

## GENERAL PURPOSE STANDING COMMITTEE No. 2

Monday 15 October 2007

Examination of proposed expenditure for the portfolio area

### FAIR TRADING, YOUTH, VOLUNTEERING

The Committee met at 2.15 p.m.

#### MEMBERS

The Hon. R. M. Parker (Chair)

The Hon. A. Catanzariti  
The Hon. C. E. Cusack  
The Hon. G. J. Donnelly  
The Hon. M. A. Ficarra

Reverend the Hon. G. K. M. Moyes  
Ms L. Rhiannon  
The Hon. C. M. Robertson

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#### PRESENT

**The Hon. L. J. Burney**, *Minister for Fair Trading, Minister for Youth, and Minister for Volunteering*

**Office of Fair Trading**

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

**Mr R. Stowe**, *Deputy Commissioner, Policy and Strategy*

**Mr D. Catt**, *Acting Assistant Commissioner*

**Mr S. Griffin**, *General Manager, Home Building Service*

**Mr M. Silk**, *Executive Director*

**Commission for Children and Young People**

**Ms G. Calvert**, *Commissioner*

**Department of Community Services**

**Dr N. Shepherd**, *Director General*

**Ms D. Rygate**, *Deputy Director General, Strategy, Communication and Governance*

**Mr P. Murphy**, *Director, Strategy and Planning*

**Department of Premier and Cabinet**

**Mr J. Scott**, *Director, Strategic Projects Division*

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CORRECTED

## **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:** The Committee will inquire into budget estimates and examine expenditure for the portfolios of Fair Trading, Youth, and Volunteering, and I declare this hearing open to the public. I welcome the Minister and officials to the hearing. Only Committee members and witnesses may be filmed or recorded. People in the Public Gallery should not be the primary focus of filming or photographs. In reporting the proceedings of the Committee, the media must take responsibility for what is published and interpretations placed on it, or on anything that is said before the Committee. There are guidelines for broadcasting available at the door.

Any messages for attendees in the Public Gallery should be delivered through the Chamber support staff or the Committee Clerks. I remind the Minister and officers accompanying her that they are free to pass notes and they may refer directly to advisers at the table. I ask everyone to turn off their mobile phones or switch them to flight mode.

The Committee has resolved to request that answers to questions on notice that the Minister and officers take be provided within 21 calendar days from the date on which they are sent to the Minister's office. Do you think there will be any difficulties with that Minister?

**Ms LINDA BURNEY:** No. That is fine.

**CHAIR:** Hopefully they will be provided sooner than 21 days, but 21 days is the maximum.

**Ms LINDA BURNEY:** Yes.

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

**DAVID CATT,** Acting Assistant Commissioner—Operations, Office of Fair Trading,

**STEVE GRIFFIN,** General Manager—Home Building Service, Office of Fair Trading,

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

**ROD STOWE,** Deputy Commissioner—Policy and Strategy, Office of Fair Trading, sworn and examined:

**CHAIR:** Minister, a further request of the Committee is that your opening statement be brief.

**Ms LINDA BURNEY:** My opening statement should conclude within four minutes. Is that brief enough?

**The Hon. GREG DONNELLY:** Perfect.

**Ms LINDA BURNEY:** I am very proud to serve in the Iemma Government as the Minister for Fair Trading, Minister for Youth, and Minister for Volunteering. My portfolio responsibilities have given me the opportunity to travel across New South Wales and talk to people about issues impacting on their lives and their communities. Since becoming a Minister I have been to 29 regional centres, and I will continue to listen to the views of our community. As a Minister in the Morris Iemma team, I have been working to deliver the priorities set out in the State Plan.

Fair Trading protects consumers and assures the provision of a fair marketplace. It helps consumers and traders understand their rights and obligations by providing formal dispute resolution, administering licensing and registration for business and community sectors, enforcing the law and informing the community. Its customers include people who are renting homes and those building or renovating. There are strata scheme owners and people buying or repairing cars. Our business customers include builders, real estate agents, motor dealers and people wanting business names, just to mention a few.

I have many key facts here. In the time that we have available, I will not go through all of them, but our total requests for services by the community every year is over 6.5 million. We deal

with 1.25 million phone calls; we have 240,000 counter inquiries a year; we have an 85 per cent successfully resolved complaints situation; we produce many publications often in community languages; we have a very well-developed website with 2.5 million visitors a year; we deal with 41 compliance related activities including inspections, investigations and prosecutions.

We also have responsibility, of course, for the Consumer, Trader and Tenancy Tribunal. Once again in terms of brevity I will not go through everything, but in the 2006-07 year we have dealt with 64,168 applications, a 5 per cent increase on the last period; we had 79,826 hearings in 95 locations across New South Wales; 81 per cent of our applications are listed for hearing within 28 days and 78 per cent of applicants are determined before or at the first hearing. We have had 935 written complaints that were received about tribunal services representing 1.4 per cent of the total applications received. I am advised that the average time it took for a chairperson to respond was 22 days.

Can I move on to my other portfolio area: Youth. I was absolutely thrilled to be given the Youth portfolio. As Minister I will take every opportunity to talk up the positives about young people and to remind society of their creativity, energy and ideas. I want to promote their excellence in sport, the arts, in schools, in universities, in music and working in the community, and to come up with practical ways to help them get involved in their communities and in the life-flow of this State. I am really pleased that with the success of our participation strategies this year, for the second year in a row, we have every single local council in New South Wales holding Youth Week events. The New South Wales Youth Advisory Council has been very active on a range of issues and I am pleased to inform you that with the quality of their work and their passionate commitment I look forward to continued support of ministers and agencies from across government in implementing the youth action plan to help improve outcomes for young people in New South Wales and to get them involved in government decision-making and in their communities.

My other portfolio area is Volunteering. I am here today also, as you know, as the Minister for Volunteering. I am committed to acknowledging and celebrating on behalf of the New South Wales Government and the people of this State the extraordinary contribution volunteers make to the social fabric of our communities and to the New South Wales economy. Volunteers play such an important part in our communities; they are the glue that holds our communities together. I am proud to have the opportunity to support, strengthen and diversify volunteering across the State. As patron of the inaugural New South Wales Volunteer of the Year awards, I look forward to honouring the dedication of volunteers from across the State at the awards presentation on International Volunteers Day in December this year. The New South Wales community sector has responded positively to the Government focus on volunteering, and excellent relationships have already been formed with the New South Wales Centre for Volunteering and with a wide range of peak non-government organisations such as Red Cross, Conservation Volunteers Australia and the Benevolent Society. We are creating ways to ensure volunteering remains a precious part of the Australian way of life.

In closing can I say that I have made 29 regional trips in New South Wales; I have visited 8 Fair Trading centres; I have met or visited 20 financial counselling services; I have visited residential parks and retirement villages across the State. As Minister for Volunteering I have visited 19 volunteer organisations and as Minister for Youth I have met with or visited 31 youth organisations.

**The Hon. CATHERINE CUSACK:** Are you aware that for the period July 2006 to June 2007, 9,248 people went bankrupt in New South Wales and that this is an increase of 23.4 per cent on the previous financial year? Are you also aware of the 41.6 per cent increase in formal insolvency agreements? Why does New South Wales have the highest increase in bankruptcy and insolvency activity in Australia? What measures are you taking to address that?

**Ms LINDA BURNEY:** I thank the shadow Minister for Fair Trading for her question. The issues that she raises are significant, not only in New South Wales but across Australia, and have had a high profile in the media and there has been much public discussion. In response specifically to the last part of the question on the issue of New South Wales participation, in November 2005 the former Minister for Fair Trading took a proposal to the Ministerial Council on Consumer Affairs that New South Wales should develop proposals on a national basis to address lending practices by card issuers that were seen to be irresponsible and that led to credit card overcommitment for a significant number of disadvantaged consumers.

Responsible lending practices is significant in terms of the issues of insolvencies and bankruptcies, and obviously the great heartache that is experienced by many people in New South Wales. The fundamental issues around consumer credit are currently regulated, as many of you would be aware, by the Consumer Credit Code, which is the nationally uniform State-based legislation that governs all personal domestic and household credit transactions in Australia. The code addresses repayment capacity by providing for the court or tribunal to reopen a credit transaction if a contract is found to be unjust. One of the criteria for considering a contract to be unjust is whether at the time the contract, mortgage or guarantee was entered into or changed the credit provider knew or could have ascertained by reasonable inquiry of the debtor at the time that the debtor could not pay in accordance with its terms or not without substantial hardship.

**The Hon. CATHERINE CUSACK:** I am sorry to interrupt but just in relation to the actual bankruptcy question are you saying that this is because New South Wales credit card provisions are unjust?

**Ms LINDA BURNEY:** No, I am not saying that; I am pointing out to the Committee that the breadth of this answer goes to the availability of credit. It also goes to the rising levels of debt, which are absolutely related. It is distressing to see what is happening. I am pointing out to the Committee that the issues around consumer credit or consumer debt are part of an important project that New South Wales is leading. Consumers do not generally approach the court or tribunal on their own behalf, but if represented by a legal centre will generally get relief from the credit provider before any matter goes to adjudication. While the benefits—

**The Hon. CATHERINE CUSACK:** I am sorry to interrupt again but my time is very limited and I was hoping to talk about bankrupts in New South Wales.

**Ms LINDA BURNEY:** I am getting to that. The fundamental parts of bankruptcy are around the availability of credit. We also know that a fundamental issue is increased interest rates caused by the last five interest rate increases. It looks like there will be another interest rate rise under the present Federal Government despite the promises made at the last election relating to interest rates.

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

**Ms LINDA BURNEY:** It is a complicated answer around bankruptcies and insolvencies. The point I am making to the Committee is that part of the underlying problem is the easy availability of credit. One important initiative New South Wales is involved with is a national initiative through the ministerial council on looking at ways to deal with the issues relating to the availability of credit. Some of that is through financial literacy and developing that with consumers. The other thing about the rising level of debt is that more and more Australians are experiencing financial difficulty, which means that hardship in many families is becoming exacerbated. Members of both sides—

**The Hon. CATHERINE CUSACK:** Madam Chair, I ask you to ask the Minister to answer my question about why New South Wales has nearly double the national figure on bankruptcy. If the Minister wants to take that on notice, that is fine. It is just that we have quite a lot of material to ask about.

**Ms LINDA BURNEY:** I will answer that question and then take perhaps part of it on notice.

**CHAIR:** Is there a possibility of tabling the answer?

**Ms LINDA BURNEY:** The issues around bankruptcies are not specific to New South Wales. Indeed, it is a rising national problem. If you would like me to take part of it on notice, I will, but the point I am making—

**The Hon. CATHERINE CUSACK:** Yes, the 13.2 per cent national figure and 23.4 per cent New South Wales figure.

**Ms LINDA BURNEY:** The fundamental issue, which is not specific to New South Wales, relates to the availability of credit. It is within a national housing market and a national construct.

**The Hon. CATHERINE CUSACK:** In relation to financial counselling in New South Wales, are you aware that Insolvency and Trustee Service Australia reports that in 2003, 40 per cent of bankrupts accessed advice from financial counsellors but by 2005 this had fallen to just 25 per cent? Can you explain why access to financial counsellors is falling, and does that bother you?

**Ms LINDA BURNEY:** It is not falling. That is just not a true statement. As I said, I have visited and spoken to 20 financial counselling services across New South Wales. The Department of Fair Trading, through interest from the Rental Bond Board, funds financial counselling services across New South Wales. There has been an increase in the amount of funding that we have committed to financial counsellors in New South Wales. The total funding allocation for 2007-10 is more than \$7 million. It represents a 17 per cent increase in funding from 2004-07. The funding provided in the first year—that is, this year—is almost \$2.5 million. I have spoken to many of the services, including Anglicare up and down the North Coast, a number of Uniting Church organisations, particularly Creditline Fairfield and Creditline Sydney and the Illawarra Legal Centre. I have also visited a number of the services in the south western part of the State. The story I am being told, particularly in rural New South Wales, is a difficult story because the increase, particularly in families seeking assistance for financial counselling, is largely a result of the drought.

