty Ltd. The group of companies collapsed, as you know, in May 2008.

**The Hon. CATHERINE CUSACK:** Beyond that—

**Ms VIRGINIA JUDGE:** The Beechwood group—

**The Hon. CATHERINE CUSACK:** I am actually not asking you about Beechwood itself. I am asking about the system in home building for identifying a large number of complaints and whether that is a trigger for some form of investigation to occur. The answer does not need to deal with Beechwood at all. I am really just interested in that systemic issue.

**Ms VIRGINIA JUDGE:** Yes. Thank you. I understand now the specific nature of your question. You want to know what signals or signs are there to notify—

**The Hon. CATHERINE CUSACK:** If there are a lot of complaints, maybe.

**Ms VIRGINIA JUDGE:** Okay—so that we can provide early warnings? Is that what you are looking at?

**The Hon. CATHERINE CUSACK:** Maybe if you are finding that you are getting a lot of complaints about a business, maybe something needs to happen to investigate that business and find out—

**Ms VIRGINIA JUDGE:** Okay. I would like answer that by just advising the Committee that recent changes made by Fair Trading to address this issue include identifying now the top 20 list of builders who will be more closely monitored using a variety of methods. I invite the commissioner to provide more detailed information on these changes to detection strategies, if she would be so kind to do that.

**Ms BAKER:** I will ask Steve Griffin from the Home Building Service to answer that.

**Mr GRIFFIN:** In answer to the question in respect of Beechwood, before I move forward about the new strategies—there were some 119 complaints over the preceding three-year period in relation to Beechwood. Those complaints themselves did not necessarily spark any alarm. For a company the size of Beechwood that builds 1,500 homes each year, it is not unusual for a company of its size to have that many complaints. The complaints we get in relation to home builders are in relation to the quality of building. They are not generally complaints that would give you an indication that the building company is having financial problems. Many complaints we received about Beechwood over that three-year period were those types of complaints. They were complaints where the door was not hung properly, they were not happy with the colour of the paintwork and so forth. Those matters were dealt with by dispute resolution, and Beechwood would go back and rectify. In a sense those complaints themselves were not an indication that the Beechwood company was having financial difficulties.

**The Hon. CATHERINE CUSACK:** Is it fair to say that those complaints were evaluated only after the collapse of Beechwood, and that there is not a system in place?

**Mr GRIFFIN:** There is a system in place and we have used our early warning systems in terms of Prouds Home Improvements in 2005, and CDM Steelbuild, which is a kit home manufacturer, in 2007. So we do have systems, but they are not perfect in the sense that they need improvement. We have since learned from the Beechwood experience that we need to refine and better improve our early warning systems to make sure we can get an early and better indication of a potential company failure.

**The Hon. CATHERINE CUSACK:** Can I ask you then about 567 complaints that have been made about Blue Haven Pools and whether that has been evaluated and triggered any form of investigation?

**Mr GRIFFIN:** They certainly have. Blue Haven Pools, again, is a very large pool builder in New South Wales, so it would not be uncommon for Blue Haven to receive complaints.

**The Hon. CATHERINE CUSACK:** But 567?

**Mr GRIFFIN:** But over a considerable period of time. In any sense, those matters fall into the area of dispute resolution. We resolve those complaints with Blue Haven. Blue Haven go back and rectify or deal with those matters. There have been in the past matters where there have been breaches of the legislation which have been committed by Blue Haven and we have taken action, investigated, and taken compliance action through the courts against Blue Haven.

**The Hon. CATHERINE CUSACK:** In relation to the fact that there have been over 567—I presume that there have been more complaints since I first asked the question—is there any investigation underway into Blue Haven swimming pools?

**Mr GRIFFIN:** I am not aware at the moment.

**The Hon. CATHERINE CUSACK:** At what point would complaints into Blue Haven swimming pools trigger an investigation? Would you say 1,000 or 2,000 complaints?

**Mr GRIFFIN:** It does not relate to number in a sense. It depends upon the nature of the complaint. If the complaint is in relation to a breach of legislation, that would be assessed and there would be an

investigation. But as I said, these complaints relate to issues of dispute between the consumer and the builder as to when the project will start, or how long it will take to complete, or people not being happy with the coping. These sorts of technical issues are the majority of the complaints that you get in relation to building.

**The Hon. CATHERINE CUSACK:** I think the concern is that the consumer has to undertake complaints processes for themselves, and you are dealing with consumers as individuals. When you get to the point of 567 complaints against a single business, at what point do you say, "There's a problem here. There's a pattern. We need to address issues arising from this, or we need to at least find out what is going wrong with this company."? For example, consistent complaints are that the contracts by Blue Haven mean that they can have a pool dug and buy a pool pump, and then they are getting more money demanded of them from the builder to connect a pool pump to the pool, which is something that they assumed was included in the contract. Is that not of concern to Fair Trading? Would a pattern of that type of contract not be a matter of concern to Fair Trading?

**Mr GRIFFIN:** Look, those issues that you are talking about are not unique to Blue Haven, quite frankly. They exist in most building contracts, particularly pool building where people are not fully aware that the building contract for the pool may encompass only the excavation and costs will escalate if they find rock, which is much more costly to excavate. So a whole range of things may not necessarily be included in the building contract for the pool. It is not unique to Blue Haven, but in answer to your original question, yes, there is a point in our assessment procedure where we say to a company that there have been too many disputes and we need to go down a disciplinary path to correct their behaviour. But in respect of Blue Haven in particular and its use of contracts, it is an issue that is perhaps germane to the industry, and we are looking at—

**The Hon. CATHERINE CUSACK:** You are looking at that issue of the contracts?

**Mr GRIFFIN:** Yes, absolutely.

**The Hon. CATHERINE CUSACK:** So while it is legal, from a consumer's perspective, there is nobody advocating for the consumer. You should not have to get legal advice to sign a contract for a swimming pool. I am sure you would agree with that.

**Mr GRIFFIN:** You currently do not need to get legal advice.

**The Hon. CATHERINE CUSACK:** That is right.

**Mr GRIFFIN:** There is no requirement to do so, but at the end of the day it is a matter of—and many of the Beechwood customers suffered the same experience—what happened as a result of a Supreme Court case in New South Wales a number of years ago. There are a number of pre-contract payments that are now being made outside the home building contract itself which are of concern, and this has given rise to some of those complaints in relation to Blue Haven.

**The Hon. CATHERINE CUSACK:** What is the Government going to do about this?

**Ms VIRGINIA JUDGE:** May I say something? The commissioner would like to add something on that whole issue of monitoring. It is something I am interested in as well, and she would like to answer that.

**Ms BAKER:** I just want to talk about a specific issue of Blue Haven and its particular contracts, but I just want to let the members of the Committee know that we also do general monitoring, which is quite automated in that all the complaints that come in about fair trading from all around the State at our 24 Fair Trading centres are logged into our customer assistance system. There is a trigger in that system so that if a particular company starts hitting the threshold, and I do not know exactly what the threshold is of complaints, an alert is automatically delivered to the director of that. So we do have some automated monitoring happening.

**The Hon. CATHERINE CUSACK:** How can I find out what the thresholds are?

**Ms VIRGINIA JUDGE:** That is a good question.

**The Hon. CATHERINE CUSACK:** You can take it on notice.

**Ms VIRGINIA JUDGE:** That is a good question. We can take it on notice and get back to you.



**The Hon. CATHERINE CUSACK:** I would obviously like to know how the companies have tripped the threshold, and how many alarms they have been getting.

**Ms BAKER:** The threshold needs to be considered carefully because if you get a giant company, they will trigger the threshold and we might go, "Oh yeah, but that's a giant company, so we don't have to take any action."

**The Hon. CATHERINE CUSACK:** That is what happened with the Beechwood, is it not?

**Ms BAKER:** We need to make a judgement call on that monitoring.

**Ms VIRGINIA JUDGE:** If that is what happened with Beechwood, I guess that is the concern.

**Ms BAKER:** No, I would not agree.

**The Hon. CATHERINE CUSACK:** If that is a big company, never mind?

**Ms BAKER:** No, a financial collapse is a completely different thing, as Steve pointed out. The complaints were not an indicator of the financial difficulty of Beechwood.

**The Hon. CATHERINE CUSACK:** That is not part of your assessment?

**Ms BAKER:** No.

**Ms VIRGINIA JUDGE:** It is important that people read carefully before they sign anything. Mr Griffin would like to add something on the issue of monitoring because I think that issue is at the crux of what Hon. Catherine Cusack is talking about.

**Mr GRIFFIN:** Those thresholds in relation to whether we would take investigative or compliance action must be done relative to the size of the business. As I said, if it is a very big company one can expect that it will get a higher level of complaint than, say, a small mum-and-dad business. Those things have to be thrown into the risk assessment matrix that we operate within Fair Trading.

**The Hon. CATHERINE CUSACK:** I am asking about Blue Haven Pools. I am wondering at what point the complaints will trip an alarm and the department will investigate whether there is a pattern of complaints and whether something needs to be done about that business or the way it is dealing with customers. Consumers are relying on Fair Trading to do this work; there is nobody else they can turn to. They are relying on you to ensure that the legislation is effective from their perspective. Five hundred and sixty-seven complaints suggests to me that there is a problem. At what point will Fair Trading also consider it to be a problem?

**Mr GRIFFIN:** You need to distil the number of complaints. When you say "complaints", are those complaints systematic and are they leading to the same issues? At the moment I am not aware of a systematic issue in relation to Blue Haven other than the contracts.

**The Hon. CATHERINE CUSACK:** Have you looked into it?

**Mr GRIFFIN:** Absolutely.

**The Hon. CATHERINE CUSACK:** The 567 complaints?

**Mr GRIFFIN:** Not personally but we have. I have met with Blue Haven to discuss the way it is managing its affairs. You need to deal with it in the context of the issues going forward. Blue Haven may have a whole range of complaints, but the vast majority of complaints that we have been dealing with do not show a systematic problem in terms of it completing the pool work.

**The Hon. CATHERINE CUSACK:** So you are satisfied with Blue Haven?

**Mr GRIFFIN:** When you say "satisfied", we have had to take issue with Blue Haven in the past. If there are issues that require further investigation, we will investigate; and if there is a need to take action, we stand ready to take that action.

**The Hon. CATHERINE CUSACK:** In relation to the Consumer, Trader and Tenancy Tribunal [CTTT], the Government is setting up a new social division for the applications being received from public housing tenants or tenants from Aboriginal housing. In the course of that I looked at the number of applications lodged with the CTTT by the Department of Housing against its tenants. Basically, there have been more than 30,000 applications in the past three years. That comprises nearly one-quarter of all work being undertaken by the CTTT. The number of applications by Housing against its tenants increased from 9,988; in 2005-06 the number jumped by nearly one-third to 12,248. That is an astounding number of applications for a public housing authority. Most of the applications are eviction notices against Housing tenants, often for very small sums of money. I have spoken to one tenant who was issued with an eviction notice because of a dispute over a \$6 water bill. The department wants the tenants to pay the amount; it does not want to evict them. The problem is that some people who have received a notice do not understand and they have fears of moving out and losing their house. First, what application fee does the Department of Housing pay when it makes bulk applications over the Internet? What safeguards are in place to ensure some proportionality in the way these matters go to the tribunal?

**Ms VIRGINIA JUDGE:** I thank the Hon. Catherine Cusack for her interest in this important area of social housing. It is good that the CTTT is focussing on that. Earlier you had some specific questions about things to do with the Department of Housing. Perhaps those questions could be addressed to the Minister for Housing.

