

**GENERAL PURPOSE STANDING COMMITTEE No. 3**

**Thursday 8 June 2000**

**Examination of proposed expenditure for the portfolio areas**

**FAIR TRADING, AND SPORT AND RECREATION**

**The Committee met at 7.00 p.m.**

**MEMBERS**

The Hon. Helen Sham-Ho (Chair)

The Hon. R. T. M. Bull  
The Hon. J. Hatzistergos  
The Hon. M. J. Gallacher

The Hon. J. R. Johnson  
The Hon. A. B. Manson  
The Hon. J. F. Ryan

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**PRESENT**

**The Hon. J. A. Watkins**, *Minister for Fair Trading, and Minister for Sport and Recreation*

**Department of Fair Trading**

**Mr J. Schmidt**, *Assistant Director-General*

**Mr G. Waters**, *Director of Management and Information Services*

**Department of Sport and Recreation**

**Mr J. Cuthbert**, *Financial Controller*

**Ms Spencer**, *Deputy Director-General, Management Services*

**Minister's Staff**

**Miss J. Fitzgerald**, *Chief of Staff*

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**CHAIR:** I wish to welcome you all to this public hearing of General Purpose Standing Committee No. 3. First, I wish to thank the Minister and his departmental officers for attending tonight. At this meeting the Committee will examine the proposed expenditure from the Consolidated Fund for the portfolio areas of Sport and Recreation, Fair Trading. Before questions commence, some procedural matters need to be dealt with. As you will be aware, part 4 of the resolution referring the Budget Estimates to the Committee requires the Committee to hear evidence on the Budget Estimates in public.

Under Standing Order 252 of the Legislative Council, this Committee has resolved to authorise the media to broadcast sound and video excerpts of its public proceedings held tonight. The Committee's resolution conforms with the guidelines governing the broadcast of proceedings adopted by the Legislative Council on 11 October 1994. The attendant on duty has copies of these guidelines. I emphasise that only members of the Committee and the witnesses before them may be filmed or recorded. People in the public gallery are not considered to be part of the Committee and, therefore, should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee, as with reporting the proceedings of both Houses of Parliament, you must take responsibility for what you publish or what interpretation is placed on anything that is said before the Committee.

While there has been provision in previous years' Budget Estimates resolutions for members of a Committee and substitute members to refer directly to their own staff at any time, there is no such provision in the current resolution. Members and their staff are therefore advised that any messages should be delivered through the attendant on duty or the Committee clerks. For the benefit of members and Hansard, and the effective operation of this Committee, it is very important that departmental officials identify themselves by name, position and department or agency before answering each question. There is wide latitude allowed in asking questions on any of the Budget Estimates and related documents before the Committee. However, where a member is seeking information in relation to a particular aspect of a program or a subprogram, it will help the Minister and the Committee if the program or subprogram is identified.

The Committee has agreed to the following format for the hearing: The Committee has agreed not to allocate specific blocks of time to individual parties or members. Members will be provided with an opportunity to pursue specific lines of questioning until such time as they have exhausted questions relating to that issue. I will endeavour to ensure this process is as equitable as possible and that all members are given an opportunity to ask questions.

As you are aware, a period of two hours has been set aside for today's public hearing. If, at the conclusion of the hearing, members have not exhausted the questions to which they require answers, the Committee may decide to hold additional hearings before it is required to report on 23 June 2000. I received a letter from the Minister stating that he preferred that Sport and Recreation go first, and the Committee has agreed that Sport and Recreation will go first and have up to an hour, and the rest of the time will be devoted to Fair Trading.

**Mr WATKINS:** Thank you.

**CHAIR:** I declare the proposed expenditure open for examination. Before questions are asked, does the Minister have any opening remarks?

**Mr WATKINS:** No, Madam.

**CHAIR:** It is my usual practice to ask the first question. Thank you for coming, Minister. After the Olympics in September of this year, what will happen to the various Olympic venues, such as the Sydney Superdome, the Sydney International Athletic Sports Centre and the Olympic Hockey Centre?

**Mr WATKINS:** Thank you, Madam Chair. That is an interesting question, and one that I note has been dealt with in the media recently as well.

The Homebush Bay precinct, following the 2000 Olympic Games, will undoubtedly be the best sporting precinct in the world. I think most people acknowledge that. This will give us a lasting legacy in New South Wales for everyone that enjoys sport and for particular sporting associations with the legacy that area will have for them.

The pleasing thing that I can report—and I think it actually is worth repeating, even though the Treasurer correctly made much of it in the budget—is that the facilities will be fully paid for, and that means that the people of New South Wales will not be burdened by an ongoing cost.

The CEOs of keystone government agencies are currently examining the post-Olympic operations and the strategic directions for the site to ensure that we maximise benefits to the community of New South Wales. The

agencies involved in that review are the Olympic Co-ordination Authority, my Department of Sport and Recreation, the New South Wales Institute of Sport, who are major tenants of that area now, the Department of Urban Affairs and Planning and ORTA.

There are current commercial contractual arrangements with the operators that have to be taken into consideration, but in terms of the financial imposte it is not envisaged that this would impact on the current budget of the Department of Sport and Recreation. It is the Government's intention to maintain world's best practice standards in the overall management of the precinct. Clearly this is a challenge for Government: how will it be arranged after the Olympic Games is completed so that we maximise the benefits for sporting lovers and the taxpayers of New South Wales.

I am pleased with the initial discussions that I am aware of that are taking place with regard to that matter and we will have more to report on that as the weeks and months pass.

**The Hon. R. T. M. BULL:** Minister, with respect to the facilities out there, the State Sports Centre for instance, the Hockey Centre, I understand that these venues will be controlled by the authority which replaces OCA at some stage next year. Will that authority have total say over the conduct of those venues or will the various entities still remain separate from that organisation?

**Mr WATKINS:** It is hard to give more in answering that question than I already have, because in fact the make-up of the authority that is going to be involved in the control of those has not yet been determined, as I explained. Obviously, the State Sports Centre sits in the Homebush Bay area, and that is one major, important facility that will be part of that discussion process, but there have been no decisions made about where responsibility will lie for that or the other facilities out there, and it is an issue where there is a lot of debate and discussion and views being put forward, but no decisions have been made.

**The Hon. R. T. M. BULL:** Have you plans to commit funds from the department to any of these post-Olympic venues at this stage?