**The Hon. CATHERINE CUSACK:** Minister, thank you for your answer.

**CHAIR:** Minister, we are asking for short responses.

**Ms LINDA BURNEY:** I am giving the responses that I think are appropriate. As to your question about fewer people accessing services, it is simply untrue.

**The Hon. CATHERINE CUSACK:** Can I table this document? It is page 4 of the Federal Government's Insolvency and Trustee Service Australia report on the profile of bankrupts, which indicates the statistics I gave to the Committee: 25 per cent were able to access financial counselling in 2005 and 40 per cent in 2003.

**CHAIR:** Is leave granted?

**The Hon. GREG DONNELLY:** I have never seen the document before.

**The Hon. CATHERINE CUSACK:** You are welcome to look at it. I am happy to come back to that. Minister, you mentioned that you visited Anglicare North Coast—

**Ms LINDA BURNEY:** Yes, I did.

**The Hon. CATHERINE CUSACK:** —which receives a grant of \$40,683.72 to provide all the credit counselling services for Coffs Harbour and an outreach service to Grafton, and it is in one of the most financially disadvantaged regions in the State. When you were in Grafton last week did Anglicare North Coast explain to you that, because the State Government has failed for nine years to increase its funding for this vital service, it has had to cut back its service?

**Ms LINDA BURNEY:** I think you will find that that service got some additional funding for training. Last week I was in Grafton, presenting a cheque for more than \$300,000 to an indigenous tenancy service. There was a representative, and I am not sure whether she was formally representing Anglicare—in fact, my understanding is that she was not—who took the opportunity to discuss with me at the time, and I add with media in tow, which I thought was incredibly unprofessional, the increase in the funding that was committed to Anglicare North Coast which, as you say, was \$40,683.72. I have asked the Office of Fair Trading to identify options for further increases in funding right across the financial counselling service.

If you speak to any of the financial counselling services that I visited in the past six months they will be able to tell you that that has been my sentiment to all of those services. We know that in some cases the issues being faced by people in the community are very difficult. As I said, there has been a 17 per cent increase. The funding for Anglicare North Coast has remained as it was last year. I made it very clear to the representative from Anglicare that there had been a 17 per cent increase

across the board in financial counselling. I was not prepared to sit there without having any specific direction or knowledge of whether that person directly represented Anglicare or not on the financial counselling arrangements.

I was very honest, as I think a Minister should be, in saying that I could not give any guarantees at that time. I was not prepared to; it would be very wrong of me to give any commitment like that to Anglicare North Coast for additional funding. I stress again that the overall global budget has increased by 17 per cent in financial counselling services in New South Wales.

**The Hon. CATHERINE CUSACK:** Minister, you have just indicated that that program is funded by the Rental Bond Boards. Is that correct?

**Ms LINDA BURNEY:** No, it is not. The financial counselling services are provided through recurrent funds from the Office of Fair Trading.

**The Hon. CATHERINE CUSACK:** Is that 17 per cent increase that you referred to an increase on the last financial year?

**Ms LINDA BURNEY:** It is an increase on the last triennium.

**The Hon. CATHERINE CUSACK:** That is a 17 per cent increase for the next three years on the previous three years?

**Ms LINDA BURNEY:** Yes.

**The Hon. CATHERINE CUSACK:** In real terms what is the increase, Minister?

**Ms LINDA BURNEY:** I just told you. It is triennial funding.

**The Hon. CATHERINE CUSACK:** You are speaking of two different triennial periods, up to six years apart. That is a real increase?

**Ms LINDA BURNEY:** No. The funding is worked out on a triennial basis. The increase has been 17 per cent across the board for three years and that is an increase of \$1.2 million over that three years. So you divide it by three.

**The Hon. CATHERINE CUSACK:** What is the real increase, Minister?

**Ms LINDA BURNEY:** I just indicated what the real increase was.

**The Hon. CATHERINE CUSACK:** I think that was a dollar increase. Do you know what the real increase is?

**Ms LINDA BURNEY:** I do not understand your question.

**The Hon. CATHERINE CUSACK:** That 17 per cent figure, as I understand it, is a dollar increase in the program.

**Ms LINDA BURNEY:** Yes.

**The Hon. CATHERINE CUSACK:** The real increase would be adjusted for CPI and wage—

**Ms LINDA BURNEY:** I will have to take that on notice. The overall global budget—I am not talking about net, I am talking about the global budget—has been increased by 17 per cent over three years.

**The Hon. CATHERINE CUSACK:** Okay. You would agree that Anglicare has not received any additional funding this year and that it has had to cut its services as a result?

**Ms LINDA BURNEY:** I cannot answer questions about its internal arrangements, but I can tell you that Anglicare's budget has been maintained over that period. We have additionally funded a number of other new financial counselling services over that period. The maintenance of Anglicare's budget is very obvious. I ask the Committee to take on board that the overall number of services that have been provided for financial counselling has increased. The CPI increase has been accounted in that. We have started some new arrangements, particularly for the more remote areas such as Griffith and Leeton, and they are by way of post boxes as well.

**The Hon. CATHERINE CUSACK:** Anglicare on the North Coast has had no change in funding on the previous year?

**Ms LINDA BURNEY:** I have said that three times. The budget for Anglicare North Coast has been maintained.

**The Hon. CATHERINE CUSACK:** Does the Government accept that those organisations have pay rises for their staff and that they need to find resources to meet those commitments?

**Ms LINDA BURNEY:** There are pay rises within those services—and I point out to the Committee that very often financial counselling services are auspiced by organisations such as Anglicare, the Uniting Church and a range of other community-based welfare organisations.

**The Hon. CATHERINE CUSACK:** So you are not funding those organisations to meet the pay rises?

**Ms LINDA BURNEY:** The pay rises are adjusted each year.

**The Hon. CATHERINE CUSACK:** Are the grants adjusted annually to meet the cost of salary increases?

**Ms LINDA BURNEY:** When the grants are provided that is one of the very significant considerations within that grant allocation.

**The Hon. CATHERINE CUSACK:** I understand, but are you confident that the increased amounts in grants are sufficient to allow the organisations to meet additional pay rises for their staff?

**Ms LINDA BURNEY:** The grants are provided like any other grant across government, across the community sector. Within that overall grant it is up to the organisations to determine how they are used within the guidelines proposed.

**The Hon. CATHERINE CUSACK:** Yes, Minister, you can just imagine the sense of irony we feel from a party that is going on and on about people's work entitlements, but they are not being funded.

**The Hon. TONY CATANZARITI:** What is the question?

**The Hon. CATHERINE CUSACK:** They are not being funded by the State Government to meet the costs.

**Ms LINDA BURNEY:** If you want to be truly equitable about funding for counselling services, such as Anglicare on the North Coast—I am aware that is where you are from—you need to look at what is happening across the whole range of services that we provide. The CPI is considered. Wage increases are obviously there, but it is up to organisations. I ran a community-based organisation in this State for 10 years. I know how these things operate. That community-based organisation I ran auspiced a number of programs. Within the budget, organisations are expected to manage. There has been an overall increase of 17 per cent, which has allowed new financial counselling services to come on board. I am not sure where you are heading with this.

**The Hon. CATHERINE CUSACK:** What data do you have on mortgage repossessions in New South Wales and the impact that is having on tenants?



**Ms LINDA BURNEY:** The issue around mortgagees needs to be restated. We are dealing with people who are renting, who find that their flat or house is to be sold. Obviously that is of great concern. We have taken, or are in the process of taking, some very decisive action; in fact major legislative reform in this area. I would like to take a few minutes to read into *Hansard* and explain to the Committee the very significant action that we are taking around mortgagee repossessions.

**CHAIR:** With all due respect, if you would like to inform the Committee of something, you can table it.

**Ms LINDA BURNEY:** No, I would actually like to speak to it.

**CHAIR:** That would use up a lot of the available time for questions.

**Ms LINDA BURNEY:** I understand that, but I would like to take a few seconds or a few minutes, because this is part of a very major legislative reform program.

**The Hon. CATHERINE CUSACK:** Perhaps that could be done during the Government's time.

**Ms LINDA BURNEY:** If you are not interested in the answer do not ask the question.

**The Hon. CATHERINE CUSACK:** I am interested in an answer to my question. Do you have data on mortgagee repossessions in New South Wales and the impact that is having on tenants? You clearly do not have any data, so you have answered my question Minister. If you wish to add to it, can I suggest you do so at the—

**The Hon. TONY CATANZARITI:** Point of order: I believe that the questioner is really going overboard on this. The Minister is answering the question and she should be allowed to. I do not believe the Hon. Catherine Cusack is giving her a fair go.

**The Hon. CATHERINE CUSACK:** I refer to the standing orders. The Minister is debating my question, and she is not entitled to do that.

**CHAIR:** To get through this hearing with everybody getting the best outcome, could I suggest that answers be succinct. Minister, if you have a lengthy response, I suggest you table it or use other available time to deliver it. Succinct questions and answers will facilitate this hearing.

**Ms LINDA BURNEY:** I do not have specific numbers, because information is difficult to get and some of it is quite confidential. But substantial work on legislative reform in this area is being done, and that will be introduced in this session of Parliament. The consultation paper on residential law reform was released last month. The first of two most important points of the reform is to amend the legislation to provide for tenants to be given 30 days notice to vacate when the landlord defaults on the mortgage and the bank or financial institute seeks to recover that possession. The second of those is that it is mooted that where a fixed term tenancy has been ended early by a mortgagee, the tenant be able to withhold two weeks rent, or a higher amount as agreed, to offset relocation expenses and allow the bond to be released. In relation to specific numbers, I will take the question on notice.

**Ms LEE RHIANNON:** Minister, when did the review of the Residential Tenancies Act commence?

**Ms LINDA BURNEY:** The review of the Residential Tenancies Act commenced in July 2005. This Act was first brought in in 1987, with some amendments in 1989. The tenancy laws option paper to which you referred was released in July 2005.

**Ms LEE RHIANNON:** I understand it took until September 2007 to release a 66-page discussion paper containing recommendations. Is it the case that the amending legislation will not be ready for introduction to Parliament before the latter half of 2008? I am wondering why it has taken so long.

**Ms LINDA BURNEY:** I take the point that you are making. The proposed time frame for the introduction of this legislation is the first session of next year.

**Ms LEE RHIANNON:** Is there a reason it has taken so long?

**Ms LINDA BURNEY:** I am not able to talk about the history of the document. I can say the 2005 options paper was extremely comprehensive and envisaged a complete overhaul of tenancy laws. We know that during the last financial year there were something like 45,000 tenancy-related proceedings in the Consumer, Trader and Tenancy Tribunal. The issues and other matters raised in the discussion paper contemplate substantial changes. I can take on notice getting more information about its history. However, since I became Minister six months ago we have moved very swiftly on this. There has been a Cabinet minute go forward for release of the discussion paper, and we are anticipating legislation in the first half of next year.

**Ms LEE RHIANNON:** Minister, you have been working on changes that will make it easier to evict tenants for unpaid rent. I was wondering why the Government is not focussing more on alleviation of the rental housing problem, which causes a greater incidence of arrears in the first place.

**Ms LINDA BURNEY:** The discussion paper, which was released three weeks ago, covers a number of options. The specific option to which you refer—the amount of time that a landlord would have to give by way of notice to move through the eviction process—has been defined to be a certain period. The reason for that is that under the current arrangements it can take several months to evict a chronic non-payer of rent from the home. I want to reassure the Committee that the new process has a hardship test that has to be applied, as well as capacity for arrangements to be made about the timing of the eviction. However, if the tenant is able to make good, the eviction order is to be rescinded.