**The Hon. CATHERINE CUSACK:** No, my question was: What application fee does the Department of Housing pay when it makes an application to the CTTT?

**Ms VIRGINIA JUDGE:** I will have to ask the commissioner to answer that.

**Mr SILK:** There is no fee paid by Housing for lodging those applications.

**The Hon. CATHERINE CUSACK:** That is outrageous.

**Mr SILK:** The cost of that charge is borne by the tribunal through the funding model, which is paid for by the Rental Bond Board.

**The Hon. CATHERINE CUSACK:** When you say "paid for by the Rental Bond Board" what you mean is that it is paid for by the interest on bond money.

**Mr SILK:** The contribution from the bonds interest account funds that.

**The Hon. CATHERINE CUSACK:** So the tenants are paying the department's costs.

**Mr SILK:** Yes, meets our costs.

**The Hon. CATHERINE CUSACK:** And the Department of Housing pays no application fee when it makes an application to the tribunal.

**Ms TYDD:** The tribunal does have applications lodged by the Department of Housing. It lodges those electronically. At the time of lodgement it does not pay a fee because the tribunal does not have an electronic system that can receive payment at the time of lodgement. However, a fee is paid by the Department of Housing for lodging a tenancy application.

**The Hon. CATHERINE CUSACK:** What fee is the department paying per application?

**Ms TYDD:** The current tenancy fee for an application in the tenancy division of the Consumer, Trader and Tenancy Tribunal is published on the website, and that is \$33 per application.

**The Hon. CATHERINE CUSACK:** In 2006-07 the department lodged 12,248 applications. Are you saying that it paid \$30—what was the figure you gave?

**Ms TYDD:** The current fee is \$33 per application.

**The Hon. CATHERINE CUSACK:** What was the fee in 2006-07?

**Ms TYDD:** To the best of my recollection, it would have been \$31.

**The Hon. CATHERINE CUSACK:** Are you saying that the department paid 12,248 times \$31?

**Ms SYLVIA HALE:** In excess of \$3 million.

**The Hon. LYNDA VOLTZ:** That is not what she is saying.

**The Hon. CATHERINE CUSACK:** Do you know the answer? Someone must have the answer.

**The Hon. LYNDA VOLTZ:** Do not say that is what she said.

**The Hon. CATHERINE CUSACK:** I said, "Are you saying that?" I am trying to understand

**CHAIR:** Order!

**Ms TYDD:** Separate application fees would be paid in bulk by the Department of Housing because it lodged primarily using an electronic means and lodged bulk applications. So to say that it paid \$33 each time it lodged every one of those applications would not be correct. Rather, it would pay a group fee for a bulk of applications that it has lodged.

**The Hon. CATHERINE CUSACK:** What was the total revenue from the Department of Housing?

**Ms TYDD:** I am unable to answer that question. Mr Silk might be able to answer that question.

**Ms BAKER:** We will have to take that on notice. We do not have that figure to hand.

**The Hon. CATHERINE CUSACK:** Would you anticipate that while public housing might not have paid individually, were each of those 12,248 applications paid for by Housing? Did the Department of Housing pay fees for all of those applications? I do not care whether it paid it in one big bunch or how it was paid. I am talking about whether fees were paid for all those applications. For that sum of money, it does not appear in the tribunal's audited accounts. There is no figure of millions of dollars in the audited accounts for fees. Indeed, I think the revenue from fees is less than \$2 million. It is just not possible that Housing has paid all those fees.

**The Hon. LYNDA VOLTZ:** Point of order: You just had an answer that explained that they were paid in bulk; they were not paid individually. Again you are contradicting an answer. It is impossible for them to answer that kind of question.

**The Hon. CATHERINE CUSACK:** Do you understand the question I am asking?

**Ms TYDD:** There are some intricacies in terms of lodgement to the tribunal that may assist the Committee. For instance, there are types of applications that can be made. One application may well be for termination and possession of the premises, as alluded to earlier. That application may well be settled by the parties, but with the leave of the tribunal the application may still remain on foot; over a period of time, as the capacity to pay rent is managed, if the tenant falls into difficulties, or if the Department of Housing is not satisfied, like any other landlord, that the arrears are continuing to be paid, it may renew that application. That second renewal, if you like, or relisting of that original application would not be subject to a further fee. That is one example of some of the intricacies around the application lodgement and payment. There may be others, but I am not able to answer those further. It is certainly not a simple matter of a mathematical equation to the best of my knowledge.

**CHAIR:** Will you take on notice the question of the revenue from that source and provide the Committee with as much detail as possible?

**Ms BAKER:** Yes, we have said that.

**The Hon. CATHERINE CUSACK:** The impression it gives is that Housing is using the tribunal as a cheap means of managing its rent?

**The Hon. LYNDA VOLTZ:** Point of order: The Minister cannot answer a question about what it appears to be.

**The Hon. CATHERINE CUSACK:** I was trying to assist the tribunal in this matter.

**Ms VIRGINIA JUDGE:** If we get the specific details and provide it to the Committee hopefully that will address the concerns of the Hon. Catherine Cusack.

**Ms SYLVIA HALE:** I am not sure that I understand it correctly but with a lodgement of bulk applications is only one fee payable or is a fee payable for each application in that bulk lodgement? For example, if 100 applications are lodged at once would only \$31 be payable or would \$3,100 be payable by the department?

**Ms TYDD:** Legislation provides that an application fee is payable for a single application. A bulk lodgement is for administrative convenience and it certainly enables the tribunal to operate in a very efficient manner in that those administrative matters are managed electronically. It does not change the character of the legislative requirement in relation to the payment of an application fee for an application.

**Ms SYLVIA HALE:** Hypothetically, if a fee of \$31 is payable on each 100 applications does the tribunal charge \$3,100? If the Department of Housing makes a bulk lodgement of 100 applications, assuming a fee is payable in respect to each of them, does the tribunal charge \$3,100 or \$31?

**Ms TYDD:** The fee for a collective lodgement would be based on the number of applications lodged.

**Ms SYLVIA HALE:** Let us assume 100 applications are lodged. What is the fee?

**Ms TYDD:** If they are all fresh applications—I am not going to take you through the maths—it would be 100 times a single application fee.

**Ms SYLVIA HALE:** That is all that we wanted to know. There is a perception in the community that the Department of Housing is using the tribunal as a means of disciplining its tenants and recovering arrears in rent, and so forth. Given that perception amongst—

**The Hon. LYNDA VOLTZ:** Point of order: Those questions should be directed to the Minister for Housing.

**Ms VIRGINIA JUDGE:** May I ask a question? When are the estimate hearings for the Minister for Housing when that question could be asked?

**Dr JOHN KAYE:** To the point of order: The question goes to the issue of how the CTTT is being managed and used. While of course it is relevant to the Department of Housing it is also highly relevant to the Minister responsible for the CTTT.

**The Hon. LYNDA VOLTZ:** Further to the point of order: The question asked for an opinion on what the public perception is—

**Ms SYLVIA HALE:** I did not ask for an opinion.

**The Hon. LYNDA VOLTZ:** Yes, you did.

**Ms SYLVIA HALE:** I stated the fact that there was a perception.

**The Hon. LYNDA VOLTZ:** It is not an appropriate question for the Minister for Fair Trading, it is an appropriate question for the Minister for Housing.

**CHAIR:** Will the Minister answer the question from the perspective of her portfolio?

**Ms SYLVIA HALE:** I will ask my question again. In light of the public perception, particularly among Department of Housing tenants, that the department is using the tribunal as a way to manage its rent

arrears and to discipline its tenants, does the Minister believe that is an appropriate role for the tribunal to play? Given the work it creates for the tribunal, how will the Minister respond to this use of the tribunal by the Department of Housing?

**Ms VIRGINIA JUDGE:** I defer to Ms Tydd.

**Ms TYDD:** In respect of the legislation, the Department of Housing is, like any other landlord, able to lodge an application with the tribunal in respect of a breach of a residential tenancy agreement. If that breach is by way of rent arrears then Housing NSW like any other landlord is able to invoke its statutory rights to lodge an application with the tribunal. From the numbers the Committee has been informed of today it clearly is invoking that statutory right that has been provided under legislation.

**Ms SYLVIA HALE:** In view of the fact that the Act was amended only recently to allow the department to make use of this new division of the tribunal, will the Minister perform a review of the work being undertaken by that division and make its assessment of the efficiency, effectiveness and appropriateness of those measures and provide a report to the Parliament or at least to Committee members?

**Ms VIRGINIA JUDGE:** I defer to the commissioner.

**Ms TYDD:** The Consumer, Trader and Tenancy Tribunal provides quarterly reports and internal monthly reports. It convenes regular consultative forums with all interest groups. Those participants relevant to the social housing division would be, to the best of my knowledge, subject to ongoing consultation with the tribunal and hear about the tribunal's performance on a very regular basis in both an informal and a formal manner. That formal manner takes the form of published quarterly reports which examine the role and function and statistical performance of every division of the tribunal. This new division would not be subject, to the best of my knowledge, to any different treatment other than the transparent manner in which the tribunal currently reports. The tribunal also lays with Parliament a report on an annual basis.

**Ms SYLVIA HALE:** Have any misgivings or concerns been expressed to the Minister or to the tribunal about the operations of that division?

**Ms VIRGINIA JUDGE:** No-one has come to me personally with those issues. I think the department might like to comment on that.

**Mr STOWE:** I understand the Tenants Union has made representations to the tribunal about its concerns and the Tenants Union has met and had correspondence with the tribunal. They have had discussions about how this new process will work. Obviously the monitoring of that process over time—and we have a liaison meeting with the Tenants Union on a regular basis and obviously we will be passing back to them our experience and will be interested to hear what they have to say.

**Ms SYLVIA HALE:** Earlier we talked about Blue Haven and Beechwood. I understand you conduct an automatic monitoring of complaints. Does the monitoring cover the entire period of a company's existence or is it only during a set period, say, one to two years?

**Ms VIRGINIA JUDGE:** This is an operational matter. The commissioner will answer that.

**Ms BAKER:** It does not operate the way you have framed it, it is more of a real-time monitoring. So as complaints come in about a company they are logged onto our system and the system identifies and alerts us of trader complaints over a two-week period. So at a State level if there are five complaints about a trader, it sends an alert to our director of customer service. At a regional level if there are three complaints it sends an alert to the director and I think to regional managers. These are immediately assessed by those senior managers on the basis we said earlier—"Well, yes, there are five complaints, but it is a huge company", or "This is a small company and we have 10 complaints"—and we would then take proactive action to look into it.

**Ms SYLVIA HALE:** What I am concerned to know is if those five complaints must be received within a six-month period or is it over the entire length of operation of the company? Once a company hits that five mark, does that trigger the investigation or examination, or is it only if it hits that mark within a specified period of time?

**Ms BAKER:** I am not sure I can answer that question, but we can certainly explain how the system works on notice.

**Ms SYLVIA HALE:** Thank you, if you would. Do you examine those complaints to see if there is a pattern and, if you discover that there is a pattern, do you provide any warning that, for instance, in relation to the construction of swimming pools it is very common to find defects in relation to particular issues, so that consumers are warned in general as to things that they should be looking at in their contracts or in the performance of work?