**Mr WATKINS:** Again, there have been no decisions about that, so the answer to that is no, because we are looking to a future where as yet no decisions have been made as to the format, as to how the facilities out there will be governed into the future. What I can tell the Committee is that with those facilities we will ensure we maximise access to the people of New South Wales, and I think that is what the people of New South Wales expect and look forward to.

I do not know if you or other members of the Committee have been to some of the recent occasions at the venues, but you would acknowledge and know that they are extremely popular. The recent swimming trials was the most popular swimming meet ever held anywhere at this point of time. Almost 100,000 people visited the centre during that time. I understand that the facility will be reduced in capacity somewhat, not back to its old formation, but the plan is to reduce it, but it has taken on an importance in the hearts of the people of Sydney that is undeniable.

Last night I was able to attend the State of Origin and there was a crowd of about 60,000 or so there. The people of Sydney and New South Wales have obviously taken that whole precinct to their hearts. We have to ensure that we maximise access into the future, and I think both sides of politics would acknowledge that is exactly what Government should be doing.

**The Hon. R. T. M. BULL:** Will you be talking to councils such as those involved with the Bankstown Softball Centre or the Dunc Gray Velodrome about them possibly taking over those venues?

**Mr WATKINS:** Once we start moving outside the Homebush Bay precinct, we are talking about a whole range of other facilities, out at Penrith Lakes and the velodrome and the equestrian centre, there is a whole range of sites outside Homebush. My view—and I am not the only Minister involved in this obviously—my view is that that process of deciding where authority for these facilities eventually lies should be one where we talk to as many parties as possible who are currently, or may, be involved in the management of them. I would be very happy to discuss those issues with councils, authorities and sporting organisations. We have to take them into that process.

**The Hon. R. T. M. BULL:** Could I assume, Minister, that the Government would be unwilling to take ownership of all of these venues, and the associated costs of all of these venues?

**Mr WATKINS:** You would be making an assumption that I cannot deny or support. We simply have not reached the point where those decisions have been made. We will ensure that the future is one where the facilities

are used to a maximum for the good of the people of New South Wales, for those who love sport and for the taxpayers of New South Wales.

**The Hon. R. T. M. BULL:** Minister, I notice in the budget papers a \$2 million grant to the Sydney Cricket Ground to resurface the ground.

**Mr WATKINS:** Could you refer to the appropriate part of the budget papers?

**The Hon. R. T. M. BULL:** It is in the text, Budget Paper No. 3, page 5.

**Mr WATKINS:** Yes.

**The Hon. R. T. M. BULL:** What part does the Government play in the trust that is in charge of the Sydney Cricket Ground? I always assumed that the Sydney Cricket Ground would be funding those sort of improvements. Is it regular for the Government to be contributing to a maintenance job like this for the Sydney Cricket Ground?

**Mr WATKINS:** As I presume the Committee knows, the Sydney Cricket Ground Sportsground Trust reports directly to me, and that trust looks after what is a publicly owned asset on behalf of the people of New South Wales. The announcement was made, early this year or late last year I think, about the resurfacing of the Sydney Cricket Ground. That is a significant job that is going to be done out there. I think it probably would be inaccurate to refer to it simply as maintenance. What we have seen for the first time is a total resurface of the Sydney Cricket Ground. There certainly has been work done in the past at the ground and at the centre wicket area, but this is the first time that the whole surface will be taken up, proper drainage will be put in, it will be levelled—there is a fall in the ground at the moment— and we will end up with what will be the best cricket playing surface, certainly in Australia, probably the world.

**The Hon. R. T. M. BULL:** And Australian Rules?

**Mr WATKINS:** And Australian Rules; both codes. Australian Rules, the cricket associations, cricket lovers—everyone is supportive of the move. The Sydney Cricket Ground and Sports Ground Trust has embraced this as necessary work. The work will be done later in the year, at the end of the Aussie Rules season. The resurfacing work will commence as soon as that finishes. I understand that that will be completed by the January test match in Sydney. I was a bit concerned about that period. I have asked them whether it is enough time and they have assured me that it is. The pitch can be developed off site anyway, but the rest of the ground will be ready by that time.

The trust is contributing to this work as well. It is a worthy project that the people of Sydney have embraced as being acceptable. They are looking forward to it with some excitement. There was a huge amount of interest in it when it was announced, and I think there will be in the future, especially as the Sydney Cricket Ground and Sports Ground Trust has a plan to sell portions of the wicket area and the wider ground to the public as memorabilia. There is a fair degree of excitement about that.

To get back to the role of Government, this is an asset that is controlled by the Government on behalf of the people of New South Wales, one of the most popular and most visited facilities in Australia. The New South Wales Government has a responsibility to ensure that the ground is of the highest standard, especially when the SCG has such an iconic status in our community. Of the \$12.675 million in capital works, the Government is contributing \$2 million.

I draw your attention to page 93 of the State Asset Acquisition Program 2000-2001, Budget Paper No. 4. That explains the work that is occurring out there. In fact the Sydney Cricket Ground and Sports Ground Trust has a range of developments that it is proposing with a price tag of more than \$12 million. The commitment from the State Government of \$2 million is fair and reasonable.

**The Hon. R. T. M. BULL:** The trust announced—I am not sure whether earlier this year or late last year—the extension of the grandstand around the Doug Walters Stand area. Is the Government proposing to contribute to this project when it eventually takes place? Can you advise the Committee on the status of that project?

**Mr WATKINS:** I am just trying to recall that. Can you remember where you were made aware of that?

**The Hon. R. T. M. BULL:** It would have been in the press.

**Mr WATKINS:** I think that is where I remember seeing it too.

**The Hon. R. T. M. BULL:** I know the Sydney Swans were keen about it, because it will take the capacity up to about 58,000.

**Mr WATKINS:** Yes, I have had recent discussions with some people from the Swans. One of the good things about being Minister for Sport and Recreation is that you get invited to a lot of games.

**The Hon. R. T. M. BULL:** I have noticed.

**Mr WATKINS:** It is all work. You get to meet an interesting variety of people involved in our sporting organisations. I am sure you do too, and that is one of the fascinating parts of it. The Swans are very happy as tenants and users of the Sydney Cricket Ground. The Sydney Cricket Ground and Sports Ground Trust has advised that, contrary to that media report that you and I saw, there are no plans to develop a new 10,000-seat grandstand at the Sydney Cricket Ground. They have advised me of that.

**The Hon. R. T. M. BULL:** I wanted to raise the issue of Eastern Creek. Could you advise the Committee of the current contractual arrangements in respect of the leasing of Eastern Creek?