**Ms LEE RHIANNON:** Minister, I understand that you have said that the review process began in 2005, before the current affordability crisis set in. Is the review now taking into account the affordability crisis? And if it is, how is that being done?

**Ms LINDA BURNEY:** That is a very good question, because it is true to say that the current environment—we are now moving to the pointy end of legislative reform on this issue—is not the same environment that pertained in 2005, particularly in terms of the availability of rental accommodation. Part of the thinking is to make it not so difficult for landlords to be landlords, as that will encourage more people with rental properties back into the market. The feedback we have had from the Real Estate Institute and other such organisations is that they believe that will be the effect of the changes that we are making.

I would hasten to say that I have sought to achieve in the proposed legislation a very good balance between the rights and responsibilities of landlords and the rights and responsibilities of tenants. Some additional measures will protect the rights of tenants. For example, I am keen to improve fairness where an owner wants to sell and, importantly, improve the transparency of the bad tenant database, the tick system. We are also talking about some changes to issues around water. But the most important thing is more flexibility for tenants to make cosmetic changes to property and what that can mean, changes to payment of interest on rental bonds, and so forth. So really we are seeking a more balanced approach. But you are correct in saying that one of the measures is streamlining the provisions to evict chronic non-payers of rent.

**Ms LEE RHIANNON:** I notice that there is no discussion about boarders and lodgers in the discussion paper. Will this issue be addressed? Will boarders and lodgers be granted the right to a minimum notice of eviction?

**Ms LINDA BURNEY:** The issue of boarders and lodgers is one that I am very keen to pursue in my role as Minister for Fair Trading. But it is true to say that the issue of boarders and lodgers is not canvassed in the discussion paper. However, I want to say that that there is a very important social justice discussion beginning to take place around the rights of boarding-house residents. I think it is accepted that boarders and lodgers have probably the least protection under legislation in New South Wales. Residents of boarding houses and similar premises have been given statutory rights in relation to residential agreements in all jurisdictions except New South Wales, Western Australia and the Commonwealth. It does not apply to the Residential Tenancies Act, but the

New South Wales Government did give a commitment to examine the issue of legislation to protect boarders and lodgers raised in various public documents, including the New South Wales social justice directions statement back in 1996. I know that when Minister Della Bosca had the Ageing and Disability portfolio he said at budget estimates committee hearings that the "New South Wales Government is committed to ensuring that minimum standards in boarding houses are maintained. Any future work on occupancy arrangements in boarding houses shall be taken as a whole-of-government initiative."

We believe that specific issues about tenancy regulation in boarding houses might be counterproductive. Rental Bond Board funded research on the economic viability of boarding house lodgers in New South Wales was completed in May this year. That report found that the boarding house sector provides an important form of local, shared and flexible housing. Small businesses operate the majority of boarding houses in New South Wales—an important point to keep in mind when considering the viability of the sector. I state clearly that I will be considering the findings in that May 2007 report, that is, the economic viability of boarding house lodgers. I state definitely and clearly that I will be considering the finding of that report in conjunction with a number of related portfolios. I expect there to be proper discussion about the protection of rights of boarding house lodgers.

**Ms LEE RHIANNON:** I move on to credit cards. In 2005 my colleague Ms Sylvia Hale introduced a private member's bill on this issue. The bill, which was quite simple, would have required industry to ensure that credit card providers assessed the ability to pay each time an increase in credit limit was sought. When your colleague the Hon. Henry Tsang spoke in debate to justify the Government's lack of support for the bill he stated that the Government was developing a paper. Has such a paper been developed and, if so, is it available?

**Ms LINDA BURNEY:** I will defer that question to Mr Rod Stowe.

**Mr STOWE:** This project, which is being led by New South Wales, has been developed by the Ministerial Council on Consumer Affairs. As you are probably aware, when developing proposals at a national level involving states and territories, we have to prepare two regulatory impact statements. Over recent months we have been preparing that statement in conjunction with the Office of Best Practice Regulation, a Commonwealth agency. Until the Office of Best Practice Regulation approves that paper it will not be able to be released. We have been in constant contact with that office. The paper will be finalised shortly for submission to other Ministers and then it will be released.

**Ms LINDA BURNEY:** I wish to build on that for a moment. It is heartbreaking to see the impact that available credit is having on families. We see daily reports of this issue in the newspapers. Mr Stowe referred earlier to the national approach to this issue. It is not his place to say anything about it, but it is my place to say how disappointed I am in the Office of Best Practice Regulation, which is the responsibility of the Treasurer of Australia. That office put roadblock after roadblock in the way to prevent the completion of that work. It questioned the need for that work and slowed it down considerably. If it had not been for Mr Costello's department this work would have been completed by now.

**Reverend the Hon. Dr GORDON MOYES:** If a neighbour is effecting building alterations and, in the process of putting a girder into a house, knocks out the corner window of a person's house allowing rain and damage to impact that house, is it true that that person cannot approach your department because he or she has not contracted the builder? Is it also true that that person's insurance company will then decline liability because he or she has failed to keep the property watertight? If that person were to complain to your department it would indicate that it was not in business to satisfy that person's complaints.

**Ms LINDA BURNEY:** As that is a very complex question I will defer it to Mr Steve Griffin who looks after that section of the Office of Fair Trading.

**Mr GRIFFIN:** The matter to which you refer comes under the Home Building Act, the overriding legislation in New South Wales that deals with complaints. It allows any person to make a complaint about a builder that arises from the construction of a dwelling. In those circumstances if a

neighbouring property is damaged by the construction of an adjoining property that neighbour can lodge a complaint with the Office of Fair Trading and it can be resolved under dispute resolution mechanisms.

**Reverend the Hon. Dr GORDON MOYES:** I interrupt you to ask this question: I understand that you have the power to do that but, in point of fact, what happens if you do not do that?

**Mr GRIFFIN:** At the end of the day we take those matters into account, or we have done so in the past. I understand that you are referring to a recent matter where there was obviously a communication problem. In the past we have dealt with complaints, and we will continue to do so, that come in from neighbours whose properties have been affected by construction on adjoining properties.

**Reverend the Hon. Dr GORDON MOYES:** Madam Chair, I seek permission to give an example of this to the Minister and to ask her to give me a reply on notice.

**CHAIR:** Is leave granted?

**The Hon. GREG DONNELLY:** Yes.

**Reverend the Hon. Dr GORDON MOYES:** Ultimately that will go to the Minister and she will reply.

**Ms LINDA BURNEY:** Yes.

**CHAIR:** Do you have permission from the constituent to present this information?

**Reverend the Hon. Dr GORDON MOYES:** The constituent has asked me to take it up.

**The Hon. TONY CATANZARITI:** Minister, what is Government doing to protect consumers from unscrupulous funeral directors?

**Ms LINDA BURNEY:** This is an important issue. At some stage everyone will be involved either in organising or in taking part in a funeral. The Government believes that in general professional people who are committed to providing caring and supportive services run the funeral industry. From experience I have found that to be the case at all the funerals with which I have been involved. Recent suggestions that the industry is rife with dodgy operators are offensive to all hardworking funeral directors and their families. In fact, research that the Office of Fair Trading undertook in 2005 found that the majority of consumers were happy with the service provided by funeral directors but they would have liked more upfront information on costs and the services being provided.

People in this difficult position must have clear and straightforward information provided to them. Concern has been expressed about how bills are outlined and about unexpected charges. People are not being given a breakdown of each bill. For example, the professional fees in one bill totalled upwards of \$2,000 but no breakdown was given of those professional fees. The Government believes that at this difficult time better and simpler information must be available and people must be given more informed choice. All members would be aware that in 2005 there was a parliamentary inquiry into the funeral industry. That inquiry concluded that clear pricing information for funeral products and services would be beneficial to consumers.

In June this year the Government responded by amending the Fair Trading Act 1987 to include an information standard for funeral products and services. Some members who are present would have been involved in that debate. I want to be clear about this issue because I believe a great deal of confusion has been generated about the funeral industry and there is a lack of understanding about what part of that industry is covered by legislation. Quite frankly, there has been some silliness about this issue.

When the information standard comes into effect early next year it will be easier for consumers to compare available services and prices. Consumers will have to be given information

about basic funeral services. Every funeral director will have to do that. That is, a simple, dignified funeral that is the most low-cost option for the consumer. Charges in final invoices also will have to be clearly broken down. The details of the information standard are still to be finalised and will be included in a draft regulation to be released for public consultation in the coming months.

The Government's information standard will enable consumers to make an informed choice at a very difficult time. In contrast, the Opposition wants to introduce a mandatory code of practice that would impose significant costs on funeral directors that inevitably would be passed on to consumers through an increase in the cost of funerals. Funerals are very expensive items and we know from our work as members of Parliament and as family members that many people struggle to pay for a funeral for the loss of a loved one. As the Minister responsible I have absolutely no interest at all in making that more expensive. The Opposition believes a code should be mandatory, but the Government is making sure that information about affordable funerals is available when needed.

I understand that under previous proposals from the Opposition its code would require many funeral operators to meet additional education requirements, and to make changes to facilities and equipment, all of which are expensive items. I do not want those costs to be passed on to the consumer. It is impossible to quantify the exact cost of a mandatory code to industry and consumers, but some costs would involve the development by every funeral director of an internal complaints-handling process, financial contributions by funeral directors to the development and administration of an independent complaints-handling body, extra staff training as well as extra facilities and equipment to meet the requirements of a mandatory code, and financial contributions by each funeral director for the cost of an educational information campaign to raise consumer awareness of the code.

The Funeral Directors Association claims these requirements would add only \$5 to the cost of a funeral. However, experience in the Office of Fair Trading is that the introduction of new regulations results in much more additional cost. In any case, why should the consumer have to pay any additional cost at such a difficult time? The other point I make clear today to the Committee is that in the past financial year the Office of Fair Trading has received a very low number of complaints in relation to funeral-related matters. In the past financial year there have been approximately 64,000 funerals—I will say again, there have been 64,000 funerals—and only 23 complaints.

My honourable colleague the Minister for Health administers legislation setting out detailed provisions for the appropriate handling of bodies and the standard of facilities that must be used by funeral directors. In most statements of the Opposition and newspaper articles there is complete confusion surrounding the roles of funeral directors and of those looking after the body. Funeral directors, like people in all other businesses, are covered by the Fair Trading Act, and this is an important factor when discussing introducing a mandatory code. The Act prohibits misleading, deceptive and unconscionable behaviour. When a business engages in this type of conduct Fair Trading will, and does, apply for a Supreme Court injunction restraining the business from engaging in any further misconduct. It is an offence also under section 53 of the Act not to provide goods and services as stated, as they should be supplied. Fines can apply, and in repeated cases terms of imprisonment can be imposed.

I do not believe a mandatory code is needed because already in place are very clear guidelines on how funeral directors should adhere to occupational health and safety and other pieces of legislation and the appropriate penalties for breaches. I know this has been quite a lengthy answer, but this is a major issue. The Funeral Directors Association has been trying to gather support for its proposed mandatory code of practice by repeatedly highlighting one incident back in 2001. I will not go into the details of that incident, but the continued re-airing of this incident only causes distress to the family. The association is referring to that one incident and one or two other incidents from a long time ago to justify more red tape. But it cannot.

The fact that the association is relying on cases from several years ago is a sign that there have been very few recent incidents. It seems the Opposition has failed to see through this. Contrary to what the Opposition would have us believe, a code of practice would not enable the rogues to be banned from the industry; that would require the introduction of a highly prescriptive new legislative regime. However, it appears that the Opposition wants to fly in the face of the community's need to reduce unnecessary red tape and regulations and put more on the funeral industry. I do not believe it is warranted.

**The Hon. CHRISTINE ROBERTSON:** What is the Government doing to improve consumer protection in residential home building?