**Ms BAKER:** I might ask Mr Griffin to answer that on a compliance basis.

**Mr GRIFFIN:** It is a very good question and it is important for people to know where there are particular defects in particular bits of building work. On the website we have information about analysis of those sorts of complaints generally, whether problems with waterproofing in bathrooms or wet areas or problems with pools and what they are. We have that data on the Fair Trading website, which is accessible by consumers, so that they are aware that coping may be a problem if they are buying a pool, or efflorescence may be a problem if they are tiling, or drummy tiles. Those sorts of things are on our website as a result of our analysis of the complaint data that we get.

**Dr JOHN KAYE:** Minister, are you aware of the study by *Choice* magazine and a number of health groups, including the Cancer Council, about traffic light labelling on the front of packages, which is coloured labelling for salt, sugar, fat and saturated fat content. The idea is that you have red labelling where it is a high concentration or dangerous levels, green where it is safe, and amber where it is not. Are you aware that the study showed that the traffic light labelling—

**The Hon. LYNDA VOLTZ:** Point of order.

**Dr JOHN KAYE:** I have not even asked the question.

**The Hon. LYNDA VOLTZ:** I am just wondering if this is a Health question or a Fair Trading question?

**Ms SYLVIA HALE:** Perhaps wait until we hear it.

**The Hon. LYNDA VOLTZ:** He is asking about labelling.

**Dr JOHN KAYE:** So labelling is not a Fair Trading issue? Minister, can I ask you firstly: Will you answer questions about labelling of food?

**Ms VIRGINIA JUDGE:** In my role here, every question that comes I do my best to answer and, if I do not, we will take it on notice and try to get you a detailed response to show the sincerity of our actions here today, but I am advised that the National Food Authority is in charge.

**Ms BAKER:** And the Department of Health of New South Wales.

**Ms VIRGINIA JUDGE:** And the Department of Health, but thanks anyway for the question.

**The Hon. ROY SMITH:** Minister, is the department still responsible for administration of the Associations Incorporation Act?

**Ms VIRGINIA JUDGE:** Yes.

**The Hon. CATHERINE CUSACK:** Still waiting on that review.

**The Hon. ROY SMITH:** I am happy for you to take this on notice, but I would like to know, under the Associations Incorporation Act, which is largely for not-for-profit groups, sporting clubs and community organisations, directors, officers and committee members have significant statutory responsibilities, apart from lodging annual paperwork, and I know from my experience that they sometimes get behind with that. How many incorporated associations are behind in the lodgement of their statutory returns and for how long have they been behind in the lodgement of their statutory returns? I would also like to know what the department does

in prompting those organisations and their officers to comply with their statutory requirements and, because they are largely volunteers, what assistance is given by the department in making officers and committee members aware of their statutory obligations and helping them to comply with those obligations under the Act?

**Ms VIRGINIA JUDGE:** I know we have not got much time, and it is a very good question. I have some general comments, but I would rather get to the gist of it, so perhaps Ms Baker might be able to answer?

**Ms BAKER:** I would have to take on notice the exact number of people who might be behind and how long they have been behind. In terms of the second part of your question, we have a registry of cooperatives and associations that is at Bathurst. That group of people do monitor associations in order to identify whether they are behind and in some respects assist them in complying with the legislation. That group of people also does kind of development work around helping people to identify, for example, whether they should be set up as an association or a cooperative, so we do have a helping role in that respect, because you are right, they are mostly volunteer, small organisations. We will take on notice the actual numbers.

**The Hon. ROY SMITH:** If you would, because I think there is a large number of organisations that are slipping through the cracks and I would like to know how many there are and perhaps, if we look at those numbers, it will prompt the department to take a more proactive role in following-up on them sooner rather than later and assisting those people to comply with their obligations.

**Ms BAKER:** I think Mr Stowe might want to add something?

**Mr STOWE:** Yes, I think Ms Cusack made reference to a review of the legislation and we have recently had consultation on a draft bill. We had some very useful discussions with various groups, such as the Council of Social Service of New South Wales [NCOSS], in that process and one of the things they raised with us was the very issue of being able to make sure that not-for-profit groups are aware of their legal responsibilities. They have raised with us the possibility of a grant being provided to update a book that they in the past have financed to be published, which is a very comprehensive guide to associations, so I expect we will be making an application to the Minister shortly and would be very happy if the grant were favourably considered. In addition to that, they have raised with us the possibility of the department also having better targeted information for those groups and we are certainly looking at that and will be putting proposals to the Minister.

**Dr JOHN KAYE:** Minister, in the past 12 months we have had Chinese toys, formaldehyde in blankets—a whole range of goods, most of them manufactured in China and coming in to Australia, that have raised health and safety alarms. A lot of this is to do with the manufacturers not exercising an appropriate duty of care, the breakdown of regulation and so on in the country of origin. What proactive steps are you taking to ensure that we do not see another 12 months of the same kind of defective and dangerous imports?

**Ms VIRGINIA JUDGE:** The Products Safety Committee was established under section 24 of the Fair Trading Act 1987 and the committee comprises product safety experts from business, medical, consumer and government backgrounds. On that subject, I have just been given some important information that imports are directed by the Commonwealth, so you may need to look, if you are looking at restriction of products, from that angle.

**Dr JOHN KAYE:** No, that was not my question.

**Ms VIRGINIA JUDGE:** You have talked about a range of toys. Apparently in November 2007 when the ministry was under a different Minister a number of Australian children fell seriously ill after swallowing Bindeez beads. On 6 November an interim ban on all Bindeez goods in New South Wales came into effect and those products were removed from sale. All States and Territories followed New South Wales' lead and introduced interim bans and removed products from sale nationally within 24 hours. The products were also recalled internationally and, following a Products Safety Committee inquiry, a permanent ban was placed on Bindeez toys and any similar bead toys that contained a form of butanol. In August 2004 the New South Wales Products Safety Committee investigated the safety of portable soccer goalposts and the committee reported that a mandatory safety standard was needed to ensure the stability of portable soccer goals. A new product safety standard was then introduced for movable soccer goalposts.

The New South Wales law was a worldwide first and forms the basis of a proposed Australian Standard. The law, which was gazetted on 25 February 2005, took effect on 1 March 2005. The regulation

requires movable soccer goalposts that are over 28 kilograms and not designed solely to be used indoors to meet stability requirements. Fair Trading has developed a way to promote the safety of goalposts through the use of a CD-ROM called "Play it safe—soccer goalpost safety". The CD-ROM promotes the new standard, demonstrates the danger of some goalposts and provides information on appropriate safety steps for New South Wales soccer clubs, schools and local councils. Apparently this campaign won a gold award in the outstanding information category at the annual New South Wales Sports Safety Awards hosted by the Sporting Injuries Committee.

I refer now to lead in toys. On 20 September 2007, following worldwide concern about lead content in children's toys, an interim ban was introduced under the Fair Trading Act 1987 prohibiting the supply of children's toys if they are found not to comply with the Australian/New Zealand Standard on the safety of toys. If a toy contains over 90 milligrams per kilogram of lead it is illegal to supply this toy.

**CHAIR:** Order! Minister, we might move on to the next section as it is Government members' turn to ask questions now.

**Dr JOHN KAYE:** Just before we do, Minister would you take my exact question on notice because I was asking what proactive steps you are taking, not what you have done in the past? What are we doing to stop it happening again?

**Ms VIRGINIA JUDGE:** We will be delighted to provide that to you.

**The Hon. CHRISTINE ROBERTSON:** What is the Government doing to protect consumers from so-called fuel-saving devices that may actually be useless?

**Ms VIRGINIA JUDGE:** Thank you for the question. When the Institute of Automotive Mechanical Engineers raised some serious concerns about these devices the former Minister for Fair Trading asked the Office of Fair Trading to investigate. In August 2008, Fair Trading commenced an investigation into fuel-saving devices with the support of several organisations, including the National Roads and Motorists Association, the Motor Traders Association and Choice. Two broad categories of fuel-saving devices have been identified: additives and catalysts. Additives are liquids designed to be added to fuel tanks while catalysts are devices installed in or around a car's fuel line or dropped into the fuel tank. Fair Trading has identified at least eight products currently manufactured or distributed within Australia and sought public input to ensure the comprehensiveness of the investigation. New South Wales consumers were encouraged to contact a designated hotline, from 11 August to 2 September 2008, to provide information about their experiences with fuel-saving devices.

**CHAIR:** What if they want to ring now?

**Ms VIRGINIA JUDGE:** As part of the investigation, Fair Trading also conducted research to determine whether fuel-saving devices are being widely sold through automotive outlets. I am pleased to say that the majority of outlets contacted do not sell these devices because of concerns about their validity. Companies manufacturing and/or distributing fuel-saving devices must be able to provide Fair Trading with independent scientific evidence to prove that the products do what they claim to do. Enforcement action will be considered against those who fail to substantiate their advertised claims. Such action includes Supreme Court injunctions to restrain misleading conduct, prosecution proceedings and public warnings that identified the dubious devices.

Responses have been received from several manufacturers and distributors substantiating their advertised claims, which include independent evidence and testing they have arranged. The information provided is currently being assessed by Fair Trading. Motorists should be very wary of any advertising claims and seek advice from a licensed motor mechanic or the car's manufacturer before adding substances or devices to their car's fuel system or engine. The Committee can be assured that Fair Trading will continue to investigate claims made by manufacturers and distributors to ensure consumers are getting what they pay for and are entitled to. I hope that answers your question, Christine.

**The Hon. CHRISTINE ROBERTSON:** Thank you, Minister. I think the Chair had a question about communication.

**CHAIR:** Minister, I think you mentioned a time line when people could lodge their complaints or their problems. Has that already closed? You mentioned August-September.



**Ms BAKER:** That was a brief period when we opened a hotline to see if we could flush out from the community anyone who could tell us anything about the availability of these devices or products. It was a survey.

**CHAIR:** So the hotline has gone cold now?

**Ms BAKER:** That is right. It was to see if we could flush out additional evidence other than that which we had obtained. Of course anyone who has complaints can still ring our 13 32 00 call centre number with complaints about anything all the time.

**The Hon. HENRY TSANG:** Will the Minister please advise the Committee on the current progress in completing consumers' homes by the new owners of Beechwood Homes?

**Ms VIRGINIA JUDGE:** I appreciate that the Committee, everyone here and the people of New South Wales share my deep concern over the situation concerning Beechwood Homes. That has placed incredible emotional and financial pressure on families as well as on people such as the subcontractors, suppliers and employees. Everyone here is aware that 350 homes, I believe, were under construction at the time. I can advise the Committee that following the sale of Beechwood Homes to a new owner—these are the most up-to-date figures I have—25 homes have been fully completed and handed over to the new homeowners, 323 deeds of novation have been signed with the new owners to continue work, and work has recommenced on a further 246 homes. A further 580 people had paid money to Beechwood to have plans drawn up and lodged with the relevant councils. Beechwood Homes is now contacting all the consumers who had signed pre-contract tender agreements to offer them a new construction contract.

The collapse certainly has delayed the construction of homes and put people under financial stress. However, I am pleased to advise that the home warranty insurer, Vero, is making funds available to benefit Beechwood customers. Vero has advised that it has made 60 incentive payments of \$15,400 to the builder to assist with the recommencement of construction of homes totalling \$924,000. It has accepted 64 of the unusual circumstances requests with an average payout to claimants of \$2,744 to cover the costs of graffiti removal, repairing damage caused by vandals or damage due to exposure to elements while the Beechwood sale process was taking place.