**Mr WATKINS:** There is a contract between the current leaseholder at Eastern Creek, that is, the Australian Racing Drivers Club [ARDC]. That lease is in place, I understand, for 35 years. It was entered into in the mid-nineties—1996-97. There is an amount of work going on. There is certainly an amount of usage of the facility, and in my discussions with Mr Hones, who is the representative of ARDC, he has indicated that he is pleased with their tenancy at Eastern Creek.

**The Hon. R. T. M. BULL:** Could you advise the Committee whether ARDC is meeting its commitments in respect of lease payments?

**Mr WATKINS:** The details of that lease are commercial in confidence, and I will not go into the details of that. The ARDC is paying its rent to the State Government. The Eastern Creek Raceway, as Opposition members of this Committee will recall, was described by a previous member of this Parliament as a black hole. I think it was Mr Smiles, before he left. I remind members of the Committee that it is not a black hole now. The current arrangements with ARDC at Eastern Creek mean that that tenant is paying the rent and it is no longer the black hole, as it was described by a previous Coalition member.

**The Hon. R. T. M. BULL:** I take it that the Government is not having to find any funding for Eastern Creek?

**Mr WATKINS:** ARDC is paying the rent.

**The Hon. R. T. M. BULL:** So the rent payments are covering the costs of Eastern Creek?

**Mr WATKINS:** My attention has been drawn to some details in Budget Paper No. 3, Volume 2, at page 8-30, which detail the financial aspects of Eastern Creek and make clear the sound position that it is in. The Premier has also made clear on several occasions publicly, and certainly privately, that a Cabinet decision was made in 1997 that further Government funds would not be poured into the Eastern Creek Raceway. I think that has been in the press again recently. That is a Cabinet decision that was taken before I was a member of the Cabinet and it is a Cabinet decision that still applies.

**The Hon. R. T. M. BULL:** I just picked up a figure at page 8-28 regarding the operating expenses. The last line item mentions the International Athletic and Aquatic Centres and the expenses for the Government of \$4.325 million in the forthcoming year. Is that going to be an ongoing cost to the Government? Is that just for the upkeep or is it actually running at a loss?

**Mr WATKINS:** You have correctly identified \$4.325 million as the annual allocation to the International Athletic and Aquatic Centres. The major components are the State management levies, the sinking fund for major repairs and the operator subsidy of \$1.425 million. There is a range of aspects to that \$4.325. I know those facilities very well, because the New South Wales Institute of Sport is a major tenant at the Sydney International Athletic Centre, and the swimming centre is the most popular sports facility in New South Wales, I am told. We have there two magnificent facilities that again are critically important to the people of Sydney.

After the athletics track is moved from Stadium Australia—and I understand that will be after the Olympic Games are over—the plan is for the Sydney International Athletic Centre to be the premier athletic facility in New South Wales. Those two venues are much loved and much used by taxpayers and sports lovers in this State. Yes, the Government plays a significant role in their upkeep, and rightly so.

**The Hon. R. T. M. BULL:** I take it from the answers you have provided tonight that the International Athletic Centre, the Aquatic Centre and the State Sports Centre are three venues that you will be continuing to run on behalf of the Government and the people of New South Wales. Are there any other venues in which you have an interest?

**Mr WATKINS:** Yes. Again that question takes us back to the start, as a lot of questions do. I can only restate what I said, that there is a great deal of planning as to where the responsibility for those facilities will lie after the Olympic Games are concluded. I am certainly a party to those discussions, but the end point simply has not been reached. That will certainly apply to the State Sports Centre, the athletics centre and the swimming centre. But we have to think of others: what is going to happen to the archery centre which is on that site? What relationship will the State Government have in the future with the Superdome and Stadium Australia? You rightly refer to facilities off site as well.

We simply have not reached the point where I can give you a clear view of that, because those decisions have not been made. I suppose I should take the opportunity today, of all days, with the Olympic torch landing in Australia on this day, to speak on behalf of all sports-loving people in New South Wales and say that I am sure they look forward to the next 100 days leading up the Olympic Games. Most people wish, hope and actually believe that the Olympic Games in Sydney will be a fantastic experience, not just for those who love sport but for all Sydneysiders. Certainly it has had an amazing impact on Sydney.

We all hope and believe that the ongoing benefits to Sydney and New South Wales will be very real. I am aware of reports that after the Olympic Games in Barcelona tourism to the region increased every year. It is an interesting time to be in Sydney. It is a wonderful time to be a sports lover in Sydney, with less than 100 days to go before the Games. Our prime responsibility at the moment is to ensure that the Games are run properly, that people get the best experience out of it, not just here in Sydney but in the rest of New South Wales, particularly rural and regional New South Wales and, indeed, the rest of Australia.

Beyond that we have the responsibility to ensure that those facilities are looked after, and are provided to the people of New South Wales in as open a way as we can, but in a way that also recognises the need to be responsible to the taxpayers of New South Wales.

So 100 days to go to the Olympics. Our attention really in government, as well as out, is in ensuring that runs well. Certainly in our plans, there is a proper time to be planning for the future. That is occurring, but again nothing has been finalised, and when those plans are finalised I will be very pleased to answer to the people of New South Wales about them.

**The Hon R. T. M. BULL:** Just one more question Minister, with respect to 8-28 again. Could you advise the Committee what Olympic Service Grants are comprised of? What does the \$4.8 million actually comprise?

**Mr WATKINS:** The \$4.8 million allocation comprises \$2 million worth of funding for the baseball training facility, \$2.3 million for the athletics throws at the Aquilina Reserve at Blacktown, and \$500,000 for the water polo facility.

**The Hon R. T. M. BULL:** That is softball at the Aquilina Reserve?

**Mr WATKINS:** Yes.

**CHAIR:** In relation to the grants, I refer to the line item "Capital Grants to Non-Profit Organisations". I understand that of course the Australian-Chinese Sports Foundation approached you on help with a sports centre or sports facility?

**Mr WATKINS:** Yes.

**CHAIR:** Is that included in that line item? What is "non-profit organisations"? From \$4.351 million last year you have now dropped down to \$3.262 million in capital grants.

**Mr WATKINS:** Capital grants on that line item refers to the regional sports facilities program. That regional sports facilities program is a program where sporting organisations across the State can apply for funding, with an upper limit of \$300,000. These are for major regional sports facilities.