**Ms LINDA BURNEY:** This is a very significant part of the work of the Office of Fair Trading. Our approach is to try to provide early intervention in building disputes resolution. In fact, one of the aspects of the Office of Fair Trading that I have come to understand and admire is the arbitration and resolution of disputes before they become enormously complex and expensive. Resolving building disputes issues is important. The Office of Fair Trading accepts complaints and attempts to resolve disputes by negotiation between the parties. The outcomes are usually successful but at times they are not successful. If that is the case, the matter is then referred to the Fair Trading Home Building Service for assessment and possible inspection.

During an inspection the building inspector will meet with the consumer and the contractor, usually on site, which is best and what we do most of the time. The items of complaint are inspected as a means of mediating the dispute. Our building inspectors are all qualified, so they know what they are talking about and they have expertise in problem identification and rectification. Any agreement to settle the dispute between the two parties is recorded by the inspector and a copy is given to each party. The building inspector can issue an order to the contractor for defective or incomplete work. The order requires that that defective work be rectified or completed. The important part of that order is that the work must be done by a particular date. The order will specify also conditions with which the consumer must comply, such as allowing the contractor access to carry out work.

The consumer is not always satisfied and may not want the contractor back on site. If this is the case the consumer can lodge a claim against the contractor with the Consumer, Trader and Tenancy Tribunal. This action will suspend any rectification work. A contractor may apply to the tribunal when he or she considers the consumer has breached the terms of the contract or owes money. Our system of dispute resolution is very successful: of the 6,112 complaints received in 2006-07, 2,255 were resolved through intervention, 2,517 were dealt with by the Fair Trading Home Building Service, of which 1,500 were resolved, and 1,300 were referred to another part of Fair Trading. This is an 80 per cent resolution rate. We would prefer that result, keeping these matters out of the court. We investigate also any possible breaches of the home building legislation, which can result in disciplinary action by penalty notices, fines, cancellation or suspension of licence.

We have also regularly undertaken compliance programs in New South Wales, which is about education. These have lots of issues around insurance and contracts and so forth. I will not go through the statistics but I am happy to table for the Committee's information the very fine statistical outcomes of the Home Building Service. We have also undertaken major compliance campaigns, which is part of our role. It is not just about resolution of disputes but also about our very important educative role for Fair Trading. We have had four important compliance campaigns. I will table information on them also. The levels of prosecution, fines and cancellations are well documented here.

I will refer to just one episode in the Tweed in the Far North Coast in 2007. Fourteen officers went all over the upper North Coast, visiting 146 sites. We talked to 356 tradies and issued 39 penalty notices, totalling \$28,500. We detected 21 offences for unlicensed work, 10 for unlicensed contracting, 7 for contracting with an unlicensed contractor and 1 for an owner-builder contracting with an unlicensed contractor. So you can see absolutely that we have an enormous compliance campaign, and that operates right across New South Wales. There are many other examples here but I will not deal with them at the moment. I am happy to table them for the information of the Committee.

**The Hon. GREG DONNELLY:** My question relates to the issue of product safety. Could you explain how the New South Wales Government ensures consumers that products sold in this State are safe?

**Ms LINDA BURNEY:** That is also extremely topical question. All grandparents or other people out to buy toys for young children would be worried in relation to the major Mattel compliance issues. We also had a very high profile issue of unacceptable amounts of formaldehyde in clothing and bedding products. We have also had significant issues around lead in paint, which I have already

referred to, and unacceptable levels of the equivalent of engine coolant in toothpaste. Most of these products are from outside Australia.

It is a very important part—in fact, a fundamental part—of the Office of Fair Trading to protect consumers from buying dangerous products. We conduct programmed inspections and targeted investigations. Once again, they are incredibly wide ranging, but we undertake approximately 20,000 inspections related to product safety issues across the board. Some of the specifics I will share with you. Whenever appropriate, Fair Trading investigates manufacturers, importers and distributors of goods rather than retailers as this is quicker and much more effective.

It should be pointed out that importation of safe products into Australia is not a State Government responsibility; it is a Federal Government responsibility. Our job at the State level is to make sure that compliance is happening and that we are identifying enormous gaps in the Federal Government's regime. As Minister, I was stunned to find out that the Australian Competition and Consumer Commission did not have Australian standards in place particularly in relation to the potential for lead-based paint being used in children's products and issues relating to formaldehyde. I was stunned; I could not believe it.

Again this is an area in which the New South Wales Government has been pushing for standards. It was extraordinarily disappointing when the Federal Government devised some standards in relation to lead. For a week it did not bother to tell or consult with the State governments to indicate that those standards were being developed yet we came to understand that it had taken the time to discuss the matter with New Zealand. That is a completely unacceptable way to address the issues of protection, particularly with regard young people in this country. The Federal Government developed a standard under a cloak of secrecy and did not bother to advise the States that had the responsibility of implementation. Rather spoke to another country about the national standard. That is not something that I can explain, but I can say that that made me extremely cross and I am still very cross about it.

I return to the New South Wales position. In 2006-07, 32 products were publicly recalled after consultation or following intervention by the Office of Fair Trading in New South Wales. Recent changes to legislation governing safety aspects of electricity required that electrical appliances be improved before they could be sold in New South Wales. We also have approvals that are issued by Fair Trading and an external approval scheme for appliances such as televisions. As I say, we conducted extensive investigations on electrical and natural gas appliances, general consumer products, children's toys, textiles and sunglasses. In addition there are 21 mandatory product safety standards under the Fair Trading regulations, and 56 declared electrical articles under the Electricity Consumer Act 2004 in New South Wales.

We certainly have a good record with prosecutions this year. In this financial year 13 traders were prosecuted, 12 infringement notices were issued and 178 suppliers were formally cautioned to comply. We inspected all the show bags, as we always do, at the Royal Easter Show. In conclusion I point out that in relation to protection of young people and the safety of products once again the Federal Government—and this is major disappointment—has done absolutely nothing but drag its heels.

**The Hon. CATHERINE CUSACK:** On the issue of product safety, I refer to the McGloin hot water bottles.

**Ms LINDA BURNEY:** Yes.

**The Hon. CATHERINE CUSACK:** I indicate to you that there are representatives from that company here today.

**Ms LINDA BURNEY:** Yes.

**The Hon. CATHERINE CUSACK:** If you will confine yourself to answering the questions, we might be able to provide some assistance in this regard.

**Ms LINDA BURNEY:** Sure.

**The Hon. CATHERINE CUSACK:** You have just indicated that product safety is a Commonwealth responsibility. Why has New South Wales implemented a standard for hot water bottles?

**Ms LINDA BURNEY:** What I said is that the Commonwealth Government has a responsibility for the importation of products into Australia. It is the Australian Competition and Consumer Commission's responsibility in terms of developing some of those standards, but in relation to the McGloin hot water bottles—and thank you for giving us the heads-up that you would be pursuing this particular issue—I have to make a confession. I am addicted to hot water bottles. I have been known to have a hot water bottle on my feet at the same time as a fan is operating in my bedroom.

The issue with regard to the McGloin hot water bottles and the capacity of hot water bottles to do some real damage is serious. My niece who is staying with me at the moment has scars on her feet as a result of being burnt by a hot water bottle. I saw how long those burns took to heal. Specifically in relation to the McGloin hot water bottles, the Product Safety Committee in New South Wales conducted an inquiry into the safety of hot water bottles broadly in 2005. The committee's recommendation was that hot water bottles should conform to various parts of the British standard BS1970:2001. I ask everyone to forgive me as this material gets somewhat technical.

In response to these recommendations, the Fair Trading regulation was amended in November 2006 to set product safety standards based on the 2001 British standard, and that regulation came into effect on 1 January 2007. It is a very recent regulation. The 2001 British standard was updated in November 2006, and at about the same time the Fair Trading regulation was amended as well. The regulation related to the thickness requirements of hot water bottles. That thickness requirement is exactly the same for both the old and the new standard. The standard requires hot water bottles with the capacity of 2 litres or more to have a minimum surface thickness of 1.4 millimetres.

The Office of Fair Trading conducted a marketplace survey throughout the metropolitan area of Sydney to make sure that compliance and safety of rubber hot water bottles was being met. We purchased a number. Two samples of those purchased were the two-litre McGloins rubber hot water bottles and they were purchased from a store in Seven Hills.

Fair Trading then tested one of the bottles to ensure that the thickness complied with the 2001-2007 standard. The testing is indicative only as Fair Trading is not accredited to test the whole of the standard; however, the Fair Trading laboratory is the verifying authority for New South Wales under the National Measurement Act 1960. And frown you should, because it is very complicated. The measurements in Fair Trading's report were performed in accordance with the terms of its appointment. Fair Trading's indicative tests raised concerns that the McGloins rubber hot water bottle failed to meet the standard. The hot water bottle passed the requirements for the filling characteristics.

**The Hon. CATHERINE CUSACK:** Can I clarify which standard was applied to it?

**Ms LINDA BURNEY:** The one that I outlined earlier.

**The Hon. CATHERINE CUSACK:** You just referred to the 2006 standard.

**Ms LINDA BURNEY:** No, what I spoke about earlier was the way in which the standard was set. I can repeat it if you wish.

**The Hon. CATHERINE CUSACK:** No, I did hear quite clearly. The issue is that a new British standard, which is accepted in the United Kingdom, America, Europe—it is the world standard—was introduced on 31 October 2006 but the Department of Fair Trading on 1 January 2007 adopted a redundant standard.

**Ms LINDA BURNEY:** No, that is—

**The Hon. CATHERINE CUSACK:** The standard had been overtaken by a new standard before it was adopted.



**Ms LINDA BURNEY:** I have outlined the way in which the standards operated and I will take that on notice. If you go to the *Hansard* of what I have just said you will see very clearly that the standard that we have in New South Wales is the same standard, which is the British standard of 2001, and it came into effect for New South Wales on 1 January 2007. It was a British standard.

**The Hon. CATHERINE CUSACK:** But the problem is that the British standard was updated and we now have a new British standard, which came into effect on 31 October 2006.

**The Hon. CHRISTINE ROBERTSON:** That is what she said earlier.

**Ms LINDA BURNEY:** The new British standard was not in relation to the thickness of hot water bottles, and that is the question you have asked.

**The Hon. CATHERINE CUSACK:** The new standard is the standard for hot water bottles—all of the hot water bottles.

**Ms LINDA BURNEY:** The standard in New South Wales is as I have described.

**The Hon. CATHERINE CUSACK:** The issue here is that with hot water bottles the testing now is no longer the thickness; it is the strength, and that is why the new standard treats that matter differently. What we have in New South Wales is a redundant standard, but people are not manufacturing to the old standard any longer; everybody is manufacturing to the new 2006 standard and yet in New South Wales in 2007 we have legislated an obsolete standard. It places businesses in an awful position. It just seems extraordinary.

**Ms LINDA BURNEY:** I understand that McGloins Pty Ltd was not happy about being taken to task, if that is what you are leading to. I will take your point on notice in relation to the standard that is being applied in New South Wales. What I can say, and I am not going to take up unnecessary time, is that I have outlined the standard that applies. It is very technical, I grant you, but the standard is as I have outlined.

**The Hon. CATHERINE CUSACK:** It is not difficult. It is an old standard, a redundant standard that has been placed in current legislation after the new standard had become available. The effect has been to ban the good hot water bottles from New South Wales.

**Ms LINDA BURNEY:** I use a hot water bottle every night and I know about hot water bottles.

**The Hon. CATHERINE CUSACK:** The hot water bottles that are used everywhere else in the world are now illegal in New South Wales.

**Ms LINDA BURNEY:** They are not illegal in New South Wales and I will take your point on notice in relation to your claim that we are using a redundant standard and report back to the Committee. All I can say is that. You can have confidence that there has been a very thorough examination of hot water bottles. I grant you that they need to be safe because they can cause awful burns. I will take your point on notice. I am sorry that McGloins Pty Ltd is upset by being taken to task.

**The Hon. CATHERINE CUSACK:** In relation to product safety and the desire of New South Wales to continue to play a role in product safety as part of the 10 different jurisdictions, I purchased this item in a \$2 shop on the weekend. Can you assure me that this item is safe?