**The Hon. CATHERINE CUSACK:** Did you say 64 out of 360?

**Ms VIRGINIA JUDGE:** The insurer accepted 64 of the unusual circumstance requests.

**The Hon. CATHERINE CUSACK:** For being out of pocket.

**Ms VIRGINIA JUDGE:** I have more good news to tell members.

**The Hon. CATHERINE CUSACK:** It is not very good news, Minister.

**Ms VIRGINIA JUDGE:** It is a tragedy, but at least something is happening. The insurer has paid ancillary costs of \$360,000 on 92 claims relating to ongoing rental, storage and removal costs, equating to an average payment of 3,899 per claim, and it has authorised some non-claimable items, such as air-conditioners, where claimants were living in less than ideal conditions, and provided appliances to 29 homes at a cost of \$313,959. The Office of Fair Trading is monitoring the completion of homes and assisting with any disputes. Fair Trading conducted a series of information sessions for consumers of the old Beechwood company and these information sessions provided customers with information about the next steps in the process of completing their homes.

In light of the Beechwood collapse the Office of Fair Trading is closely monitoring the effectiveness of the home warranty insurance protection arrangements to determine whether it can deliver on expected outcomes for consumers. Following a restructure, the number of insurers participating in the scheme has risen from two in 2002 to five, as well as a sixth insurer who specialises in providing cover for owner-builders. Another new initiative was the establishment of the Home Warranty Insurance Scheme board, which monitors the operation of the scheme and provides advice to the Minister. On 1 March 2007 the Government increased the minimum cover that must be provided by insurers under the scheme from \$200,000 to \$300,000. On 1 October 2007 procedures were streamlined for consumers lodging insurance claims where their builder had disappeared.

Since September 2007 comprehensive information on the operation of the scheme has been published by Fair Trading on its website every quarter. The information, based on data provided by insurers, covers premiums, project certificates, eligibility and claims. The Government has further sought to protect the rights of hardworking families by providing an additional trigger for consumers to access home warranty insurance. Members are probably aware that legislation was recently introduced into Parliament that will allow consumers to lodge with their insurer if their builder fails to comply with a monetary order of the Consumer, Trader and Tenancy Tribunal [CTTT]. This will enable homeowners to more quickly make a claim, which is good, so that they can complete the construction of their home, have any defective building work rectified, and hopefully get on with living their lives.

These changes will also provide insurers with the capacity to pursue these builders to recover any moneys paid out as part of the claim. These enhancements will impose an additional penalty on bad builders if they fail to comply with a monetary order of the tribunal. It might result in their licence being suspended and it could also see them facing disciplinary action. These amendments will further improve the effectiveness of the Home Warranty Insurance Scheme. With the assistance of my hardworking officers in the department I will monitor the operation of the Home Warranty Insurance Scheme and issues arising from the collapse of Beechwood Homes to determine whether further streamlining is required for homeowners.

Following the constructive discussion that I had with the Hon. Catherine Cusack and after I had read articles in the *Sydney Morning Herald* I visited some of these homeowners. As soon as I became Minister I spoke to a lady on the phone and she subsequently contacted me by email—one of the first emails I received—to inform me that she was building an investment property in Glenwood Park. She explained to me in detail how it affected her, the stress under which she and her husband had been placed, and how they had obtained a loan for the property. I got straight onto the department, which had been working with her, and I am pleased to announce that work recently started on her property. I believe that concrete piers will be put in place on Monday next week. That is a good example of what is occurring. It is not a fantastic achievement, but it is better than we had hoped for. The department has been very proactive in this regard.

**The Hon. CATHERINE CUSACK:** What about everybody else?

**Ms VIRGINIA JUDGE:** We are all concerned about those who have suffered as a result of the collapse of Beechwood Homes. I know that many members are concerned, but we are following up these issues. As I said earlier, I will continually monitor the situation and any issues that arise as a result of the collapse of Beechwood Homes to determine whether there is anything we can do. I am happy to have a chat with the Hon. Catherine Cusack and my other colleagues to establish whether they have any ideas.

**The Hon. CHRISTINE ROBERTSON:** I recognise the hard work that has been done in this area by the Minister and her department. Some members of this Committee, for example Ms Sylvia Hale and I, are members of another Committee that conducted an inquiry into this issue. I listened earlier to the Minister's statements about the programs that have been implemented. It is good to see that some of the things that were recommended by that Committee are going ahead. We worked very hard on those recommendations.

**CHAIR:** Order! Does the member have a question?

**The Hon. CHRISTINE ROBERTSON:** What has the Government done to protect consumers against serious breaches of the legislation that is administered by the Office of Fair Trading?

**Ms VIRGINIA JUDGE:** The role of the Office of Fair Trading is to safeguard consumer rights and provide fair and ethical business practices to ensure confidence in the marketplace, and to advise retailers and traders on fair and ethical business practices. Fair Trading acts on behalf of the commissioner to ensure that the legislation it administers is implemented and enforced to the benefit of both consumers and traders in New South Wales. I am advised that Fair Trading investigators—this is evident from some of the comments we heard today—regularly inspect traders across New South Wales to ensure they are complying with various laws that are applicable to their businesses.

Where serious breaches and offences have been detected, the Office of Fair Trading will consider prosecution in a local court. The most common areas of prosecution include offences committed under the Fair Trading Act, the Home Building Act and the Motor Dealers Act. Of significant concern is unlicensed trader activity which impacts adversely on traders who lawfully complied with the regulatory provisions and

consumers who may lose access to protection such as home building insurance or motor vehicle warranties. Product safety is an important issue that was referred to by members today. Fair Trading is responsible for enforcing standards relating to the overall quality of goods and services.

Fair Trading is particularly vigilant regarding the safety of children's toys and general electrical items as the quality of these consumer goods are of special importance to ensure that safe products are available in the consumer marketplace. Between 2007 and 2008 Fair Trading lawyers and investigators prosecuted 605 criminal offences with a success rate of 92 per cent. Those convictions totalled almost \$1.3 million in penalties and costs. Other enforcement options available to the Office of Fair Trading include the issuance of penalty notices where a trader can pay a penalty amount and thereby not be liable to prosecution.

Fair Trading also pursues injunctive proceedings in the Supreme Court to stop unlawful conduct or enforce disciplinary action against traders and contempt action where traders refused to comply with orders issued by the Supreme Court. In conclusion, I advise that the Office of Fair Trading will investigate unfair practices. If there is sufficient evidence of a serious criminal breach, Fair Trading will not hesitate to initiate proceedings in the local courts of New South Wales. I hope that answers the question. Is there anything the commissioner would like to add?

**Ms BAKER:** No.

**The Hon. HENRY TSANG:** With the current world financial crisis, what is the Government doing to assist New South Wales families in financial difficulty?

**Ms VIRGINIA JUDGE:** As we know, more and more Australians continue battling to make ends meet, often with terrible consequences. Our Government with our new Premier, Mr Rees, is committed to helping struggling individuals and families manage their finances. Of course, debts are legally binding, so when people find themselves in trouble the first step towards gaining control of their lives is to seek appropriate information and advice. The message is clear: Do not be backward in coming forward; get help as soon as you think you need it and do not be shy about asking for help. People in debt crisis often feel ashamed and end up living not only in a state of anguish but also, sadly, in one of denial. With this in mind, the Rees Government is committed to providing access to financial counselling services across the State.

The Government recently announced \$1 million for financial counselling services, increasing funding to a record \$3.8 million per annum—representing a 90 per cent increase on previous funding. This substantial increase in support for the program provides for much-needed information enhancement and advice to families struggling with the ever-increasing cost of living. Amongst other things, financial counsellors also can help their clients organise financial information, design a personal budget, access information and negotiate with creditors.

**The Hon. CATHERINE CUSACK:** I do not mean to be rude, but I was a member of the Committee inquiring into the budget estimates portfolios of the Premier. He gave an identical answer to an identical question.

**The Hon. CHRISTINE ROBERTSON:** Point of order—

**The Hon. CATHERINE CUSACK:** It is literally the same.

**The Hon. CHRISTINE ROBERTSON:** We have asked a question and we are entitled to hear the answer.

**The Hon. CATHERINE CUSACK:** I understand that, but it is just that the Minister may not have heard.

**CHAIR:** Order! Time for Government questions has expired.

**The Hon. HENRY TSANG:** Perhaps the Minister may provide the rest of the answer at a later stage.

**CHAIR:** She may. We will now have Opposition questions.

**The Hon. CATHERINE CUSACK:** Minister, I understand a review is being undertaken of residential parks. Is a regulation being contemplated in order to give tenants of those parks greater security?

**Ms VIRGINIA JUDGE:** Mr Stowe will share his perspective on this important issue.

**Mr STOWE:** I assume you are referring to the statutory review of the Holiday Parks (Long-Term Casual Occupation) Act relating to residential parks?

**The Hon. CATHERINE CUSACK:** That is a good question. I am referring to people in residential parks. I am actually struggling to understand which Acts cover these people, but they are long-term residents in those parks.

**Mr STOWE:** There are two pieces of legislation. There is the residential parks legislation that regulates those who live permanently—

**The Hon. CATHERINE CUSACK:** Yes, that is the one I am asking about—the legislation relating to permanent residents.

**Mr STOWE:** There is not a current review of that legislation. There have been amendments over recent years, as you would be aware. At the moment our efforts are going into a statutory review, which is a requirement of the legislation, of the Holiday Parks (Long-Term Casual Occupation) Act—I know it is a mouthful. This legislation governs those who have their vans in caravan parks for lengthy periods of time and they have specific regulatory requirements. The law requires us to look at that law and see if it is working effectively. We have put out a discussion paper and responses are due by 1 October. The Minister is required to submit a report of that review to the Parliament by 20 November 2008.

**Ms VIRGINIA JUDGE:** If I could add a further comment to that, apparently Linda Burney, the previous Minister, had a number of meetings with residential park operators and residents to discuss the Residential Parks Act. In general, both operators and residents agree that the legislation works well. However, some suggestions have been made on how the system can be improved. I understand that residents have previously canvassed the idea of introducing a licensing scheme for the sector to ensure that operators who were not doing appropriate things do not operate.

**The Hon. CATHERINE CUSACK:** Could I just remain for the moment on this issue of greater security as many of those people live in houses in these parks? A case in point at the moment is in Port Macquarie where the owner of the residential park has purchased the caravan park across the road. I think all the residents can see that they are about to be evicted. The rumour sweeping the parks is that a regulation will be introduced in November that will give residents greater security of tenure in those parks. I guess my question on that is: Is there any truth in that?

**Ms VIRGINIA JUDGE:** That is a good question.

**Mr STOWE:** I think they are confused with the review we are doing.

**The Hon. CATHERINE CUSACK:** Of holiday parks?

**Mr STOWE:** Yes.

**The Hon. CATHERINE CUSACK:** Thank you. However, did you say there is going to be a review of residential parks as well?

**Mr STOWE:** No, there is not one required at the moment. There have been significant legislative changes over recent years. Some of those amendments went to that very issue you raise about the security of residents. They now have a situation where only a tribunal can authorise the arrangement where people have to leave the park. That can only be done where development consent has been granted by council. There is additional compensation available to them in helping them move to other parks. So that issue was addressed and there were significant changes made by the Government to the legislation in recent years.

**The Hon. CATHERINE CUSACK:** And they are all being considered at the moment?

**Mr STOWE:** Not at this stage—although I know the Minister will be appearing at the forum of residential parks owners, I think next week. Obviously, she will be listening, along with our officers.