This year we were able to fund 14 regional sports facilities. Not all received the full \$300,000—indeed, not all applied for the full \$300,000. Those 14 regional sports facilities were scattered across New South Wales. I should make the point, and I have quoted it in quite a few places, that of the 14 only three of them were in Sydney. One was in Campbelltown, one was in the seat of Lane Cove, in the Leader of the Opposition's seat, and the third in Sydney has just slipped my mind, but I will come back to it.

The important thing is that 11 were outside Sydney. I am very aware when I travel around the State that there is a feeling abroad that regional and rural New South Wales are not getting their fair share. That concerns me when I travel to those communities, especially when I see in certain parts of the State there is a lack of sporting facilities. It pains me in some towns where facilities are either not there or they are old and worn out.

I was very pleased to visit quite a few parts of the State to announce the allocation of funds for regional facilities. This year we have funded \$200,000 to the Port Stephens Council for the Lakeside Sports Complex. That includes fields, access, car park and amenities. A budgetary allocation will enable the provision or the construction of hockey facilities on the far North Coast. I visited Murwillumbah and received a very pleasant thank-you note from Thomas George MP.

**The Hon R. T. M. BULL:** He is a very good local member.

**Mr WATKINS:** He is, and a gentleman, even though he attacked me in the House last week.

**The Hon R. T. M. BULL:** He would not do that.

**Mr WATKINS:** He did. I was knocked over by a vicious attack. But he was very gracious to me, as he always is when I am in his electorate. I was pleased to visit Port Macquarie, and ensure that over \$250,000 was made available there. The shadow Minister for Sport—also a gracious local member there—welcomed me and offered some praise for what we were able to do to assist.

**The Hon J. R. JOHNSON:** And rightly so.

**Mr WATKINS:** And rightly so. I also have to make the point that State Government does not do this by itself. With both the regional facilities funds and the capital assistance program, they can only work in partnership with local councils, that is with local government and also sporting associations, and almost universally I have found that community groups and sporting associations work in tandem with local government and the State Government to achieve an outcome. No one party is responsible, and no one party can take all the praise.

In New England, in Armidale, I visited there with a \$300,000 grant for an indoor sporting complex, a two-court indoor sports stadium, which will be a great advantage to that community, especially in the weather that we are having at the moment.

In the Tweed shire, \$40,000 has been allocated to assist in the installation of heating in the Kingscliffe Pool. You would wonder why you would have to put heating in Kingscliffe Pool, in one of the best climates in New South Wales. but they found that they were unable to swim in the winter because of the weather, and that they were losing their swimmers. This will enable them to swim all year round. I was able to meet Diana Calub, and Josh Watson, who also swam at the recent trials very well. They were very pleased about that.

I am particularly disturbed in New South Wales—and I think as Minister I should make this as public as I can whenever I can—at still the number of country children who are not strong swimmers. Last year I visited Orange, and met the Orange committee that is looking at developing, or redeveloping, the Orange Swimming Centre there, and also having an all-year-round facility. They spoke of very disturbing figures, with around 50 per cent of children in some primary schools in Orange not being able to swim well.

As Minister I have tried to do something about that. This year we funded construction of swimming pools in Jindera and Tocumwal, two small towns in New South Wales, again to assist kids to learn to swim there, to get them out of the dangerous swimming spots, either in the river or in irrigation canals.

It was quite disturbing at Tocumwal, which is on the Murray River, that they had a pool there but in one of the floods of the Murray, it was very close to the Murray and it was undercut, and it is no longer used, and in the past three or four years three young people have become paraplegic by jumping into the Murray at that point. So to be able to grant them some money under this scheme was something that was great. It was very warmly welcomed.

Just to run through the final ones: Shoalhaven Netball Association to upgrade courts, Wollongong City Council to construct covered grandstand, storage facilities and amenities, and the Bathurst City Council for the construction of a water-based synthetic hockey surface. I was also pleased to receive a very warm letter of thanks from Bathurst Hockey Association. In its letter the association stated the extremely successful lobbying by its local member, Gerard Martin, in the process. However, with all of these, the successful claim went through that procedure within the department.

Bourke received a substantial grant of \$104,000, and the other one that was in Sydney that I did not refer to earlier was at Sutherland, which is in the seat of the member for Cronulla, and that was to upgrade and resurface Sylvania Waters Athletics track, which was in a very run-down state. So the regional facilities funds grants are successful. I am pleased that 11 of the 14 went to country centres in New South Wales.

The other issue that you referred to, Madam Chair, was the Chinese Community and their sporting needs. I am in discussion with them. I am very pleased to be patron of their sports associations, and the carnival that was held there was a great success. It was well-organised, and it was open to not just the Chinese community but to the whole community, which is exactly what the Chinese community does in all of their community activities.

**CHAIR:** It is supposed to be multicultural activities.

**Mr WATKINS:** That is right, and it was great to be down at Chinatown at the launch of that day, and to see the enthusiasm and the excitement. Also the growing sport of dragon boat racing in Sydney. It has been one of my great joys to become closely involved with the Chinese Community over the last few years. I have a substantial Chinese community living in my electorate of Ryde. I have come to know them now through their sporting association, and that they are committed, hard-working, good people, doing the best that they can for the members of their community.

We will continue to discuss with them plans for a sporting centre. I have put them in touch with members of my department, officers of my department, where they are looking at facilities either within the inner western area of Sydney or at another location in Sydney. I will do all I can to assist that community, as I do any community that approaches me with such a request.

**CHAIR:** Thank you, Minister. I have a small question to ask the Minister, because I share your concern about safety of the swimmers. Can you tell the Committee what are the various water safety programs that you have for preventable drowning, and indicate how much of this \$0.09 million has been allocated to a swim safe program?

**Mr WATKINS:** I am pleased you asked that question, because as Minister for Sport and Recreation I think that ensuring our children can swim, and protecting children from dangerous use of our water ways, is perhaps one of my prime responsibilities. Every year, as you know, we have published records of the number of people, adults and children who have drowned in New South Wales. The number is too high—it is always too high. It is dropping, but I think everyone agrees that they would like to see it lower.

In October 1999 the Royal Lifesaving Society released its 1999 National Drowning Report, which is its most recent. It found, tragically, that 305 people drowned across Australia in the 12 months to 30 June 1999. Of these, 113 drowned in New South Wales, so more than a third. There has been a reduction of six in the number of drownings over the previous year, but that number is still too high. There is a downward trend. We can see a continuation of that trend downwards. By the end of May last year, a total of 107 people drowned, compared to 64 at the end of May this year. So this year's figures are substantially better than last year's. There has been a reduction of 40 per cent in the year up to May. Water safety initiatives that have been undertaken by governments and associations such as Royal Life Saving and Surf Life Saving are having an impact, and all members of both Houses will be pleased about that.