**Ms LINDA BURNEY:** One of the absolute disappointments in relation to the last minute work of the Federal Government in relation to product safety is that the standards that it has brought in do not apply and cannot apply. If it had talked to the States beforehand and not done this in secrecy it would not have made this enormous stuff-up—and that is the only way I can describe it. The new Commonwealth Government regulations cannot pick up items such as that. The new arrangement only applies to large retail outlets, which is a major—

**The Hon. CATHERINE CUSACK:** Sorry, Minister, this is not—

**Ms LINDA BURNEY:** Well, it is important because you have brought in a lolly dispenser or whatever it is—

**CHAIR:** For the benefit of *Hansard* we need to describe the item.

**The Hon. CATHERINE CUSACK:** The item is a Disney flip-top drink bottle with candy and novelties inside it.

**The Hon. CHRISTINE ROBERTSON:** With a bear on top.

**Ms LINDA BURNEY:** And a bear in there.

**The Hon. CATHERINE CUSACK:** With Winnie the Pooh on top. My question to the Minister is: Can we be sure that this product is safe?

**Ms LINDA BURNEY:** If the Commonwealth Government—

**The Hon. CATHERINE CUSACK:** Am I correct in saying that you are now answering about lead paint?

**Ms LINDA BURNEY:** No, I am not. I am talking about product safety in toys. From this distance it is impossible. It is nonsense to hold up a toy in a hearing such as this and ask: Can you guarantee this is safe?

**The Hon. CATHERINE CUSACK:** I am simply indicating that it is an item that I have purchased in New South Wales.

**Ms LINDA BURNEY:** I am also indicating that without proper inspection I am not prepared to sit here and say whether that is safe or not, but I can say—

**The Hon. CATHERINE CUSACK:** The question I am asking is whether people purchasing items from shops can be confident that the items they are purchasing are safe?

**Ms LINDA BURNEY:** That is just a stupid thing to say. I am really sorry to be so blunt, I am normally much better mannered than that, but the product that you have—from this distance I cannot tell, and I am not a product safety inspector, but one of the reasons we have 20,000 inspections a year through the Office of Fair Trading is to establish exactly whether or not items such as this are safe. Having lollies in it is probably not safe anyway for anyone's teeth, but that is another point. We have 20,000 inspections a year. I do want to make the point very strongly, and I am sorry, Madam Chair, but this is very relevant: Had the Federal Government done its work properly in relation to product safety what you bought in a \$2 shop would have been picked up by the new Federal Government regulations or laws. The new Federal Government regulations or laws cannot cover this because they only pick up the issues around the Myers and the Targets and the Kmart's of the world.

**The Hon. CATHERINE CUSACK:** You are referring to the Trade Practices Act covering corporations, but other unincorporated organisations and sole traders are covered by New South Wales—

**Ms LINDA BURNEY:** What I am referring to is that the Federal Government is playing politics and the safety of people in this country is left wanting.

**The Hon. CATHERINE CUSACK:** The question relates to the fact that we do have 10 different jurisdictions all trying to do the same job for different businesses. Would it not be better to have one jurisdiction that can make a decision about product safety?

**Ms LINDA BURNEY:** You mean the Commonwealth Government?

**The Hon. CATHERINE CUSACK:** A single regulator at Commonwealth level—

**Ms LINDA BURNEY:** Well, heaven forbid.

**The Hon. CATHERINE CUSACK:** So that issues such as the hot water bottle problem that we have with different standards for different hot water bottles in different States, and a situation where we cannot be confident whether that is legal or not legal—

**Ms LINDA BURNEY:** The Ministerial Council on Consumer Affairs is developing a proposal—I am sorry that you are not aware of this—to harmonise Australia's product safety laws. That is not a trifling matter; that is a major piece of work going on across all jurisdictions in this country in relation to product safety laws.

**The Hon. CATHERINE CUSACK:** Again I have to interrupt because my time is short.

**Ms LINDA BURNEY:** At present the regulation of product safety is a joint responsibility.

**The Hon. CATHERINE CUSACK:** I am aware that that was requested in April and your proposal is due to be finalised by April of next year. My question relates to a single regulator.

**Ms LINDA BURNEY:** I am aware of that.

**CHAIR:** Can you ask another question?

**Ms LINDA BURNEY:** Yes, thank you!

**The Hon. CATHERINE CUSACK:** So you do not support a single regulator of product safety.

**Ms LINDA BURNEY:** We are involved with every other jurisdiction across this country, including the Commonwealth, in terms of a harmonised product safety model, which was requested by the Council of Australian Governments.

**The Hon. CATHERINE CUSACK:** I have asked about a single regulator and the Minister wants to talk about harmonisation.

**The Hon. TONY CATANZARITI:** She is answering the question.

**Ms LINDA BURNEY:** Yes, I am answering the question.

**The Hon. CATHERINE CUSACK:** It is impossible. It is a dialogue is the death where answers bear no resemblance to questions asked.

**Ms LINDA BURNEY:** If you do not understand a harmonised model and you do not understand—

**The Hon. CATHERINE CUSACK:** I understand a harmonised model, but I was asking about a single regulator model.

**Ms LINDA BURNEY:** Obviously I do not support a single regulator model if I am part of the New South Wales Government. Obviously the Commonwealth does not support it either because it is part of this process.

**The Hon. CATHERINE CUSACK:** Are you familiar with the car rebirthing problem in Australia and particularly that police believe car rebirthing activity is centred in Bankstown?

**Ms LINDA BURNEY:** I am familiar with the terminology and understanding of car rebirthing. I am sorry but I have absolutely no knowledge of where the heart of it is.

**The Hon. CATHERINE CUSACK:** You are not aware that it is a particular problem in Bankstown?

**Ms LINDA BURNEY:** No, I am not.

**The Hon. CATHERINE CUSACK:** Are you aware of allegations that inspectors from the Motor Vehicle Repair Council are so intimidated by car repair shops in Bankstown that they refuse to visit unless accompanied by a police escort?

**Ms LINDA BURNEY:** I have no evidence and I have no knowledge of the point you are making. I will take the question on notice.

**The Hon. CHRISTINE ROBERTSON:** It has nothing to do with your portfolio.

**The Hon. CATHERINE CUSACK:** For the benefit of the Hon. Christine Robertson, the Motor Vehicle Repair Council is administered by the Department of Fair Trading. What customer feedback surveys have been conducted by agencies within your portfolio to gauge customer satisfaction? I am talking about paid surveys.

**Ms LINDA BURNEY:** I am sorry, I did not hear the last part of your question.

**The Hon. CATHERINE CUSACK:** What customer feedback surveys have been conducted by consultants on behalf of agencies within your portfolio to gauge customer satisfaction.

**Ms LINDA BURNEY:** Customer feedback surveys by consultants?

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

**Ms LINDA BURNEY:** The issue around assessing the quality of customer service within the Office of Fair Trading is pretty much taken out by the Office of Fair Trading. I indicated in my introductory comments that we deal with six million requests for services every year. I think I also, without repeating myself, indicated some of the areas we looked after.

**The Hon. CATHERINE CUSACK:** Would you mind taking that question further on notice? In particular, I am interested in the IPSOS market research that was conducted for the CTTT last year.

**Ms LINDA BURNEY:** I will take that on notice. However, consultants, which you have referred to, are only engaged when their required professional expertise is not available internally or cannot be provided in a more cost-effective manner.

**The Hon. CATHERINE CUSACK:** Furthermore, would you mind making a copy of the report of that market research available to our Committee?

**Ms LINDA BURNEY:** I will also take that on notice and get some advice as to whether that is possible.

**The Hon. CATHERINE CUSACK:** What online consumer surveys were conducted during the year and what were the results?

**Ms LINDA BURNEY:** In terms of online surveys, I think I will take that on notice as well. The issues broadly in terms of quality customer service are very much at the heart of the way in which Fair Trading operates.

**The Hon. CATHERINE CUSACK:** That is wonderful, and thank you for that answer. On the issue of repossessions, you have outlined to the Committee a proposal that is being considered whereby tenants whose leases are nullified by repossession of the property are to be given 30 days notice.

**Ms LINDA BURNEY:** Yes.

**The Hon. CATHERINE CUSACK:** The Opposition is willing to make an offer of bipartisan support to bring that particular proposal forward so that urgent legislation can be introduced

in time to assist families dealing with repossessions before Christmas. Will the Government be willing to accept our offer of bipartisan support in order to provide urgent relief to these tenants?

**Ms LINDA BURNEY:** I would hope that there would be bipartisan support. It goes to the question that Ms Lee Rhiannon asked me earlier. I would hope that there would be bipartisan support in terms of the residential tenancies review. As I said, it is a major piece of work, and it is something that obviously is required to go through Cabinet. In relation to the timeframe, I can assure you that there is no dilly-dallying. We are bringing it forward through the proper processes as we speak. I understand your question—

**The Hon. CATHERINE CUSACK:** We just feel that these tenants are in more urgent need of help than anybody else.

**Ms LINDA BURNEY:** It is reasonable that there is a discussion paper out in the community now, and we have to give all the residential tenancy representatives, real estate agents and the public an opportunity—I am required to give an opportunity for proper consultation on that discussion paper. I can assure the Committee and the Parliament that it will be a balanced outcome. I will not cut off the consultation process to hasten legislation into the House. I want the legislation to be the best legislation, the type of legislation that all the players can feel they have ownership of, and it will be introduced in the autumn session of Parliament.

**The Hon. CATHERINE CUSACK:** As an interim measure for this specific group of people caught up in foreclosures where we know a big flaw exists. If the house is sold normally their lease will continue on and not be interrupted. We know that the flaw for foreclosures needs to be addressed, and it is urgent for these families facing eviction before Christmas at no notice. The Opposition is willing to give bipartisan support for this matter to be brought forward urgently. Will the Government consider doing that to give some security to these families before Christmas?

**Ms LINDA BURNEY:** I know this is probably your press release but I will not give that commitment because there is a proper process in place. There is a three-month consultation process for the people who will be affected by this, the industry and the tenants union—I have had discussions with all of these players. There is a three-month consultation process and then there will be legislation brought in immediately once the proper consultation process is undertaken, and that is my path.

**Ms LEE RHIANNON:** You may be aware that the Local Government and Shires Association has said that councils must bear the costs when certifiers fail to meet their statutory responsibilities. I understand that in some cases private certifiers allow development to take place that clearly is not in accordance with the development and this presents considerable costs for local councils and shires. Will the Minister consider the suggestion from the association that private certifiers pay a performance security bond?

**Ms LINDA BURNEY:** I will defer to the commissioner.

**Ms BAKER:** Fair Trading does not regulate certifiers.

**Ms LEE RHIANNON:** I thought you had a role in the building profession.

**Ms BAKER:** We do not regulate certifiers. The Building Professionals Board, which is part of the Planning portfolio, is probably the appropriate place for this.

**Ms LEE RHIANNON:** Sorry, I misunderstood. So you do not have any role in that?

**Ms BAKER:** No.

**Ms LEE RHIANNON:** I have quite a number of questions on Youth and Volunteering. Can I use my time asking questions on those matters? Are we about to move to the Youth and Volunteering portfolios?

**CHAIR:** Government members will have an opportunity to ask more questions on Fair Trading. Then we will be moving to Youth and Volunteering.

**The Hon. TONY CATANZARITI:** How does the Office of Fair Trading ensure that its services are accessible to all customers, regardless of their cultural or linguistic background?

**Ms LINDA BURNEY:** When I was given the portfolio of Fair Trading I realised that I was on a very steep learning curve. There have been some really pleasant surprises and I have done some really exciting things. With my background of working in Aboriginal Affairs and in social justice, as Minister I am very proud of the Office of Fair Trading and its involvement in issues relating to accessibility for people from non-English speaking backgrounds and people who are Aboriginal, and specific issues and programs relating to young people and women and people with disabilities. In relation to people from a non-English-speaking background, which is what the question was about, I just recently had a fantastic experience.