**Ms VIRGINIA JUDGE:** I will be listening and I will be hearing.

**The Hon. CATHERINE CUSACK:** Minister, in relation to the Beechwood Homes matter, the Office of Fair Trading undertook to get advice for consumers on the issue of copyright of their designs. Many of the 580 people to whom you referred who paid planning money wanted to go with another builder. The copyright issue kept them locked into the Beechwood debacle. The Office of the Trading undertook to get a legal opinion. What was the outcome of that?

**Ms VIRGINIA JUDGE:** I will get Mr Griffin to answer that for you.

**Mr GRIFFIN:** The legal opinion was that the new owner purchased the copyright as part of the purchase of the business. So, those consumers who had made pre-contract payments for those plans need to negotiate with the new builder for use of those plans. So that is where that stands.

**The Hon. CATHERINE CUSACK:** But what about the earlier issue where the Minister intervened and said she was getting legal opinion on single-use rights over people's designs?

**Mr GRIFFIN:** The legal advice was that the pre-contract payment did not allow the consumer to take those plans elsewhere to another builder to have that home built according to those plans.

**The Hon. CATHERINE CUSACK:** Did you look at whether or not Beechwood had abandoned building sites of incomplete homes?

**Mr GRIFFIN:** That issue would only come into play if the consumers had entered into a residential building contract under the Home Building Act.

**The Hon. CATHERINE CUSACK:** For those 360 people who had sites where building work stopped and they wanted to move to another builder or go elsewhere but were being held because of their contracts, did Fair Trading look at whether their building sites had been abandoned, in which case they could have moved to another builder?

**Mr GRIFFIN:** It was contemplated, but no legal advice was sought on that. Certainly under the contracts consumers could have availed themselves of their rights.

**The Hon. CATHERINE CUSACK:** You see, this is my point: Nobody was being told that they had the right, and that is why we are wanting Fair Trading to look at those issues. Everybody was being told to put in their claim to Vero and just wait, and I think for too long were told that it would get sorted.

**Mr GRIFFIN:** I think the general view was, and I restate it here, that the best outcome for all consumers would have been the sale of the business, and that is why general advice was given on our website. We gave a number of options that were open to consumers. We would tell them, "If you choose to go to another builder, this is what you need to consider. You need to get legal advice." So we were informing them. We write to consumers, so they were aware of their various options.

**The Hon. CATHERINE CUSACK:** After the sale of the business?

**Mr GRIFFIN:** No, prior.

**The Hon. CATHERINE CUSACK:** No. "These are your different rights" was information that was given after the sale of the business.

**Mr GRIFFIN:** It was during the process of the sale and there was varied information put on our website about what various consumer's rights were. These were separate to the letter that they received from the receiver, which had various views about where they stood. But at the end of the day, from our point of view, the best outcome for consumers was the sale of the business.

**The Hon. CATHERINE CUSACK:** I understand that you wanted the consumers to stay there, but in terms of the consumers' right to be informed of their options, tell me where that advice was on the department's

website. I looked at it every day and it was not there until after the sale of the business and until after I had waited for three months for those options.

**Mr GRIFFIN:** I do not necessarily agree with that. I would have to go back and look at the website. At the end of the day, we were giving people advice. We were sending them letters.

**The Hon. CATHERINE CUSACK:** When did you warn them about the sites being abandoned?

**Mr GRIFFIN:** We never informed them about sites being abandoned.

**The Hon. CATHERINE CUSACK:** No, they were never informed about that detail.

**Mr GRIFFIN:** In terms of the sites being abandoned, in the sense that they were taken over by the receivers, I am not quite sure what you mean by sites being abandoned.

**The Hon. CATHERINE CUSACK:** In excess of two weeks and they would have been entitled to go to another builder.

**Mr GRIFFIN:** No. The information was that the sites were taken over by the receiver shortly after winding up of the company.

**The Hon. CATHERINE CUSACK:** I have to move on, I am sorry. Minister, in relation to picking up that Consumer, Trader and Tenancy Tribunal matter we were talking about, can I ask: Would you undertake to investigate whether the Department of Housing should be required to pay application fees on a user pays basis so that the Department of Housing's use of the Consumer, Trader and Tenancy Tribunal is not being subsidised by other users of the system. I am particularly thinking of the levy or contribution. It seems grossly unfair that that should be subsidising the Department of Housing. I am only asking you to look into the matter.

**Ms VIRGINIA JUDGE:** Yes it. I will look into it.

**The Hon. CATHERINE CUSACK:** Thank you, Minister.

**Ms VIRGINIA JUDGE:** By the way, we have some statistics for you from the previous question. Would you like those?

**The Hon. CATHERINE CUSACK:** Yes, please.

**Ms BAKER:** We have now established, Ms Cusack, for the 2007-08 financial year that housing applications to the tribunal were 14,694 with a total value of fees of \$484,902, so half a million.

**The Hon. CATHERINE CUSACK:** I ask you to review whether that reflects the actual cost of the service that is being provided to the Department of Housing through the tribunal—the costs of the service that the department is utilising—and whether it is an efficient use of the tribunal. I thank you for that new figure, but that 14,695 is an increase of another 2,000 on what it was in previous years.

**Ms VIRGINIA JUDGE:** Pardon? Did you say it was an increase or decrease?

**The Hon. CATHERINE CUSACK:** It is an increase of approximately 2,000 applications on the 2007 year. So it was an increase of nearly 4,000 applications on the 2006 year. The number of Department of Housing applications to the Consumer, Trader and Tenancy Tribunal are going through the roof.

**Ms VIRGINIA JUDGE:** I will get Ms Tydd to comment on that.

**The Hon. CATHERINE CUSACK:** I want to know what all those written applications deal with.

**Ms TYDD:** In respect of actual cost and budgetary allowances, I am sure the Committee is well aware that in terms of legal proceedings, an actual dollar cost for those proceedings is not something that is ever equated to a lodgement fee; it is a far more complex issue. Legal proceedings are very expensive proceedings, as the Committee will be aware. An application fee of \$33 may not in any circumstance cover the actual cost of the tribunal's operations, particularly with respect to a single application.

**The Hon. CATHERINE CUSACK:** Ms Tydd, during the Jan McClelland review of the Consumer, Trader and Tenancy Tribunal, I thought she dealt very well with the issue of proportionality in a case before the tribunal which involved a consumer who was dissatisfied with a \$2.50 bus fare. She observed that this issue had escalated and escalated and ended up in court. The point made by Ms McClelland was that there has to be a concept of proportionality in what the tribunal is doing. If the Department of Housing is lodging with the tribunal items as small as a \$6.50 quarterly water bill—the case I was dealing with in actual fact was just a misunderstanding—it is a grossly inappropriate use of the tribunal. That is why, if the tribunal operates on user pays, that will get the Department of Housing to pay more. Is that reasonable?

**Ms TYDD:** Is the question in relation to the tribunal's application of proportionality?

**The Hon. CATHERINE CUSACK:** It is about proportionality.

**Ms TYDD:** First of all, in respect to the McClelland report, the tribunal has instituted a comprehensive program of adopting recommendations outlined in the McClelland report. As you rightly point out, proportionality was a key issue. All those recommendations have been adopted and are being implemented by the tribunal, some of which require legislative amendment, and that has taken a period of time. The tribunal's approach to really systematically embedding proportionality is evidenced by its use of conciliation.

While I take your point, Ms Cusack, there may have been cases in which a low dollar figure might have been significant in the proceedings, the vast majority of the tribunal's matters do not proceed to hearing. They are dealt with by way of conciliation—a very informal, effective and immediate solution that provides final and binding orders with judicial status. That is the way that the tribunal's very well-landscaped area embeds proportionality. There are many other tools that the tribunal does apply and that it seeks to refine, to also embed proportionality.

**The Hon. CATHERINE CUSACK:** That is great. Well done.

**Ms VIRGINIA JUDGE:** I would like you to know that I will take it upon myself to inform myself of the current system you are talking about.

**The Hon. CATHERINE CUSACK:** There is one other issue related to the Consumer, Trader and Tenancy Tribunal, and that is the recent court case in which Fitness First took a woman to the Supreme Court over cancellation of her membership fees. I am not sure if you are familiar with that case. Again, I do not wish to ask you a specific question about that case, but the issue that arose from that was that approximately \$100 was involved from her perspective through the cancellation of her membership fee. She won the case before the tribunal. Fitness First then took it to the Supreme Court and had the tribunal's ruling overturned. The issue that that raises for me is that the woman had a \$100 law suit from her perspective, but from Fitness First's perspective, it could well have been millions of dollars because of the precedent. There was a complete imbalance in terms of what the parties had at stake. Hence Fitness First has brought barristers in and is willing to go all the way to the High Court on a matter like this, which to you and me is a \$100 matter.

I am just wondering in terms of the imbalance that this places the consumer in when they are in dispute with a large business. Another example, and perhaps a better example, is consumers fighting the insurance company, Vero. Vero tried to resist a precedent that would have cost millions of dollars, and there was a consumer who was just trying to get their house fixed. Again the Consumer, Trader and Tenancy Tribunal seemed to be struggling to assist consumers in that situation. Is there a lot for Fair Trading to consider in that situation?

**Ms VIRGINIA JUDGE:** Your question is about both of those?

**The Hon. CATHERINE CUSACK:** Yes.

**Ms BAKER:** There is the capacity for consumers to seek leave to have Fair Trading represent them in certain cases, such as categories where there is a public interest, and there have been precedents where we have done that.

**The Hon. CATHERINE CUSACK:** How often would you have done that in the past year?

**Ms BAKER:** I will have to take that on notice.

**The Hon. CATHERINE CUSACK:** How much money is available for legal support for consumers?

**Ms TYDD:** I think that question is referable not to a quantified pool but, rather, to each case being assessed according to the guidelines for the grant of legal assistance. So I cannot answer that question with reference to a specific pool of funds. Rather, it would be referable to an assessment of the individual application against the guidelines.

**The Hon. CATHERINE CUSACK:** One consumer, Charlie Tran, is in the Supreme Court again with Vero. Vero is appealing a court ruling that went in Mr Tran's favour. Vero is taking Tran back to court, as has been the case with Vero dragging the consumer from court to court. Mr Tran now has no money to pay a solicitor and is relying on charity. He is winning his court cases but he cannot afford to continue funding legal representation for the insurer's appeals against those decisions. At what point does Fair Trading step in to assist?

**Ms VIRGINIA JUDGE:** I have read something about Mr Tran's case, but perhaps it is a technical issue.

**The Hon. CATHERINE CUSACK:** Please do not tell me that it is a sad case and he is a victim of bad advice.

**Mr GRIFFIN:** I am not about to tell you that.

**The Hon. CATHERINE CUSACK:** Thank you. I appreciate that.

**Mr GRIFFIN:** I cannot recall Mr Tran making an application for legal assistance.

**The Hon. CATHERINE CUSACK:** Is he entitled?

**Mr GRIFFIN:** It would have to be assessed against the criteria Ms Tydd referred to earlier. I believe that Charlie Tran's case is still before the tribunal so it is probably not appropriate to speak about it further, other than I understand that there have been a number of offers to settle made, and those sorts of decisions are still to be made.

**The Hon. CATHERINE CUSACK:** It does not sound very good for Mr Tran, does it?

**The Hon. LYNDA VOLTZ:** Point of order: Mr Griffin pointed out that it is sub judice and it would be inappropriate for him to comment.

**The Hon. CATHERINE CUSACK:** Do you know what the claims payout ratio is for home warranty insurance in New South Wales?