This is an important issue and the Government recognises there are no quick fixes. That is why we implemented a comprehensive and co-ordinated water safety campaign, to ensure the community is getting the water



safety message. The New South Wales Government is committed to reducing the number of drownings and water-based accidents, and we will continue to educate and increase public awareness of the potential dangers of the aquatic environment.

To maintain the Government's commitment to water safety, I have now established the New South Wales Water Safety Task Force in recognition of the importance of water safety and the value of a collaborative approach to addressing water-related matters in the State. This new task force builds upon the achievements of the Premier's Water Safety Task Force and the New South Wales Water Safety Council.

The strategies initially identified by the Premier's Water Safety Task Force will now be administered by the New South Wales Water Safety Task Force and they complement existing water safety programs, including those conducted by organisations receiving funding from my department. The major focus areas of the New South Wales Water Safety Task Force include improved water safety signage, a public awareness campaign, water safety education, and the development of a New South Wales water safety plan.

You would be interested to know that in the current financial year Surf Life Saving New South Wales, the Royal Life Saving Society of New South Wales and Austswim New South Wales received more than \$1 million to assist in their water safety programs. That money is specifically used for training and other safety measures. So the Government has maintained its firm commitment to water safety through the many different program it has supported.

To give you some detail about that, because I would like to take the opportunity of doing so, the key activities involve just over half a million dollars, \$515,000, allocated to the Safe Waters Public Awareness campaign, which promotes beach and general water safety. Most members here would have seen or heard that advertising campaign over the last summer. That was screened on commercial television throughout 1998-1999 and 1999-2000 and will continue through this coming summer period. The summer period cannot come fast enough. The development and distribution of multi-lingual Safe Waters water safety brochures, providing information on the safe but rational use of beaches, dams and waterways has occurred. 500,000 brochures have been developed in Chinese, Vietnamese and Arabic, and through the New South Wales Water Safety Task Force translation of the message will occur to target more ethnic communities.

An expansion of water safety education programs by peak water safety organisations, including Surf Life Saving New South Wales, Royal Life Saving Society, Wollongong City Council and Lake Macquarie Council has occurred. An amount of \$495,000 has been provided to support the extension of the services provided by these organisations, with the particular focus in targeting rural and remote areas of the State.

A water signage audit has been conducted and a remote supervision manual has been produced as a result of the audit. This manual provides seaside councils with consistent guidelines on water safety signage issues. The final version was issued to councils this year. We have to be sure that we are putting the message out, but that also it is being recognised, that people can read it in their mother tongue, and that when they go to the beach or place of swimming they are actually warned properly, in a way that is effective, of the potential dangers. A practice note on water safety has been prepared to assist councils to carry out their water safety functions, and key issues addressed in this practice note include equipment, the training of personnel and risk management considerations.

In addition to the support provided to peak water safety bodies, this Government is also assisting through the delivery of learn-to-swim programs to public school students of New South Wales, and last year I also had the privilege of opening the new State headquarters for Surf Life Saving New South Wales in the grounds of the Academy of Sport at Narrabeen. The Government provided a grant of \$600,000 and a low-interest loan of \$950,000 for that project. I do not think anyone around this table, or indeed in Parliament, would believe that money was not well spent.

My department also monitors the initiatives developed by other States and Territories in issues relating to water safety and has taken a lead role with national water safety bodies in developing an inventory of water safety resources, organisations and programs. This inventory will be used in co-ordinating a share of resources and to avoid duplication.

I have also had discussions with officials from Surf Life Saving and Royal Life Saving New South Wales to ensure that they are properly targeting their resources, that they are not crossing over. I am confident that they are working well together. It is different in every other State. There are different arrangements; one body is stronger in some than in others. But I think that most people would acknowledge that in New South Wales we are leading the country in water safety issues.

Having said all of that, I am not satisfied with the results when we can say 113 people have drowned in New South Wales. Any drowning that we are able to avoid, we have to do our utmost to ensure that that happens. Most of us here are aware of families, members in our communities that we represent that have been touched by drownings. We know how it is devastating to families and communities. Truly one of the most important things that governments can do is to keep their communities as safe as possible, especially from drownings.

A number of organisations and clubs have expressed to me as a Minister their appreciation of the work that the Government, and the department in particular, are doing in this area. I would also like to acknowledge the work that has been done over many years by the department, people working in the department, teachers employed in the summer swimming schools, and also the many voluntary people in clubs throughout the State in keeping people safe in the water.

I am pleased that the Olympic torch, I understand, is going to be carried by surf boats off the coast of Sydney, between South Maroubra and Bondi, where it will be transferred between surf boats. They play an especially important role in keeping our beaches safe, but so too do the other organisations that I have referred to.

**CHAIR:** Thank you very much for your very extensive answer.

**The Hon. J. HATZISTERGOS:** It is an important issue. Outside of swimming, what is the department doing about protecting children and young people in sport? What programs do you have in place?

**CHAIR:** Before the Minister answers the question, I remind the Minister that we have allocated only one hour for Sport and Recreation.

**Mr WATKINS:** Sure. I refer to Budget Paper No. 3, Volume 2, page 8-4, Department of Sport and Recreation, which I think the question directs me to. The Carr Government has introduced new legislation in New South Wales for the safety, welfare and wellbeing of children in our State. The relevant legislation includes the Child Protection (Prohibited Employment) Act, the Children and Young People Act and the Ombudsman Amendment (Child Protection and Community Services) Act.

This new legislation includes the "Working with Children Check", which will help protect children and young people from the risk of abuse in the workplace. The new laws are about checking the suitability of people who work with children. The goal of these laws is to create workplaces where our children are safe and protected.

The "Working with Children Check" is designed to assist employers to engage suitable people for child related employment. It is about looking at a person's suitability to work with children. It is about making sure that, as far as possible, people who may pose a risk to children are not employed in roles where they have a direct, unsupervised contact with children.

The Department of Sport and Recreation has been designated by the Premier and the Commission for Children and Young People as an approved screening agency. This means that the department will undertake the "Working with Children Check" on behalf of employers in the sport and recreation industry.

The "Working with Children Check" will also be undertaken by the Department of Community Services, the Department of Education and Training, the Department of Health, the Catholic Commission for Employment Relations and the Commission for Children and Young People.