In the past few weeks I have been to three migrant resource centres, one at Auburn, one at Campsie and one at Parramatta. We have been working with migrant resource centres to produce a tenancy kit, particularly for recently arrived refugees. It is called "Think Smart", and we produce it not only in English but also in the major community languages of those areas, including Dinka—one of the languages from the Sudan. As well, we obviously make sure that people have access to translation services. We make sure that those tenancy kits and a whole range of other information is available not only in written form but also on CD-ROM so people can watch it and come to understand it. People from a culturally linguistic program are covered by what we do.

We have a free telephone interpreter service. We have staff accredited language aids under the Community Languages Allowance Scheme. That scheme is used as an active strategy in meeting the communication needs of non-English-speaking background clients. It is reviewed annually to make sure that we are keeping up with recent arrivals and the languages spoken. We do that in consultation with the Community Relations Commission. We have community language staff in customer service areas who wear badges identifying the languages they speak. So in Griffith you would probably find a few people wearing a badge with "Italian" written on it.

**The Hon. TONY CATANZARITI:** As well as many other languages.

**Ms LINDA BURNEY:** Yes, a number of others; it is such a diverse area. As of 30 June 2007 there were 90 staff accredited under the Community Languages Allowance Scheme, and 28 languages across the Office of Fair Trading—not quite 30. Also we have induction programs for customer service staff that include issues relating to diversity. We have training modules that cover practical resources for staff, the use interpreters, how to sign language, how to use telephone-typewriter phones and telephone-typewriter relay services, as well as training in policies and procedures of the Government.

My visit to Auburn was fantastic. I saw there an amazing young woman from Sierra Leone who sang. There were a whole range of people: from the Middle East, Asia, Africa and even Algiers. It was a really exciting day for me. At Campsie there were Korean, Vietnamese, Chinese, Kurdish and Arabic issues. We participated in lots of different festivals. I had an amazing weekend in Lismore at the Aboriginal rugby league knockout, where we had a stall to part sponsored the knockout. I have another four or five pages I could read, but I think what I have said already has given the Committee a sense of the commitment of the Office of Fair Trading. I think part of that is because we have 29 service centres right across New South Wales, including in regional areas. Everyone is a consumer, every single person. Our job is to meet the needs of every single person in the State. My staff are fabulous; they do a pretty good job.

**The Hon. GREG DONNELLY:** Minister, could you provide the Committee with an overview of the effectiveness of the Consumer Trading and Tenancy Tribunal?

**Ms LINDA BURNEY:** It was an amazing experience when I went there the first time. As a new Minister I was not very familiar with the role of the tribunal; as a citizen I had never accessed the tribunal. One of the things I love about the tribunal goes back to the point I was making earlier about trying to resolve issues, about bringing together two parties with different perspectives, and working out a resolution that is quick and not expensive and that is accessible for every one. That is what the Consumer Trading and Tenancy Tribunal is really about. The tribunal deals with a whole range of

consumer disputes—a lot to do with tenancy—but it is also capable of enforcing orders, helping to foster a better and fairer marketplace.

Most applications to the tribunal cost \$32. In 2006-07 we had 71,295 applications; 68 per cent were finalised in 35 days of lodgement and 78 per cent were finalised prior to or at the first hearing. The average number of days between lodgement of the application and the first hearing was 20 days. We have 95 locations around New South Wales. We have a 24-hour online lodgement facility. Most applications receive hearing dates automatically and clients can make use of tracking facilities to monitor the progress of their matter. Clients can schedule hearing dates. The tribunal's website links to the interaction educational material and we continually monitor the tribunal's delivery of service, particularly in regional areas.

**The Hon. CHRISTINE ROBERTSON:** That is excellent. Minister, can you describe how 20 years administration of the Fair Trading Act has benefited the people of New South Wales?

**Ms LINDA BURNEY:** Well, this year is its twentieth birthday; September 2007 marked the twentieth anniversary of the Fair Trading Act of New south Wales. One needs to be noted is how the Fair Trading Act has stood as a really bright beacon. I am sorry that the Hon. Catherine Cusack is not here to hear this. It is a really bright for the way that collaborative federalism works, and that goes back to the harmonisation models and so forth. Without going chapter and verse through our 20 years, in 1976 the Trades Practices Act Review Committee examined the operation of the Commonwealth Trade Practices Act 1974. That was known as the Swanson Committee.

It looked at the administration on a local basis as far as possible, but also noted the need for greater cooperation between the States and between the States and the Commonwealth. It recommended uniform laws on prohibition of unfair practices and implied conditions of warranties. In 1983 a meeting of the Standing Committee of Consumer Ministers, later known as the Ministerial Council of Consumer Affairs, reflected a strong commitment to nationally uniform consumer protection legislation, namely that uniformity was *prima facie* desirable.

Going back to the point raised by the Hon. Catherine Cusack in relation to a single jurisdiction looking after consumer protection, one concern I have about that is that if there is only one jurisdiction looking at it, we will not get the local input that is needed. In New South Wales we have numerous officers, 20,000 inspections a year, and we are close to where the rubber hits the road. Having that local input is key to good consumer protection. Between 1985 and 1992 each State passed its own Fair Trading Act or its equivalent, and on 13 May 1987 the former Premier, the Hon. Robert Carr, made a second reading speech when introducing the Fair Trading Bill in the Assembly.

**CHAIR:** Minister, could I suggest that you table the remainder of your response.

**Ms LINDA BURNEY:** What I have said today, the fantastic approach to equity and resolution, the level of compliance, the development of the Office of Fair Trading into one of the best bureaucracies that I have experienced in my 30 years in public life, and the way in which the public access Fair Trading all indicate to me that we have a very good and successful regime to celebrate this year the twentieth anniversary of Fair Trading.

**CHAIR:** That concludes questioning on Fair Trading.

**(The witnesses withdrew)**

**GILLIANN ELIZABETH CALVERT**, Commissioner, Office of Children and Young People,

**JOHN SCOTT**, Director, Strategic Projects, Department of Premier and Cabinet,

**NEIL CRAIG SHEPHERD**, Director General, Department of Community Services, and

**PAUL MURPHY**, Director, Strategy and Planning, Department of Community Services, affirmed and examined, and

**DONNA THERESE RYGATE**, Deputy Director General, Strategy, Communication and Governance, Department of Community Services, sworn and examined:

**CHAIR:** Youth and Volunteering will be dealt with together for the balance of the time remaining. Minister, your New South Wales Youth Action Plan has old statistics regarding the number and proportion of young people of indigenous backgrounds. Do you have more up-to-date statistics?

**Ms LINDA BURNEY:** I understand the statistics on young people referred to in the Youth Action Plan are the most recent statistics available. I have statistics from the 2006 census.

**CHAIR:** Could you provide those to the Committee, because the current figures on the website are for 2001?

**Ms LINDA BURNEY:** There has been an increase of 6,500 in the total population of young people. I am happy to go through those, or would you prefer I tabled them?

**CHAIR:** If you would table them, please.

**Document tabled.**

**Ms LINDA BURNEY:** They also go to the heart of young people who are in disability service, in voluntary work, unemployed and in education. They are very recent general statistics, and I am happy to table those.

**CHAIR:** Thank you, Minister. I note that the 2005 Child Death Review Team annual report showed that there was a three times greater number of Aboriginal children represented in the overall child death rate. That was based on 2005 statistics. Do you have revised statistics on that aspect as well?

**Ms LINDA BURNEY:** You are correct when you say there was an increase in the number of Aboriginal children. Because it is such a specific question, I defer to the commissioner for an answer.

**Ms CALVERT:** The 2006 annual report will be tabled in Parliament within the next two weeks. That will have updated statistics regarding deaths of children in New South Wales.

**CHAIR:** Am I right in assuming there is a greater representation of indigenous in those statistics?

**Ms CALVERT:** That will be shown when the report is tabled.

**CHAIR:** You do not have that information now?

**Ms CALVERT:** I do have the information available. However, the legislation requires me to keep that information confidential until it is tabled. I am reluctant to pre-empt the report. I would, however, Madam Chair, say that in the last 11 years that statistic has held; you would anticipate it would hold for the 2006 report.

**CHAIR:** Minister, are you aware of the Breaking the Silence report?



**Ms LINDA BURNEY:** I am very much aware of the Breaking the Silence report.

**CHAIR:** What funding has the Government allocated to the Youth portfolio to implement recommendation 8 of the Breaking the Silence report, which recommends an all-of-government approach, a statewide evaluation of policy framework to address child sexual assault in Aboriginal communities, and, in particular relevant to your portfolio, an evaluation framework that is agreed by the Government and the community in line with child protection interagency guidelines in the New South Wales Children and Young Persons Act?

**Ms LINDA BURNEY:** I appreciate the sentiment of the question. However, the Minister responsible is Minister Lynch. He is the lead Minister on this matter. I would ask you to refer that question to him.

**CHAIR:** The Children and Young Persons Act is specifically within your portfolio, is it not?

**Ms LINDA BURNEY:** No.

**CHAIR:** So you are not involved in a whole-of-government response to the Breaking the Silence report?

**Ms LINDA BURNEY:** The Breaking the Silence report requires a whole-of-government response. The Commissioner for Children and Young People, Gillian Calvert, is deputy chair of the committee that is overseeing the implementation of the whole-of-government response. Minister Lynch is the Minister responsible for the whole-of-government response to that report, and I would ask you to refer the question to him.

**CHAIR:** What additional funding has been allocated to the Youth Affairs portfolio to implement the relevant aspects of the Breaking the Silence report recommendations?

**Ms LINDA BURNEY:** I refer that to the Director General of the Department of Community Services. I pre-empt his statements by saying that the Minister for Youth has responsibility for a section of the Communities Division within the Department of Community Services, and that is fundamentally responsible for Youth Week, overseeing the implementation of the Youth Action Plan in New South Wales, and I would ask the director general to expand on that particular issue in relation to Breaking the Silence.

**Dr SHEPHERD:** I am not exactly clear on the question.

**CHAIR:** I will give you an example. Part of the recommendations from the Breaking the Silence report and the Government's response to that was that the youth department should be working with the Centre for Children and Young People to implement recommendation No. 13 which is as follows:

To establish a team which includes an Assistant Commissioner to provide leadership for the Commission's work with Aboriginal children and young people and for Aboriginal team members.

A number of recommendations within the response to the Breaking the Silence report relate to your portfolio. The simple question is: How much funding has been allocated to implement those recommendations? Was any funding allocated and, if so, how much?

**Dr SHEPHERD:** That is not a simple question to answer. The reason is that the recommendations in the report are not the same as the Government's whole-of-government response to the report. The Government's response has funding attached to it for some specific programs. In fact, Minister Lynch is responsible for the whole-of-government aspects of the response to that report. I cannot tell you, off the top of my head, precisely which dollars from different sources would apply to that within the Department of Community Services component of the budget. Aspects of this across quite a number of agencies are not represented at this table.

**CHAIR:** Would you take that question on notice and provide the information to the Committee?

**Dr SHEPHERD:** I can only take on notice information that relates to the Department of Community Services. I cannot take on notice a question that relates to some other agency.

**CHAIR:** That was the question in any case. We are asking you to tell us how much additional funding has been allocated.

**Dr SHEPHERD:** I can look at that.

**CHAIR:** The key words are "additional funding". Minister, in your opening statement you referred to working with different agencies. Have you had discussions with Minister Lynch about the implementation of the Breaking the Silence report?