**Mr GRIFFIN:** We are near a point, in terms of collection of data, where we will be asking our actuaries to give an estimate of the claims-loss ratio. There has been a lot of supposition, people doing basic arithmetic, to reach a particular point of view.

**The Hon. CATHERINE CUSACK:** If you have the figure it would be helpful.

**Mr GRIFFIN:** Certainly, in the near future we hope to be in a position to give an accurate accounting figure.

**The Hon. CATHERINE CUSACK:** When?

**Mr GRIFFIN:** We are hoping that the data we have received to the end of this financial year will give us the opportunity to have actuaries review it. As you know, it is a long-tailed class of product; it gives insurance cover for six years. We need to have a full set of data for six years on which to make a value judgement on the profitability of the scheme.

**Ms SYLVIA HALE:** Further with regard to home warranty insurance, I understand that the New South Wales Government collects 2 per cent of all home warranty insurance premiums paid, and these are



described in the Treasury papers as "builders warranty insurance premium", otherwise known as catastrophe insurance. Is that correct?

**Ms VIRGINIA JUDGE:** I have been advised by the Commissioner that it is a matter for Treasury.

**Ms SYLVIA HALE:** Although the home warranty insurance premium is collected, Fair Trading has no say in that. If you take it on trust that that is the case, more than \$20 million has been collected. I understand that the New South Wales Government has capped the liability of insurers at \$10 million per single event up to a maximum of \$80 million. For example, if the Beechwood claim went over \$10 million in the case of a single insurance or collectively over \$80 million, the New South Wales Government would pick up the tab. What is your view of an insurance scheme that permits the insurance companies to handle the most profitable sector—that is, insurance claims below \$10 million—but leaves the Government to undertake reinsurance for the risk in excess of \$10 million.

**The Hon. HENRY TSANG:** Affordability. It is simple.

**Ms VIRGINIA JUDGE:** I thank Ms Sylvia Hale for her interest in this matter, but I am advised that it is still a matter for Treasury.

**Ms BAKER:** These arrangements were put in place by Treasury after the collapse of HIH Insurance, and it is all part of the Government's rescue package. I reiterate that it is a matter for Treasury; we do not have anything to do with control of those funds.

**Ms SYLVIA HALE:** Do you know if there has ever been any claim on that fund?

**The Hon. LYNDA VOLTZ:** Point of order: It has been pointed out twice that it is not part of this portfolio. Ms Sylvia Hale needs to direct her questions to the appropriate Minister, who is the Treasurer.

**Ms SYLVIA HALE:** I will direct those questions to the Treasurer, but I will ask the Minister, given her interest in this particular matter, whether she has any knowledge—

**The Hon. LYNDA VOLTZ:** You are asking the Minister for an opinion on a different government agency.

**Ms SYLVIA HALE:** No, I am not asking for an opinion; I am asking her whether she has any knowledge.

**Mr GRIFFIN:** There has been no claim by an insurer on that fund.

**Ms SYLVIA HALE:** The 2 per cent that goes to the Government is just sitting in consolidated revenue or whatever.

**Mr GRIFFIN:** That is right.

**Ms SYLVIA HALE:** Presumably you are aware of the great public disquiet about donations to political parties. Do you subscribe to the Premier's view that the whole donations system needs to be overhauled, whereby donations can be made and can be perceived to influence the decisions and actions of government?

**The Hon. LYNDA VOLTZ:** Point of order—

**Ms SYLVIA HALE:** I am asking the Minister if she is aware—

**The Hon. LYNDA VOLTZ:** You are asking the Minister but it is not relevant to her portfolio.

**Ms SYLVIA HALE:** I am about to ask whether it is relevant to her portfolio.

**Ms VIRGINIA JUDGE:** I concur with the Premier's approach.

**Ms SYLVIA HALE:** If you became aware that the major beneficiary of one of the schemes administered by your department was a company or group of companies that also made substantial donations to a political party, would you see that as a matter for concern?

**The Hon. LYNDA VOLTZ:** Point of order: We sat here yesterday when the Minister for Planning clearly pointed out that under her portfolio there was a requirement for people making donations to declare those at the time. It is inappropriate then for Ms Sylvia Hale to ask a different Minister about matters outside her portfolio.

**Ms SYLVIA HALE:** To the point of order: I was asking the Minister, in view of her endorsement of the Premier's remarks, whether she would agree that it would be a matter of concern if a major beneficiary of a scheme administered by her department was also a substantial contributor to a political party.

**The Hon. LYNDA VOLTZ:** Further to the point of order: The regulations on donations have been clearly a matter of debate and have been to the appropriate Minister. This Minister is not the Minister for the ALP or a political party on donations.

**The Hon. HENRY TSANG:** Further to the point of order: If Ms Sylvia Hale has an allegation to make, she should make it to ICAC or outside on the steps of Parliament House.

**Ms SYLVIA HALE:** To satisfy the Hon. Henry Tsang in particular about whether I have an allegation to make, perhaps he would like to hear the substance of what I want to ask the Minister and then he can tell me whether he recommends that I take it to ICAC.

**The Hon. LYNDA VOLTZ:** We would like you to address the Minister on matters relevant to the Fair Trading portfolio.

**Ms SYLVIA HALE:** Do you agree that the home warranty insurance scheme is a significant scheme that is administered by your department?

**Ms VIRGINIA JUDGE:** Yes, absolutely.

**Ms SYLVIA HALE:** Are you aware that one of the major players in the field and proponents of that scheme is Vero whose parent company is Suncorp?

**Ms VIRGINIA JUDGE:** I am not sure of the parent company.

**Mr STOWE:** That is true.

**Ms SYLVIA HALE:** Are you also aware that the Australian Labor Party has a \$21 million investment in Suncorp shares and received \$8 million in dividends from Suncorp?

**The Hon. LYNDA VOLTZ:** The Minister is not administering the Government; she is administering a department for the people of New South Wales. She is not the General Secretary of the New South Wales Labor Party and it is not appropriate that questions relating to the New South Wales Labor Party administration be asked of the Minister for Fair Trading before estimates on her portfolio matters. This question is clearly outside the portfolio area.

**CHAIR:** Will the Minister answer the question from the perspective of her portfolio?

**Ms VIRGINIA JUDGE:** I believe I have answered questions about home warranty and Suncorp.

**CHAIR:** I do not think you have.

**Ms SYLVIA HALE:** I think the Government's sensitivity on this issue is more than apparent.

**The Hon. LYNDA VOLTZ:** You have taken cheap shots at Ministers at these estimate hearings.

**The Hon. HENRY TSANG:** Point of order: I suggest if Ms Sylvia Hale has an allegation she should refer the matter to the Independent Commission Against Corruption, and that she use this Committee appropriately.

**CHAIR:** I am sure Ms Sylvia Hale will make up her own mind about that.

**Ms VIRGINIA JUDGE:** If anyone thinks there is inappropriate conduct or something potentially along those lines he or she should take it straight to the Independent Commission Against Corruption, the body that has been set up to carry out those sorts of investigations and let the light of the Independent Commission Against Corruption shine very well.

**Ms SYLVIA HALE:** I understand that the statutory warranty on home residential building work expires after seven years, is that correct?

**Ms VIRGINIA JUDGE:** I believe that is correct.

**Ms SYLVIA HALE:** Is it correct that once that period of seven years has expired it is impossible for a complainant to seek an order from the CTTT that rectification work be undertaken?

**Ms BAKER:** There is a slight grey area around the seven years in terms of when the seven-year clock starts ticking, but essentially your concept is correct.

**Ms SYLVIA HALE:** However, when a product is deemed to be not fit for purpose, presumably even if that product is found not to meet that purpose say 15 years after, there is no limitation because the product was never fit for purpose in the first place? Is that correct?

**Mr STOWE:** I think you are making reference to two things. Under the Home Building Act there is a requirement that major structural work be sound for seven years. Under the Trade Practices Act and the Fair Trading Act there are requirements for traders to warrant their work and there is no time limit under those pieces of legislation. So it would be possible for somebody to take a matter to the courts under those general warranty provisions of the Fair Trading Act and Trade Practices Act. But in New South Wales we have some very specific laws under the Home Building Act, which make it very clear what a builder must warrant their work for in terms of major structural work, and it is the seven years you are talking about. So theoretically a person could take that matter to a court or tribunal for determination under the Fair Trading Act or the Trade Practices Act.

**Ms SYLVIA HALE:** Do you suggest there is an avenue through the courts but not through the CTTT?

**Mr STOWE:** No, they could take it to the CTTT.

**Ms SYLVIA HALE:** For instance in relation to guttering that is found not fit for purpose essentially in its design then it would be possible for a complainant to pursue the issue of the design, and possibly the fixing of the guttering if there were no alternative way of fixing it, through the CTTT?

**Mr STOWE:** They could make a claim in connection with the goods not being of merchantable quality as you point out, yes.

**Ms SYLVIA HALE:** You may be aware of considerable consternation about the design of guttering and the manner in which it is fixed and, I believe, it is a time bomb waiting to explode. Are you aware of a complaint inspection advice prepared by the Department of Fair Trading, which says:

It is my opinion that the overflow provisions to the guttering as installed are ineffectual and unfit for purpose. I am unable to form an opinion as to the cause of the cracks to the masonry, however, the guttering system as installed may currently be allowing water to enter the cavity, cause mould and cause structural instability in the long term if unaddressed.

On 6 March a meeting was convened by the Office of Fair Trading that involved representatives of plumbing and building industries, guttering manufacturers, Standards Australia and relevant government agencies. In a press release the former Minister for Fair Trading said there have been very few complaints. Have there been many complaints to the Office of Fair Trading about guttering? Has there been an increase in the number of complaints since the Minister issued that press release.

**The Hon. LYNDA VOLTZ:** I think it is very difficult for a department when the member reads from a document that has not been seen.

**Ms SYLVIA HALE:** It is the Minister's own press release.

**The Hon. LYNDA VOLTZ:** You are asking an agency to give an opinion on one.

**Ms SYLVIA HALE:** No, I am asking for an opinion now about the media release.

**The Hon. CATHERINE CUSACK:** As is happening repeatedly while a member is trying to ask a question a running commentary is held under the guise of a point of order from other members. I ask that all points of order be directed to you Madam Chair and that they actually deal with legitimate points of order.

**The Hon. LYNDA VOLTZ:** I think it is appropriate that if the member is reading from a document from the Department of Fair Trading for it to be tabled so that Minister has an opportunity to see it.

**CHAIR:** As I understand it, Ms Sylvia Hale is asking a question about a media release. Will the Minister answer the question?

**Ms VIRGINIA JUDGE:** I will take that question on notice and provide an answer.

**Ms SYLVIA HALE:** Has the Minister or officers of her department had further representations by steel industry manufacturers of guttering in respect to pressure not to force them to meet the Australian standards and the Building Code of Australia in respect to the design and attachment of guttering?

**Ms VIRGINIA JUDGE:** Since I have become the Minister I have had meetings with different peak bodies representing community groups, often as a result of discussions with some of my colleagues here but I have not met with the steel industry.

**Ms SYLVIA HALE:** There are four major manufacturers of guttering in this country. Have you, or your predecessor, been lobbied by them or had meetings with them since March 2008?

**Ms VIRGINIA JUDGE:** I do not know what the Hon. Linda Burney did when she was Minister.

**Ms SYLVIA HALE:** But your officers may?

**Mr GRIFFIN:** In answer to your question, no. We have received a copy of an academic report auspiced by Newcastle university. We have forwarded that on to the Australian Building Codes Board and Australian Standards. My understanding is that both bodies are considering that report in terms of perhaps making changes to the Building Code of Australia.