To assist employers with the changes they need to make in relation to the new legislation, my department will provide information specific to the sport and recreation industry. The department has established an information line at its Client Services Centre to assist employers within the sport and recreation industry where trained staff will provide information on the "Working with Children Check".

The information kit developed by the department outlines the new legislation and how it affects the employer and what the employer's responsibilities will be; provides definitions and indicators of child abuse as articulated by the New South Wales Interagency Guidelines for Child Protection Intervention; offers practical risk management strategies for organisations to prevent abuse occurring; lists contacts for specialist advice in relation to child protection issues; and clearly sets out the process employers will be required to undertake to access the "Working with Children Check" services from the department.

Employers in the sport and recreation industry will be able to ring a dedicated child protection phone number—1300 366 407—to obtain further information and a copy of the department's information package.

The department will also hold information seminars for the sport and recreation industry on child protection issues. These seminars will provide employers with an opportunity to obtain information in order to address specific issues that they may have.

I am advised all initiatives developed by my department are in line with the Interagency Guidelines for Child Protection Intervention and meet requirements arising from recent child protection legislation, including the Children and Young Persons (Care and Protection) Act 1998.

As sport has been identified by the Commissioner for Community Services as a stabilising environment for children at risk, particularly between the ages of 5 and 12 and 14 and 18, it is vital that people working in the industry who provide activities for children and young people understand the responsibilities that they have in preventing the abuse of those children and young people. Often persons working with children in this area are seen as role models and therefore have enormous influence over children and young people in their care.

All children deserve to be safe at all times, and the "Working with Children Check" is an important initiative that can help make New South Wales a safer place for children and young people.

Given the impact of the new child protection legislation and the responsibilities arising from it, State sporting organisations have been included in the consultation process regarding feedback on the New South Wales Interagency Guidelines for Child Protection Intervention. The Department of Sport and Recreation staff from regional offices have undertaken a train the trainer course about the prevention of abuse and neglect of children. The course, called "Making a Difference—Recognising and Reporting/Notifying Child Abuse and Neglect", is conducted by the New South Wales Child Protection Council.

These staff members have since conducted in-servicing on child protection for the remainder of staff throughout the department. Specific child protection training that relates to the new legislation has been conducted for department staff throughout November-December last year and in January-February this year.

The department has also held seminars on child protection for the sport and recreation industry. These seminars were attended by various State sporting organisations, peak industry bodies, such as Fitness New South Wales, the Outdoor Recreation Industry Council and the Sport and Recreation Industry Training Advisory Board, as well as the Australian Sports Commission. In addition, individual seminars have been conducted around the State for organisations based in country areas.

**The Hon. M. J. GALLACHER:** It has now reached eight o'clock. We do have an agreement that the Minister can table the rest of his answers.

**Mr WATKINS:** For example, the department held a seminar for the Northern New South Wales Soccer Federation at Port Macquarie in March this year. The federation is made up of 11 associations. I am advised the board of directors and all associations were represented by their president and/or secretary and it went well.

**CHAIR:** Would you like to table the rest of your answers?

**Mr WATKINS:** No, that is all.

*[Short adjournment]*

**CHAIR:** I will ask the first question about the Fair Trading portfolio. Referring to Budget Paper No. 2, Volume 2, page 8-3, \$25.4 million has been allocated to the department specifically for educating the community on consumer protection laws and consumer rights. Can you inform the Committee what specific programs or initiatives the department has implemented?

**Mr WALSH:** Could you remind me of the budget item?

**CHAIR:** It is at page 8-3. The first paragraph refers specifically to community education programs. Can you tell the Committee the specifics about consumer protection laws and consumer rights? What are the specific programs or initiatives that the department has implemented, or will be implementing? The second question is: what funding will be made available to implement programs directed towards educating those vulnerable members in our society such as the senior citizens or those from different ethnic and cultural backgrounds?

**Mr WATKINS:** You have identified one of the key responsibilities, I suppose, of our consumer protection agency, which is to ensure that consumers are aware of their rights, firstly, and know how to exercise them, and are aware of the agencies and the help points to which they can go. We live in a society, thankfully, where there is a high level of literacy and a high level of education. However, as Minister I am disappointed that there are still so many people in our community who are not aware of their rights or responsibilities as consumers. We are all aware of occurrences in which people are hurt, where relationships go bad, and it is because they are not aware of their rights as consumers.

The first thing we have to do is to educate people. Certainly we have responsibilities to move in and assist when something goes wrong, but the best and proper thing to do originally is to prevent as much as possible. Good education allows that to happen. Since assuming the position of Minister for Fair Trading about 14 months ago I have been committed to ensuring that the services provided by the Department of Fair Trading meet the diverse and changing needs of the community in which we live, not just because of the fact that we are an ageing community, not just that we have a different multiracial make-up as a community, but also because of the challenge that is upon us because of the regional and rural make-up of the State.

**CHAIR:** Can you be more relevant? I asked you about the program.

**Mr WATKINS:** I am coming to that. I was about to say that it is also because of the indigenous communities who often live in very remote areas of the State. As part of its focus the department is utilising new technologies to ensure that services that are available to consumers and tradesmen in New South Wales are of the highest standard. To ensure that the standard of service provided by the department is improving we have a customer service improvement strategy, so that our customers—the consumers—know what is going on. An important part of that strategy is the use of new technology to provide a better service to consumers, so that they know where the department is, how they can get the most from the department so that they are educated in dealing with people—a builder, a trader—whatever their particular relationship is as a consumer. That has been achieved by specific initiatives in a range of areas, and I would like to speak about some of those.

We provide a whole range of services to rural and regional New South Wales. We have increased services in those areas. People in country New South Wales have access to a full range of Fair Trading services through our network of Fair Trading centres: 17 in regional locations across the State. They provide information, complaint resolution, home building, landlord and tenant issues and all the rest, but in particular, access to the wide range of publications that are available from the Department of Fair Trading. Some of those publications target seniors. For example, there is a “Seniors Guide”, a fantastic publication that I launched, which is made available to anyone who calls in to a centre or calls the department. There is a range of other specific publications.

The department has tried in particular to concentrate on rural communities. One example of that is the roll-out business registration service to all Fair Trading centres. Residents of regional New South Wales will be able to obtain registration certificates on the spot or over the counter. This improved service will be available from all regional centres by July this year.

The department’s regional access program is another important initiative for country people. These are some of the projects with which we are involved. The rural access program currently covers 55 country towns across New South Wales, from Murwillumbah in the north to Broken Hill in the west and Bega in the south. Fair Trading services are available also at government access centres at Oberon, Gilgandra, Grenfell, Dorrigo, Maclean, Nambucca Heads and Kyogle.