**Ms LINDA BURNEY:** I have had some informal discussions with him relating to the Breaking the Silence report. Obviously, as I have stated, I am not the responsible Minister. I may be an Aboriginal person but that does not make me responsible for the implementation of the Breaking the Silence report. I have had discussions with Ms Calvert about her role in the overall committee. I am pleased that she is there as the deputy chairperson. I have great faith in the whole-of-government response to the Breaking the Silence report. It is a complex issue. You might have to stop me but I have made a number of substantial and highly respectable speeches across the country relating to the Brough approach to indigenous affairs in the Northern Territory.

**CHAIR:** Thank you, Minister.

**Ms LINDA BURNEY:** One of the implications of that is that at the end of this financial year the Federal Government will withdraw all Commonwealth money coming to New South Wales for the Community Housing and Infrastructure Program, the housing program for Aboriginal people.

**CHAIR:** Thank you, Minister.

**Ms LINDA BURNEY:** It is ignoring the fact that New South Wales has the highest number of Aboriginal people in any State in this country. Somehow or other it is okay for Minister Brough not to discuss anything with anyone about it.

**CHAIR:** Minister, have you had contact with youth advisory councils?

**Ms LINDA BURNEY:** Yes. The New South Wales Youth Advisory Council is chaired by Michael Yuen. I met with that council on three occasions and I am looking forward to its final meeting as it is coming to a close. Its final meeting will be held right here in December.

**CHAIR:** Have you had discussions with the Aboriginal Youth Advisory Council?

**Ms LINDA BURNEY:** I have had no discussions with the Aboriginal Youth Advisory Council. I understand that it has held one meeting. I had a discussion with the young woman who is the chair of that council and said that once it gets up and running and it has a meeting I am happy to meet with council members.

**CHAIR:** Minister, concerns have been raised with you that that youth council has not met and has been disbanded by the Minister for Aboriginal Affairs. Will you take up that issue? Were you not aware of that?

**Ms LINDA BURNEY:** I am not the Minister for Aboriginal Affairs.

**CHAIR:** Representations have been made to you.

**Ms LINDA BURNEY:** No, that is not the case.

**CHAIR:** So you have not had representations from Mr Glen Crump?

**Ms LINDA BURNEY:** No I have not. I know Glen from Moree very well.

**CHAIR:** Will you be taking up the matter of that advisory council with the Minister for Aboriginal Affairs?

**Ms LINDA BURNEY:** I have had no formal contact from the Aboriginal Youth Advisory Council. The youth advisory council with which I have a relationship is the New South Wales Youth Advisory Council. I understand that there are two Aboriginal people on that council—a fantastic young woman from Kempsey who has two young children, and another young person. I have asked them to do two substantial pieces of work for me relating to volunteering and the way in which young people interface with the Government. I am unaware of any letter or representation from Mr Crump. If that is the case it might have happened in the last one or two days. However, I am unaware of it at this point.

**Ms LEE RHIANNON:** Minister, would you be aware that Gillian Calvert, in her role as commissioner, described the name and shame laws as regressive, ineffective and inconsistent?

**Ms LINDA BURNEY:** Yes.

**Ms LEE RHIANNON:** The Human Rights and Equal Opportunity Commission also disagrees with the name and shame laws. Obviously the Attorney General and the Premier have indicated tentative support for these laws for juveniles.

**Ms LINDA BURNEY:** Yes.

**Ms LEE RHIANNON:** Could you indicate your position on these laws?

**Ms LINDA BURNEY:** Sure. As you indicated, the Attorney General brought forward this Cabinet minute. The Attorney General announced a review of section 11 of the Children (Criminal Proceedings) Act 1987 and requested a report on the policy objectives of prohibiting the publishing or broadcasting of names of children involved in criminal proceedings. I am aware that the New South Wales parliamentary Standing Committee on Law and Justice is undertaking a review. The Attorney General also made a statement that this is a particularly sensitive area of law, for reasons that we would all understand, and that this law must balance the interests of open justice while still protecting young people.

As Minister for Youth I am extremely interested in what that committee has to say. Young people in New South Wales must also have a say in that committee. I said to my colleagues that young people must have a role in what goes on in that committee. I asked the New South Wales Youth Advisory Council to make a submission to that committee. I consider this issue to be extremely sensitive and I want to ensure that young people have a say in it. I will take a particular interest in the outcomes and discussions of that committee.

**Ms LEE RHIANNON:** Could you tell the Committee your views on the matter at the moment?

**Ms LINDA BURNEY:** I would prefer to take that question on notice. I do not know whether it is useful for me to tell the Committee my views at the moment. If you hear what I am saying, I am interested in the outcomes of that discussion, and particularly that young people have their say and are listened to within that process.

**CHAIR:** It has just been pointed out to me that the terms of reference have not been established and the committee has not met to discuss its terms.

**Ms LEE RHIANNON:** Could you outline briefly your involvement and that of the department in World Youth Day?

**Ms LINDA BURNEY:** Yes, very little involvement. My ministerial staff have met with the statutory organisation that has been established to organise World Youth Day. Obviously I am very interested in it and have a watching brief, but regarding day-to-day involvement the Minister responsible is the Deputy Premier, who looks after major events like the Asia-Pacific Economic

Cooperation and so forth. He is responsible for World Youth Day. We will keep in contact with the statutory organisation that has been established.

**Ms LEE RHIANNON:** Considering it is so expensive, is it impacting on your budget?

**Ms LINDA BURNEY:** No, it is not. There is absolutely no impact in relation to the issues around World Youth Day. The Australian Jockey Club and places like that probably would be able to answer the question, but I do know there is absolutely no impact on the youth component of the New South Wales budget.

**Ms LEE RHIANNON:** You probably are aware of the Youth Action and Policy Association and other youth groups that have been calling for a young workers advisory service. Considering a number of Ministers in the Government are on record regarding the importance of providing protection to young workers, do you agree with the call for a young workers advisory service? Have you had any involvement in its establishment?

**Ms LINDA BURNEY:** I have met with the Youth Action and Policy Association twice. Recently I was invited to open its annual gathering at the Mercure hotel. The issue you raise is significant, particularly about protection of young people in the workplace. As we see WorkChoices being rolled out we see just how tenuous is the role of young people in the workforce under the new regime of WorkChoices. We recommended an advisory service be set up so that governments have some input into what happens with young workers. We did have—

**Ms LEE RHIANNON:** Can I clarify that? You just said, "We have recommended." So, you are saying that the Government has recommended there be a young workers advisory service?

**Ms LINDA BURNEY:** No. I am sorry. The commission recommended. Just to clarify that statement: the Minister for Industrial Relations under the Youth Action Plan is committed to ensuring that the Office of Industrial Relations is accessible to young people.

**The Hon. CATHERINE CUSACK:** So it is a no to the Committee, is it?

**Ms LEE RHIANNON:** So, neither you nor your department or the Minister for Industrial Relations actually support a young workers advisory service being set up?

**Ms LINDA BURNEY:** My response is that we know there has been some work on this issue. I refer the question to Gillian Calvert.

**Ms CALVERT:** My understanding is that the Office of Industrial Relations has a telephone line that services a number of people, including young workers. It is trying to shape that service so that it is more young worker friendly, if you like. I know that WorkCover also has a website trying to look at issues for young workers. I will take the question on notice and clarify it, but that is my understanding.

**Ms LEE RHIANNON:** Just to clarify, the question on notice is: Is the Government moving to set up a young workers advisory service?

**Ms LINDA BURNEY:** Okay.

**Ms LEE RHIANNON:** Are you aware that the Disabled Surfers' Association that caters for all disabled people and has been operating for the past 21 years, has had little success in attracting help from relevant departments despite being lauded as one of the most outstanding successes for disability sports in New South Wales?

**Ms LINDA BURNEY:** I am not aware of the point you have made regarding funding. I am very aware of the organisation. One exciting thing about being offered the portfolio of the Minister for Volunteering is that we are starting from a level playing field or a greenfield site. We are putting in place the framework of what volunteering will look like in New South Wales. I am happy to expand on that, but in relation to the particular question concerning funding of a specific organisation, I will have to take that on notice.

**Ms LEE RHIANNON:** I appreciate your taking the question on notice and as the association is looking for an outcome, within taking that question on notice is providing suggestions of what they do?

**Ms LINDA BURNEY:** Yes.

**Ms LEE RHIANNON:** So that they do not hit the wall?

**Ms LINDA BURNEY:** I am very happy to do that. In fact, across the whole State we are having many discussions on volunteering. I have spoken to thousands of volunteers in the past six months and I am getting a very good sense of the major issues.

**Ms LEE RHIANNON:** You will be aware that the cost of insuring organisations and volunteers, including both public liability insurance and volunteers' insurance, is proving to be a major impediment to the efficient running of many volunteer organisations. What assistance is being given and are you able to remove many of the roadblocks?

**Ms LINDA BURNEY:** That is one major piece of work that I have asked the newly formed Office of Volunteering to undertake. We have been successful in putting together a team of people on secondment from other agencies to work specifically on volunteering issues within the Department of Premier and Cabinet, led by John Scott. One important point to make clear is that State Plan R4 has two specific goals in relation to volunteering, that is, increasing the volunteering workforce by 10 per cent by 2016 and also by diversifying the volunteer workforce.

The other significant piece of work we are in the process of undertaking is a red tape review, to use the colloquial term. That affects exactly what you are saying: things that make it difficult regarding insurance, meeting certain regulations, particularly for small volunteer organisations, which becomes very difficult. We are undertaking a major review that looks at all of those issues as they affect the not-for-profit sector. At the moment that review is one of our highest priorities in the volunteering portfolio.

**Ms LEE RHIANNON:** Are you aware of any workers employed by your department or employed by companies that undertake contract work with your department who are on 457 visas?

**Ms LINDA BURNEY:** No, I am not.

**Ms LEE RHIANNON:** Do you need to take that question on notice to check that there is nobody, because we are finding that the New South Wales Government is employing people on 457 visas?

**Ms LINDA BURNEY:** I am very familiar with the 457 visas issue as well as other positions in which people on 457 visas find themselves. There is not an actual department of volunteering. As I said, we have established a small office within the Department of Premier and Cabinet. I believe we have four officers on secondment.

**Mr SCOTT:** We have one full-time officer and three officers from other agencies.

**Ms LINDA BURNEY:** I had not anticipated exploring that issue, but I am happy to take it on notice to see whether the position exists. I am not aware of it.

**Ms LEE RHIANNON:** Take the 457 visas issue on notice?

**Ms LINDA BURNEY:** Yes. But I am not aware that that is the case anywhere.

**Mr SCOTT:** All of the staff working on volunteering are permanent public servants, not 457 visa holders.

**Ms LEE RHIANNON:** I was actually interested in the whole department.

**Ms LINDA BURNEY:** No. They are in the sector.

**Ms LEE RHIANNON:** The New South Wales Centre for the Advancement of Adolescent Health was launched in 1998 under the New South Wales Youth Health Policy and provided services and advocacy in different ways. I was interested, firstly, in your work with this body, particularly regarding suicides in rural and regional areas, and specifically assisting young people with sexuality issues because that is where we see a spike in suicides. Obviously, the programs need to be quite sensitive. Is that issue being addressed by that particular body and by you?

**Ms LINDA BURNEY:** I thank you for that question. I have visited an organisation to which you refer out at Westmead. I have to say that it was humbling and inspiring to see some of the work that is being undertaken there. One of the issues to be discussed was the very issue of young people in terms of suicide, particularly young people in regional centres, and the sort of access they have to services. Youth suicides are a constant focus for key agencies such as the Department of Community Services and Health. It has to be a key issue and it is, in terms of increasing support services for young people who find themselves in these sorts of situations.

In relation to the specific issues that you have raised around sexualisation and the pressures on young people, they really fall within the purview of the Minister for Health (Mental Health). However, I am happy to take sections of that question on notice that may or may not refer to my particular portfolio area. I am not trying to fob it off because I know it is a very important issue. It is an issue that the Government does an awful lot of work around, across the Government, but it is not specifically part of my responsibilities.