**Ms SYLVIA HALE:** Could I point out that the Committee on Uniformity of Plumbing and Drainage Regulations put out a circular to its members dated 7 March drawing attention to the Building Code of Australia and saying that the requirements of that Building Code must be—and that is emphasised—complied with. Similarly, in the following month, the Master Builders Association drew the attention of its members to the necessity of complying with the provisions of the relevant building standards.

**Mr GRIFFIN:** Yes.

**Ms SYLVIA HALE:** What has the department done to notify plumbers and others, and manufacturers, of the need to comply with the standards?

**Mr GRIFFIN:** We issued a circular generally as part of a quarterly newsletter. The Department of Water and Energy also issued a circular to all local government authorities and the Building Professionals Board did likewise to all certifiers, just clarifying that people have to meet the standards that apply to the installation of gutters, particularly high-front gutters.

**Ms SYLVIA HALE:** Are you aware that as late as last night when I downloaded this material from BlueScope Steel Australia, which I think is a division of Lysaght Steel—

**The Hon. HENRY TSANG:** BHP.

**Ms SYLVIA HALE:** They had a step-by-step guide to gutter installation, and I am reliably informed that, if one follows that guide, it is impossible to comply with the standards set out in the building codes. Would you care to inform the Committee whether the step-by-step guide produced by BlueScope Steel makes it impossible to comply with the standards?

**Mr GRIFFIN:** Yes.

**Ms VIRGINIA JUDGE:** I am not a plumber, but we will take it on notice, if we can do that?

**Ms SYLVIA HALE:** Yes. Will you also take on notice that to have the protection of the warranty supplied by manufacturers such as BlueScope Steel plumbers must comply with manufacturers' instructions and they are then faced with the dilemma that if they comply with the manufacturer's instructions it may be impossible to comply with the requirements of the building code. They either have no protection from the manufacturer or insurance companies will not insure work that is not constructed in conformity with the standards. Will your department investigate the way out of this dilemma faced in particular by plumbers who are required to put up these gutters?

**Ms VIRGINIA JUDGE:** My officers are nodding, indicating yes, yes, yes.

**Ms SYLVIA HALE:** Minister, you may be aware—and I do not expect you to be—that 90 million metres of guttering is erected in Australia every year and 65 per cent of it is made up of re-guttering largely from older homes. If my suggestion is correct that, as a result of the ill design of the guttering and its incorrect attachment, because the front of the gutter is higher than the back and water backflows between the cavities of the walls, we are creating a situation where not only new homes that are constructed with softwood frames but older homes are going to be damaged from mould, cracking and deterioration, but this damage may not become apparent for eight years, what steps would you take to warn the owners of buildings and people who are involved with guttering on new buildings of the problems that may present themselves possibly eight or ten years down the track and after warranties have expired?

**Ms VIRGINIA JUDGE:** You have identified some interesting issues. Mr Griffin would like to say a couple of things, but one thing I have been informed of is that less than one per cent of complaints made to the Office of Fair Trading since 2003 actually relate to the installation of guttering and the major insurance companies which provide insurance for home and contents have not identified this as a significant issue or notified of it. Having said that, I think Mr Griffin will be able to give you some more information.

**Mr GRIFFIN:** Yes. Having said all of those things, we will continue to monitor this. This is an issue that goes to the heart of the standard and the products that are applied. High-front guttering has been around for 17 years, so one would have thought that if there were a major issue it would have manifested itself by now. Having said that, though, there have been product developments and we need to make sure, whilst they go through an Australian Standards process, we monitor that in practicality they work as intended and, most importantly, that they are installed as intended so that they have backflow prevention measures to make sure that water does not go back into the cavity of the building. We will continue to monitor that.

**Ms SYLVIA HALE:** But the problem will not manifest itself for eight, ten or twelve years?

**Mr GRIFFIN:** It all depends on seasonal factors. Obviously if there is a drought it is going to take longer, but if there is reasonable rain like we have had in recent times one would think that it would manifest itself as a problem.

**Ms SYLVIA HALE:** It may have nothing to do with gutters being blocked.

**Mr GRIFFIN:** That is right.

**Ms SYLVIA HALE:** It may be the incapacity of the gutter to counter the overflow?

**Mr GRIFFIN:** Or being blocked, yes.

**Ms SYLVIA HALE:** With the high edge?

**Mr GRIFFIN:** That is right, yes.

**Ms SYLVIA HALE:** And you would be looking at slots?

**Mr GRIFFIN:** Absolutely. Slots are only one way to comply with the standard.

**The Hon. LYNDA VOLTZ:** The Government will defer its questions at the moment.

*[Short adjournment]*

**The Hon. CATHERINE CUSACK:** I want to ask about the status of the Retirement Villages Act. I understand you met with the residents' association and indicated to them that you would pull the bill. I wonder what "pull the bill" means.

**Ms VIRGINIA JUDGE:** Yes, I met with some of the residents who were members of that particular group. They said to me that they had some issues with some aspects of the bill. It was very interesting to meet them personally and hear their stories and those of some other people they know who are living in retirement villages. The primary issue that seemed to come out of that meeting was to do with the up to 50 per cent component, which you are probably aware of. That is one of the hot issues there and it relates to the issue of capital replacement.

**The Hon. CATHERINE CUSACK:** I am not seeking to debate the bill itself. I have only 10 minutes left. Can you tell us what you mean by "pull the bill"? The terminology I understand you used at those meetings was that you would "pull the bill".

**Mr STOWE:** I was not at the meetings but obviously the Government wants to do some more deliberations with stakeholders on the legislation.

**Ms VIRGINIA JUDGE:** Because I have been Minister for only a couple of weeks and have not had time to meet with peak bodies I want to make sure—

**The Hon. CATHERINE CUSACK:** I understand. What does that mean—

**Ms VIRGINIA JUDGE:** I am hopeful it will be debated this session. I am trying to get everyone together as quickly as possible. If you have some people or groups that we need to speak to I am happy to meet them, but I have to have time to do that so that I can be fully confident when the bill goes into the Chamber it will look after the people who live in these retirement villages and who deserve that sort of care and attention.

**The Hon. CATHERINE CUSACK:** I understand it is already in the Chamber, Minister, so are you looking at potentially leaving the bill on the table in the Chamber or amending the bill?

**Ms VIRGINIA JUDGE:** I am hoping it will be debated this session.

**The Hon. CATHERINE CUSACK:** They are under the impression that you are going to be reviewing it.

**Ms VIRGINIA JUDGE:** At the moment I have to meet with a couple of other groups. I think I am meeting a group this afternoon.

**The Hon. CATHERINE CUSACK:** Have you met with representatives of the retirement village industry?

**Ms VIRGINIA JUDGE:** I met with members of the Retirement Village Residents Association. I need to make sure I meet with—

**The Hon. CATHERINE CUSACK:** I am talking about the industry, Minister.

**Ms VIRGINIA JUDGE:** I believe I am meeting with them after this. It will be good because I want to get a balanced view.

**The Hon. CATHERINE CUSACK:** I see that your campaign has been financially supported in the past by owners and operators of retirement villages.

**Ms VIRGINIA JUDGE:** I do not know what you are talking about.

**The Hon. CATHERINE CUSACK:** I am talking about a \$2,000 donation to the Strathfield campaign by Waterbrook & Yowie Bay Pty Ltd who operate that retirement village and another \$1,000 by Cardinal Freeman Village, which of course is operated by Aevum Ltd, one of the largest retirement village operators in Australia.

**Ms VIRGINIA JUDGE:** I do not think that is relevant to considerations of this Committee. I am very happy to take on board issues that relate to the matters we are supposed to be talking about related to the budget.

**The Hon. CATHERINE CUSACK:** There is deep anxiety about what is influencing the provisions in this bill, Minister. Perhaps you can just put those anxieties to rest. It is open to you to do that, Minister.

**The Hon. LYNDA VOLTZ:** Point of order: The Minister has already answered the question. It is not a question that is relevant to the portfolio in front of us.

**CHAIR:** If it goes to the administration of the portfolio it is a question that is justified in being asked.

**The Hon. LYNDA VOLTZ:** It does not go to the administration of the department.

**CHAIR:** It may well do. Is the Minister able to answer the question?

**The Hon. LYNDA VOLTZ:** The Minister has answered the question.

**Ms SYLVIA HALE:** How do you know?

**The Hon. LYNDA VOLTZ:** She just said that.

**Ms VIRGINIA JUDGE:** The intent of this bill, which we really should not be talking about because I believe procedurally it is before the upper House—

**The Hon. CATHERINE CUSACK:** We have had a long discussion about the amending bill, which is before the upper House as well.

**Ms VIRGINIA JUDGE:** I want to meet with the key stakeholders to make sure that they have a chance to discuss with me the issues they feel are relevant so that if any amendments are needed to the legislation, or it should be left as it is, I need to make sure in my own conscience that I have listened to all the different views. At the end of the day we want to make sure that people who live in retirement villages have the sorts of systems in place that will represent their best interests.

**The Hon. CATHERINE CUSACK:** We have moved on from the legislation. Minister Beamer tabled the exposure draft bill in November 2006. Why did it take so long—until June 2008—to introduce that legislation? Do you know what caused the delays?

**Ms VIRGINIA JUDGE:** I will have to ask one of my officers to answer.

**The Hon. CATHERINE CUSACK:** Mr Stowe, you will be aware that Minister Beamer wrote to people saying that it was the Government's intention to reintroduce the bill straight after the March 2007 election but it took until June 2008. What caused those very extensive delays?

**Mr STOWE:** There was extensive consultation and comment on the draft bill and changes were made as a consequence of that process. It was essentially the need to take into account and analyse the submissions and make recommendations and put options to Government and then have those included through the Cabinet processes.

**The Hon. CATHERINE CUSACK:** In relation to capital maintenance, what were the main changes that were made between the 2006 draft and the 2008 bill?

**Mr STOWE:** To be precise I would have to take that on notice and come back to you to give you exact information about it. I can say, Ms Cusack, that the department certainly has been under no pressure or direction in preparing options for the Government on this. Certainly any suggestion that we have been influenced inappropriately is incorrect in my experience.

**Ms VIRGINIA JUDGE:** I would like to say in conclusion on this matter that we are trying to get a balance between all the stakeholders. That is what it has been about and I think that is what the officers have been trying to do.

**The Hon. CATHERINE CUSACK:** That is actually different from what you said initially, which was that you were trying to protect consumers.

**Ms VIRGINIA JUDGE:** As Minister for Fair Trading, as I said quite a few times when talking about a number of issues relating to home warranty insurance, my role is to make sure that consumers are protected. I also said that it was to advise our traders and retailers on fair and ethical business practice. We need to make sure that everyone who is a taxpayer, everyone who pays for the Office of Fair Trading, should have fair representation. I think you know the way I have done my business on council for many years, as mayor four times, and I have always tried very much to listen to people and get out there and get to the coalface. You cannot always have everything 100 per cent one way or another way, but I try as much as I possibly can. I am quite clear in my conscience on that.

I do street meetings in the local community and that is pretty much a reflection of the sort of person I am. It is great when my colleagues of all political persuasions say to me, "You need to talk to this person; you need to get out to this place." If I have the time I do my very best to consult as broadly as possible because I and my colleagues here want to make sure that the policies that we bring into the Chambers to be debated and eventually become law will reflect the concerns of the community. I make no apologies for that. I think that is what the community members expect from their elected members of Parliament, whether they are in the lower House or in the upper House.