Two other important services are available to country people: a financial counselling service, and there is a toll-free number for that, and the 10 tenancy advice services in areas outside Sydney. Three of those are run by Aboriginal organisations for the Aboriginal community; the other seven provide general tenancy services. Over 50 newspapers, reaching some 350,000 people in country New South Wales, now carry the department’s regular consumer column articles. In addition, I am very pleased to report that departmental officers conduct regular broadcasts on local radio stations. This is another way that we get our message out.

I would like to spend a brief time talking about the provision of services to Aboriginal communities in particular. We have implemented a range of customer service initiatives to ensure that Aboriginal people are fully educated and empowered as consumers. Through previous research we have identified tenancy issues, complex contractual relationships and discrimination as the three most important consumer issues that Aboriginal people encounter in New South Wales. Since launching the Aboriginal action plan in 1998, Fair

Trading has created 12 designated customer service officers specialising in Aboriginal tenancy issues. Aboriginal people are more likely to access the services they need if they are given help by other Aboriginal people.

The department's network of Fair Trading centres are located in 23 major cities and towns. We are participating in a joint project with the Anti-Discrimination Board. The customer service officers conduct regular outreach visits to local land councils. We actually take the service to the communities so that indigenous communities across New South Wales are accessed in their homes in their town with information and assistance. We also make a valuable contribution to many rehabilitation and welfare programs.

Gaining community trust and confidence is recognised as an essential prerequisite before the department can provide a successful and equitable service to Aboriginal people. You are foolish if you believe that you can just have Aboriginal programs, simply throw them into the Aboriginal communities and they will work. They will not. The community with which you are dealing has to have trust and confidence in the people from the department whom they are contacting. I am pleased that that program with the department is going well at building trust and improving partnerships.

With regard to customer service improvements, there is a strategy to improve customer service across the State to ensure we have the highest standards of customer service delivery in the departments, and I have been working hard since becoming Minister to ensure that we have improved levels of customer service.

I will refer to just a couple of improvements that are coming there: first, shadow shopping audit. In respect to last year's Ombudsman's Office mystery shopper audit, the Department of Fair Trading will now conduct its own internal shadow shopping audit. That audit will be conducted twice a year. It will focus on reviewing the department's telephone, counter, e-complaint and correspondence services, that is, the ways that we encounter the public.

The audit will provide the department with an opportunity to monitor its customer service performance, and identify initiatives to improve customer service. We have made real improvements to the Penrith call centre. Technology upgrading and allocation of additional staff at the end of 1999 enabled the lifting of the watermark, which precluded more than 40 calls entering the telephone queue for the department general inquiries service. That had caused problems in the past, but technology upgrading allowed us to remove that.

As a result of the lifting of that improved service to customers, we had a 26 per cent increase in answered calls, which is significant. We are also developing in this year's budget provision of \$215,000 in capital funding to install an interactive voice recognition unit. That of course will co-ordinate some of the functions—

**CHAIR:** Order! Minister, I asked you about consumer education. I think you finished your answer with regard to consumer education, and you then went on to deal with customer service. I will stop you here for my question. From my point of view, you have answered the question sufficiently. I thank the Minister for the answers.

**Mr WATKINS:** Thank you, Madam Chair, but you asked the question about customer education.

**CHAIR:** No, about community education.

**Mr WATKINS:** Community customer education. It is very difficult to—

**The Hon. R. T. M. BULL:** Point of order, Madam Chair.

**CHAIR:** I will let the Minister answer this question.

**The Hon. R. T. M. BULL:** Point of order, Madam Chair: I have taken the point of order. You said a few minutes ago that the answer given by the Minister was sufficient. Do you move away from that position? Was it sufficient?

**CHAIR:** I am letting the Minister perhaps explain why he wants to have more.

**Mr WATKINS:** It is very important for me to draw attention to the range of Fair Trading offices across the State, because it is those offices, as well as the electronic delivery of service, which are integral to the

education of consumers in New South Wales. If you visit any of the Fair Trading centres across the State—and I hope most members of the Committee have visited those centres—you will notice a real emphasis on education for all consumers.

A number of publications are the targets of indigenous groups, different communities in the wider society. You have asked a question about that, and I think it is a very important one. It is probably the critically important question in consumer protection in Australia today. We are dealing with an educated, literate community—

**CHAIR:** Thank you, Minister. I appreciate your answers, because I think this question has satisfied me for what I want to know.

**Mr WATKINS:** Perhaps later I will come back to some of those issues, because I think it is important that we explore them fully.

**The Hon. J. R. JOHNSON:** Madam Chair, during the first hour the Opposition asked all the questions.

**The Hon. R. T. M. BULL:** You were given the opportunity and you declined.

**CHAIR:** Order!

**The Hon. J. HATZISTERGOS:** I have only had five minutes.

**The Hon. J. F. RYAN:** We have got all night, John. We do not have to stop at nine. We can go to midnight.

**The Hon. J. R. JOHNSON:** No, we cannot sit until midnight. We have until 9 o'clock.

**The Hon. R. T. M. BULL:** No, we do not; we have till midnight.

**The Hon. J. R. JOHNSON:** We have until 9 o'clock.

**The Hon. J. F. RYAN:** No, we do not. The Committee can decide that.

**The Hon. A. JOHNSON:** No, you have a look.

**CHAIR:** Order!

**The Hon. J. R. JOHNSON:** Madam Chair, I am asking you to exercise some wisdom of Solomon, and all the wisdom does not rest on that side of the House.

**CHAIR:** I have already given the call to the Hon. M. J. Gallacher.

**The Hon. J. R. JOHNSON:** Well, I hope the Minister takes three-quarters of an hour to answer it.

**The Hon. M. J. GALLACHER:** Mr Waters, what is your role in the department?

**Mr WATERS:** My position is Director, Management and Marketing Services.

**The Hon. M. J. GALLACHER:** Exactly what responsibilities do you have within that portfolio?

**Mr WATERS:** In that position I am responsible for what is commonly called Corporate Support Activities, and as the position title implies, I am also responsible for marketing services.

**The Hon. M. J. GALLACHER:** Do you also have responsibility for human resources, IT, finance, administration and tribunal administration?

**Mr WATERS:** I have responsibility for all of those areas. However, my responsibility in relation to tribunal administration is to have a link between the tribunals—which are separate from the department—and the department, because departmental officers make up the registries of those tribunals.