**Ms LEE RHIANNON:** Related to that—and again it may or may not be in your portfolio but I am certainly sure you would understand how it is related—is the education of young people about homophobia. Could you speak to that or take that on notice? I would be interested in what the Government's assessment is of how serious the problem is, and also what services and programs are run to help people.

**Ms LINDA BURNEY:** Ms Rhiannon, I am really happy to take it on notice. You will recall that there was some discussion around this early last year in relation to what is happening in the education system as far as homophobia goes. It is not my area of responsibility; therefore I will not try to respond to it. But I am certainly happy to take it on notice.

**The Hon. GREG DONNELLY:** Following the volunteering roundtable held in June, could you inform the Committee about the Government's plans to support volunteering in New South Wales?

**Ms LINDA BURNEY:** Yes. As I said, I am genuinely excited about the prospect and some of the work that we have started in volunteering. It is a very new area. It goes back to how I have responded to some other questions. It is a nonsense to think that it is the Minister, ministerial officers and government officials who should fashion the way in which we are going to meet R4 and fashion what the volunteering landscape should be like here in New South Wales from a Government perspective. It really is an area that absolutely requires proper negotiation and extensive consultation.

One of those major pieces of work, a section of which I attended, was the roundtable held on 22 June. We had 40 key volunteer organisations as well as government and academic people around the table. That roundtable represented 330,000 not-for-profit organisations. There were people from Red Cross, Reconciliation New South Wales, the SES, the Exodus Foundation and Meals on Wheels. Basically we had a person in who ran the day. The director general, Robyn Kruk, committed herself to the whole morning.

What came out were suggestions that the New South Wales Government needs to concentrate on high priority areas. This is what the volunteer organisations gave us or told us. They said that we need to focus on making it easy to volunteer. They said that we need to focus on attracting, training and retaining volunteers. They also said that we needed to focus on diversifying the volunteer workforce. They told us that we need to promote the value of volunteering, hence the inaugural New South Wales Volunteer of the Year Awards to start with. But they also said something very important: that we need to support regional volunteering.

Just this week I was in Grafton and I met with the volunteers there, and when I was in Tweed Heads I met with volunteers there. They are very clear about their excitement that they are seeing something start to develop in terms of New South Wales Government involvement in volunteering. Formal volunteering—the people who ticked the box on the Australian Bureau of Statistics census—amounts to 1.7 million volunteers in New South Wales. I reckon we could double that by including people who mow the lawn every second week for the older couple next door, people who work in canteens, and soccer dads and mums. We know that there are 275 million hours of volunteering. This is why the roundtable was so important.

We know that volunteering in New South Wales is worth \$5 billion a year to the New South Wales way of life and economy, so it is very important. That roundtable was the catalyst for recognising what volunteer organisations are saying are their priorities.

**The Hon. GREG DONNELLY:** I will ask a related question that you may not have thought about, but I would like you to consider it. With volunteering in areas such as the State Emergency Service and related organisations, people typically, prior to the introduction of WorkChoices, had provisions in awards and enterprise agreements that provided for the release of volunteers to participate in volunteering. With the introduction of WorkChoices in March 2006, there are now just five minimum provisions in the legislation, and none of those provisions relate to release for voluntary purposes.

**Ms LINDA BURNEY:** Yes.

**The Hon. GREG DONNELLY:** Is there any feedback coming back to you as Minister about this impact of WorkChoices on people being prepared to commit the time to volunteer, or employers releasing them?

**Ms LINDA BURNEY:** I preface my comments by saying that Minister Rees, the Minister for Emergency Services, is responsible for the State Emergency Service and the Rural Fire Service. So I will not try to respond except to say that in discussions I have had with the thousands of people I have come into contact with in terms of volunteering that the issue has been raised. There was certainly a concern about the impact of WorkChoices on people's ability to volunteer. That has been raised a number of times. I am being told it is having an impact but I stress that it is Mr Rees who has the responsibility for emergency services types of volunteer organisations.

**The Hon. CATHERINE CUSACK:** Do you have a case study on that, Minister?

**Ms LINDA BURNEY:** I do not have a case study.

**The Hon. CATHERINE CUSACK:** I did not think so.

**Ms LINDA BURNEY:** I am saying that as I go around—

**The Hon. CATHERINE CUSACK:** It is easy to—

**Ms LINDA BURNEY:** No, wait a second and you will hear. I said that I am not the Minister responsible for emergency services. If you think it is the case that people have not said to me in my capacity as Minister for Volunteering that there is an impact or there is a concern, then you are actually calling those people liars, not me.

**The Hon. CATHERINE CUSACK:** I am saying that if you are genuine you could give us an example.

**Mr SCOTT:** There is an example in relation to participation in sporting and sport. The availability of people to provide management of coaching facilities in terms of time to support teams appears to be dropping. I think in some areas the suggestion is a decline of 24 per cent. Whether that is solely attributed to WorkChoices or other factors is not completely clear, but there is certainly evidence in some areas of a decline of availability of people volunteering in sport.

**The Hon. CATHERINE CUSACK:** I am just asking: Is there a person who has said, "My employer won't allow me to volunteer"?

**Ms LINDA BURNEY:** Yes. There are people who have said to me that they are concerned about their capacity.

**The Hon. CATHERINE CUSACK:** There is a lot of talk, but I am asking for an example.

**Ms LINDA BURNEY:** We know that there is absolute reduction in the flexibility for people to be able to participate in volunteering. There are no more assurances that you do not have to work Saturday mornings and there are no more assurances that you can do the school canteen on Tuesday at lunchtime.

**The Hon. CHRISTINE ROBERTSON:** Can you explain the role of the New South Wales Youth Advisory Council and describe what the current council has done in 2007?

**Ms LINDA BURNEY:** Sure. People will remember that the Youth Advisory Council was established back in 1989. The Act that established the council, the Youth Advisory Council Act, defines young people as being from 12 to 25. I say clearly that the Labor Government is committed to increasing the participation of young people in our community. I have said repeatedly over the last six months whilst I have been youth Minister that, although we recognise that youth are our future, we also recognise that youth are paying taxes, renting houses, in the workforce and consuming goods right here and now.

The Youth Advisory Council is a key consultative mechanism in New South Wales. I indicated earlier that I have met with the council three times already this year. There are 12 members. This current council's role finishes at the end of this year but this year alone—and I will not go through it in chapter and verse—the council has consulted on volunteering and community service at my request with approximately 50 young people. They have been to Wollongong, Shellharbour, Warilla and Moree. The Youth Advisory Council seeks young people's views on the implementation of the Premier's Community Service Awards Program. They are involved in devising and overseeing the Youth Action Plan. Through the discussions that we have had the council is discussing the issue of youth participation at all levels of government.

This year the council has visited Warialda, Bingara, Narrabri, Wee Waa, Moree, Collarenebri, Mungindi, and Boggabilla—and young people from a student representative council regional conference—all up in that good area, the northwest of New South Wales. The other thing that is great about the Youth Advisory Council is that it really is reflective of young people in New South Wales. There are young people from very many different cultural backgrounds and faiths, young Aboriginal people, and a young woman that has a disability with her sight. It is really a great group of people. In response to a recent call for applications for the 12 new positions available there have been over 107 applications so far. That shows the regard in which the Youth Advisory Council is held.

**CHAIR:** Are there any other questions?

**The Hon. CHRISTINE ROBERTSON:** We have one minute.

**The Hon. CATHERINE CUSACK:** You referred to supporting volunteers in rural and regional areas. I want to ask you about the Premier's Community Service Award. Perhaps Mr Scott can help us on this one as well. It seems that only Labor members of Parliament were allowed to nominate people from their electorates to receive that award?

**Ms LINDA BURNEY:** That is not the case. I think you have two of them mixed up. A call has gone out for nominations. I think the closing date is the 15<sup>th</sup> of this month.

**The Hon. CATHERINE CUSACK:** That is for the Volunteer of the Year award. I am referring to the Premier's Community Service Award that was held earlier this year.

**Ms LINDA BURNEY:** I will refer that to Mr Scott.



**Mr SCOTT:** It is not something I am familiar with.

**Ms LINDA BURNEY:** The award being considered at the moment is a brand new thing. I am the patron for that award. It is definitely available: in fact I referred to it in the House in the last sitting week. It is absolutely available for all members of Parliament.

**The Hon. CATHERINE CUSACK:** Perhaps I could table this information for the Committee and you could take it on notice?

**Ms LINDA BURNEY:** Yes, I think you might have something confused there, but it is absolutely there for all members of Parliament.

**The Hon. CATHERINE CUSACK:** No, I am referring to the Premier's Community Service Award. It was made earlier this year.

**The Hon. CHRISTINE ROBERTSON:** It is outside her portfolio.

**The Hon. CATHERINE CUSACK:** It is for volunteers.

**Mr SCOTT:** Is that possibly the one conducted through the Community Relations Commission?

**The Hon. CATHERINE CUSACK:** I am not sure how it was conducted.

**Ms LINDA BURNEY:** I will take it on notice. I think you have it confused with the awards that are being considered at the moment, and they are certainly available. In fact we have nominations from many people in this Parliament, and it would be incredibly wrong to have a volunteer of the year award that was not available to everybody.

**CHAIR:** Can you confirm that Minister Campbell's announcement about child protection online came the same day as Mike Baird, the member for Manly, and Greg Smith, the member for Epping, held a forum that delivered the same recommendation?

**Ms LINDA BURNEY:** I will take that on notice in terms of the timing? I am very happy to talk about issues around child protection and volunteering, but the specific question on timing I will take on notice.

**CHAIR:** Could you further tell us what the timing is of the Government's announcement to make it mandatory for sex offenders to register their active email addresses when convicted?

**Ms LINDA BURNEY:** That is not part of my portfolio area either, I am sorry.

**CHAIR:** Just to clarify the timing, the crossbench had some time left.

**The Hon. TONY CATANZARITI:** It is 4.45.

**The Hon. CATHERINE CUSACK:** Yes, but the hearing started late.

**The Hon. CHRISTINE ROBERTSON:** Yes, which is why we made a deal to finish at 4.45 p.m..

**The Hon. CATHERINE CUSACK:** Point of order.

**The Hon. TONY CATANZARITI:** We gave you quarter of an hour.

**CHAIR:** I will just seek some clarification. We have been timing it carefully and we certainly asked the Minister's indulgence to extend the time.

**The Hon. TONY CATANZARITI:** She did.

**The Hon. CHRISTINE ROBERTSON:** Until 4.45 p.m..

**CHAIR:** We did have a bit of extra time.

**Ms LINDA BURNEY:** I am happy to take another question. I was of the view that we started a quarter of an hour late, so we finished a quarter of an hour late, but I am very happy to take another point. Could I just clarify on your last question that the sexual offenders register is under the police Minister, not under my jurisdiction.

**CHAIR:** One final question—

**The Hon. TONY CATANZARITI:** Point of order.

**CHAIR:** The Minister has agreed to take another question.

**Ms LINDA BURNEY:** I will take one more question.

**CHAIR:** So there is no need for a point of order. Minister, what procedures are in place to review the use and effectiveness of public space for young people, for example, police community youth clubs, et cetera?

**Ms LINDA BURNEY:** That is not part of my jurisdiction either, I am sorry.

**CHAIR:** Police community youth clubs are not?

**Ms LINDA BURNEY:** No, police community youth clubs are within the police ministry. The role of the Minister for Youth is to work across government, to work with other Ministers in relation to—

**CHAIR:** Are you participating in a review of public space for young people?

**Ms LINDA BURNEY:** No, I am not.

**CHAIR:** Are there any plans at all to have any sort of review of public space?

**Ms LINDA BURNEY:** I would have to take that on notice. It is simply not part of my responsibilities. I am happy to take it on notice, but I think it would be best directed to the relevant Minister. I cannot tell you who that is. It is just not part of my responsibility.

**CHAIR:** I remind the Minister that we have 21 days for answers to questions on notice to be provided to the Committee. I thank you for your participation today.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**

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