**The Hon. CATHERINE CUSACK:** On 3 July the Retirement Villages Association issued a media release under the heading, "Lobbying Achieves Changes to the Retirement Villages Bill." It welcomed the outcome and said:

It was a great result for retirement villages, in particular, changes to the treatment of capital maintenance and capital replacement. She has been lobbied and we are happy about these changes.

To which changes do you understand the association to be referring, Minister?

**Ms VIRGINIA JUDGE:** I do not recall seeing that press release. When was it put out?

**The Hon. CATHERINE CUSACK:** It was issued in July. I will table that press release, a famous media release that it appears all retirement village residents have a copy of.

**CHAIR:** It is dated 3 July 2008.

**Ms VIRGINIA JUDGE:** I apologise, as I have not seen it—probably because I was not involved in this portfolio. When I was Parliamentary Secretary for Education and Training I immersed myself in those issues.

**The Hon. CATHERINE CUSACK:** We would dearly like the former Minister to answer these questions.

**Ms VIRGINIA JUDGE:** I am sorry. What can I say?

**The Hon. CATHERINE CUSACK:** Minister, will you take that question on notice?

**Ms VIRGINIA JUDGE:** What was the question?



**The Hon. CATHERINE CUSACK:** What are the changes being referred to in the media release?

**Ms VIRGINIA JUDGE:** We will take that question on notice.

**Ms SYLVIA HALE:** Minister, referring to that media release it might prompt your memory that at a recent meeting, which a member of my staff attended at your office, the media release was read out by a resident. That is the media release to which the Hon. Catherine Cusack is referring. However, would you take that question on notice and get back to the Committee? In late September this year the Real Estate Institute of New South Wales produced a media release in which it made the claim that there are only 739 vacant private rental houses in Sydney.

Clearly that figure was wrong and statistically impossible, given the number of private rental houses recorded by the Australian Bureau of Statistics and the average vacancy rate. It was also the subject of Media Report on ABC Radio. Have you or the Office of Fair Trading taken any action to warn the Real Estate Institute not to distribute misleading information to consumers such as these wildly inaccurate figures, which were probably designed to benefit agents and landlords by exaggerating rental scarcity?

**Ms VIRGINIA JUDGE:** I will have to take advice on that matter from my officers or from the commissioner.

**Ms SYLVIA HALE:** Could you get back to me on that?

**Mr STOWE:** I am not entirely familiar with the information. If it is alleged that there have been misrepresentations in some way and it is in trade and commerce there may be remedies under the Fair Trading Act. However, I do not know whether the Fair Trading Act applies in this case.

**Ms VIRGINIA JUDGE:** Is that a press release from Real Estate Institute of New South Wales?

**Ms SYLVIA HALE:** Yes. The press release appeared in a number of newspapers and it was certainly repeated ad nauseam on the radio, so much so that the ABC's Media Report cracked it. Clearly, it was a misstatement of the position. Presumably its intent was to panic people into paying higher rent, or whatever. My question is: Have you contacted the institute or done anything to warn it that such behaviour is inappropriate?

**Mr STOWE:** The Minister is meeting with the institute tomorrow. I am sure we will have an opportunity to discuss it then.

**Ms VIRGINIA JUDGE:** How many vacant rental houses are there?

**Ms SYLVIA HALE:** There are 739 in the whole of the Sydney metropolitan area.

**The Hon. CHRISTINE ROBERTSON:** A good bit of lobbying there, Sylvia.

**Ms SYLVIA HALE:** Minister, the Government now holds about \$742 million a year in bonds. Presumably they produce a return and the interest payment is about 69 per cent per year. I know that part of those interest payments go to fund tenancy advice services.

**Ms VIRGINIA JUDGE:** That is correct.

**Ms SYLVIA HALE:** Will you increase interest payments to tenants from the interest generated on their own money, given that at the moment tenants receive a 0.01 per cent return on their money?

**Ms VIRGINIA JUDGE:** As you mentioned, and in accordance with legislation, the earnings from rental bond accounts are spent on programs that benefit tenants—programs such as the Tenants Advocacy Program and the Office of Fair Trading has a tenancy information service. Funds have also been allocated towards affordable housing initiatives. I make no apology for supporting such important work. A small proportion of interest, or 0.01 per cent, is not being paid back to tenants. It is important to note that New South Wales is one of two States—I think South Australia is the other—to pay the same rate under the residential tenancy law to which the member is referring. At the moment recommendations and feedback from reports are still under consideration. I am keen to ensure that these issues are widely canvassed and that, at end of the day, we get the best results for tenants and for landlords. The commissioner might like to add something.

**Ms BAKER:** At the moment a package of reforms is on foot. The interest on bonds issue will be dealt with as part of that package.

**Ms SYLVIA HALE:** Minister, can you assure tenants that there is no truth to the suggestion that is doing the rounds at the moment that the Government is considering removing even this paltry interest payment to tenants?

**Ms VIRGINIA JUDGE:** As I said, at the moment it is open to public discussion. I think the former Minister issued a discussion paper last year.

**Mr STOWE:** That is correct. You have now been given options to—

**Ms VIRGINIA JUDGE:** What was the title of that discussion paper?

**Ms BAKER:** Residential tenancy reform.

**Mr STOWE:** It related to residential tenancy reform. Recommendations have been made to the Government on a number of options that, no doubt, you will be considering.

**Ms VIRGINIA JUDGE:** I will be considering whatever comes in.

**Ms SYLVIA HALE:** Minister, you would be aware that tenants are suffering double harm, as it were. Not only is inflation eating into the value of the bond that they have lodged but obviously, given the increase in interests rates, they are being severely disadvantaged in receiving only 0.01 per cent rather than some greater portion of the 9 per cent that the Government might well be obtaining. You will obviously be aware that, as a result of the amendment to the Residential Parks Act, the onus is now on the tenant to prove that a rent increase is excessive, rather than the former position where an owner had to justify any increases in rents. So there has been a reversal of the onus of proof.

**Ms VIRGINIA JUDGE:** Are you talking specifically about residential parks?

**Ms SYLVIA HALE:** Yes, residential parks. Can you inform the Committee whether there has been an increase in matters going before the tribunal relating to what tenants think of excessive rent increases?

**Ms VIRGINIA JUDGE:** Are you referring specifically to tenants who live in residential parks?

**Ms SYLVIA HALE:** Yes.

**Ms VIRGINIA JUDGE:** And specifically to the cases that have gone before the Consumer, Trader and Tenancy Tribunal?

**Ms SYLVIA HALE:** Yes. I believe that tenants can go to the tribunal now if rent increases exceed the consumer price index.

**Ms VIRGINIA JUDGE:** While there are around 900 residential parks in New South Wales, or up to 30,000 residents, apparently only a small percentage of that number have to resort to making an application to the CTTT for determination in cases where a proposed rent increase is excessive. Apparently in the six months from 1 March to 31 August 2008 only 285 excessive rent applications were received. I understand that 92 per cent of those came from just eight parks. Apparently, that figure is 38 per cent lower than the figure for the same period in 2007, which is continuing a decreasing trend that has been evident over the past few years, which is good. Overall applications in the residential parks division of the tribunal were down by 21 per cent compared with 2007. Are they the most up-to-date figures we have?

**Ms BAKER:** That is right.

**Mr STOWE:** Yes.

**Ms VIRGINIA JUDGE:** I hope that clarifies your question.

**Ms SYLVIA HALE:** Minister, are you aware that representative groups such as the Park and Village Service place higher rents among its top three concerns?

**Ms VIRGINIA JUDGE:** Mr Stowe, have you any clarification on that?

**Mr STOWE:** I think generally they have been concerned about rents, but I think the figures the Minister gave bear out the policy intent. The amendments the Government made were to reduce these disputes in the tribunal, and that has been borne out in the figures the Minister has provided.

**Ms SYLVIA HALE:** Could I give you a specific example? The owner of the Lakeside Holiday residential park at Ballina tried to increase the weekly rent by \$60, but lost that claim at the tribunal. Subsequently, he then increased the rent by \$30, which, of course, has quite a devastating effect on many of the residents of these residential parks.

**Ms VIRGINIA JUDGE:** Was that per week?

**The Hon. CATHERINE CUSACK:** I am sorry, which park?

**Ms SYLVIA HALE:** It is the Lakeside Holiday Park at Ballina. Clearly, these rent increases have a severe effect on many of the residents who are pensioners. Dealing with the position of pensioners in residential parks, will you make representations to the Minister for Water, the Minister for Local Government, water suppliers, and the Local Government and Shires Associations to develop strategies that ensure that park residents have an unequivocal right to pensioner water rebates? You have made representations?

**Ms VIRGINIA JUDGE:** I have just been told that we have. That was by the previous Minister because I did not sign that.

**Ms SYLVIA HALE:** Has there been any follow-up?

**The Hon. CATHERINE CUSACK:** What was the outcome?

**Mr STOWE:** I do not have the response.

**Ms VIRGINIA JUDGE:** We will take it on notice. The previous Minister has written and we are waiting for a response.

**The Hon. CATHERINE CUSACK:** Was that for retirement villages as well?

**Mr STOWE:** No.

**The Hon. CATHERINE CUSACK:** Would you also provide an answer in relation to retirement villages as well, that is my question.

**Ms SYLVIA HALE:** Mine was about residential parks. Catherine is quite right, it is probably the same position in relation to retirement villages, because I am not sure.

**The Hon. CHRISTINE ROBERTSON:** It is a different question.

**Ms VIRGINIA JUDGE:** I thought it was Sylvia's question time.

**Ms SYLVIA HALE:** No, but I think Ms Cusack has made a valid point in asking if residents in retirement villages—

**The Hon. LYNDA VOLTZ:** Point of order: My point of order relates to the time. If we are to continue on this track, I will happily ask questions.

**Ms SYLVIA HALE:** I was just rounding that off.

**CHAIR:** Minister, can you answer that question, otherwise we will conclude.

**Ms VIRGINIA JUDGE:** I am a bit confused as to what the last question was.

**Ms SYLVIA HALE:** Can you advise the Committee whether pensioner water rebates for residents of retirement villages is the same? Does it also apply to—

**The Hon. LYNDA VOLTZ:** Point of order—

**Ms SYLVIA HALE:** It is a simple point for information.

**The Hon. LYNDA VOLTZ:** No, it is not.

**The Hon. CATHERINE CUSACK:** I am happy for you to ask more questions if that is how long it takes to get an answer.

**The Hon. LYNDA VOLTZ:** It is not a simple question. It is a complex question because retirement villages are very different to parks. So, if we are going to continue along this light, I will happily ask questions.

**Ms SYLVIA HALE:** The Acts are administered by the one Minister.

**The Hon. LYNDA VOLTZ:** My question to the Minister is—

**CHAIR:** Order!

**Ms SYLVIA HALE:** I think it is an instance of cutting off one's nose to spite one's face.

**CHAIR:** Minister, are you able to answer that or will you take it on notice?

**Ms SYLVIA HALE:** Just take it on notice.

**Ms VIRGINIA JUDGE:** I think I was taking it on notice.

**CHAIR:** That concludes the hearing. Minister, I thank you and your officers for assisting us at the hearing today.

**Ms VIRGINIA JUDGE:** I thank you also for chairing the inquiry.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**

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