**The Hon. M. J. GALLACHER:** In connection with your role as the senior person—I suspect I am right in calling you the senior person in charge of human resources?

**Mr WATERS:** That is correct, reporting to the Director-General.

**The Hon. M. J. GALLACHER:** Can you advise why 50 of the 58 members of the Fair Trading Tribunal are part time?

**Mr WATERS:** I think I might refer that matter to the Minister.

**The Hon. M. J. GALLACHER:** I have actually asked you your—

**CHAIR:** Order!

**The Hon. J. HATZISTERGOS:** It is a policy issue.

**The Hon. M. J. GALLACHER:** It is not a policy issue at all. Go and have a look at Odgers, 430/431.

**The Hon. J. HATZISTERGOS:** I know. You went through that last night.

**The Hon. M. J. GALLACHER:** And you did not read it, and you are wrong. Mr Waters, in terms of your role within the department and the responsibilities you have in that department, could you please advise why 50 of the 58 members of the Fair Trading Tribunal are part time?

**Mr WATKINS:** Madam Chair—

**The Hon. J. HATZISTERGOS:** He does not appoint them, the Minister appoints them.

**CHAIR:** Order! I would like to ask Mr Waters, is this in your area of duty?

**Mr WATERS:** No it is not, Madam Chair.

**CHAIR:** Therefore, can that question be answered by the Minister?

**Mr WATKINS:** Yes.

**The Hon. M. J. GALLACHER:** Well, if it is not within his duty, Madam Chair, I will withdraw the question. If it is in relation to human resources, why is it not in your responsibility? Do you have an understanding of why those positions are part time as opposed to full time?

**Mr WATKINS:** Madam Chair, I will field that question.

**The Hon. M. J. GALLACHER:** Madam Chair, I directed my question—

**The Hon. J. R. JOHNSON:** Come on Bronwyn, stop it.

**CHAIR:** Order! If Mr Waters cannot answer the question, and he wants to refer the question to the Minister, and the Minister can answer the question, I think he has every right to answer the question.

**The Hon. M. J. GALLACHER:** Madam Chair, I therefore ask the Minister to explain to the Committee why Mr Waters is with us this evening; why the Director-General is not, nor is the Assistant Director-General, nor is any other senior member of the department here at all?

**Mr WATKINS:** Well there is an earlier question I would like to deal with, which is—

**The Hon. M. J. GALLACHER:** No, I have asked you a specific question. You do not get multiple choice. The question is could you please explain to us why the Director-General or the Assistant Director-General are not here?

**Mr WATKINS:** Just to explain to the honourable member that I am the Minister responsible for my two departments. I come here to answer the questions. I will answer the questions that are put to me, and that, I

think, should and would satisfy most reasonable members of the Committee that I am the person responsible for my departments. I am very happy to be here so long as it is necessary to sit, to explain the workings of my department. But I am the responsible Minister here.

**CHAIR:** I accept the Minister's explanation. After all, we are in the Westminster system, where the Minister is ultimately responsible for the department.

**The Hon. J. F. RYAN:** Madam Chair, as has been determined by the Clerk, the Committee is able to put questions to individuals. If the person is not able to answer them, then the member can elect to ask another question. I do not believe that it is available for Ministers to then say they would like to answer the question after someone else.

**CHAIR:** I have actually ruled.

**The Hon. J. R. JOHNSON:** Madam Chair, did I hear Mr Ryan correctly? Did he say that he has been advised by the Clerk?

**The Hon. J. F. RYAN:** The clerk has given advice, which has been published to all members.

**CHAIR:** Order! We are not here to canvass any point of order. If a question is asked of one of the officers and he or she cannot answer the question, in my view it is appropriate and proper to refer the question to the Minister, who is ultimately responsible for the department, and the Minister can—

**The Hon. J. F. RYAN:** Madam Chair, the member who asked the question withdrew the question.

**The Hon. M. J. GALLACHER:** I withdrew the question, and I am now proceeding to another question, and it is my prerogative to do so, Madam Chairman. Madam Chair. Mr Waters, what are the equivalent full-time positions at the Fair Trading Tribunal?

**Mr WATKINS:** Which pages of the budget papers are you referring to?

**The Hon. M. J. GALLACHER:** You are the Minister responsible; I suspect you should know. I do not have to show you.

**Mr WATKINS:** Madam Chair, I just thought that as we are here very happily to answer questions about the budget, it would be natural and proper to just refer—

**CHAIR:** It would be helpful to the member.

**The Hon. M. J. GALLACHER:** Madam Chair, with all due respect, the gentleman who is currently before us is not—

**Mr WATKINS:** Madam Chair, if I could finish?

**The Hon. M. J. GALLACHER:** You were not asked the question. Madam Chair, the witness was asked a question, and with all due respect to the Minister, who wishes to interrupt so he can speak for a little while, this gentleman is the officer in charge of human resources. As such I would expect he should be able to tell us how many are full-time positions at the Fair Trading Tribunal? It is not that hard, Mr Waters.

**The Hon. J. R. JOHNSON:** Madam Chair, with due respect, could I remind the Committee that the Minister is not here under writ.

**CHAIR:** I understand that.

**The Hon. J. F. RYAN:** What point of order are we going to take? He is not taking any point of order.

**CHAIR:** There is no point of order. There is a question here—

**The Hon. M. J. GALLACHER:** Mr Waters, your answer please.

**Mr WATKINS:** Madam Chair, if I can assist—



**CHAIR:** Order!

**The Hon. A. B. MANSON:** The advice that you have received from the Clerk, in the manual that the Hon. J. F. Ryan has referred to, at 3.3 "Examination of Witnesses" at paragraph 5 says "The Chair will determine if questions are in order, but as a general guide the Chair would normally leave it to a witness to object to a question." Paragraph 6 says, "In answering a question it is a witness' prerogative to answer the question as the witness thinks fit, although the usual rules of debate in regards to relevance and unparliamentary expressions still apply." So I believe that your ruling was correct in advising Mr Waters that he did not have to answer questions and indeed that the Minister could answer if he wanted to.

**CHAIR:** Your question just now—

**The Hon. M. J. GALLACHER:** Mr Waters, could you answer please?

**Mr WATKINS:** Could the question be restated please?

**CHAIR:** Would you mind repeating the question?

**The Hon. M. J. GALLACHER:** Why do you need the question? Mr Waters, you have heard it before.

**CHAIR:** The Minister requests you to repeat the question.

**The Hon. M. J. GALLACHER:** What are the equivalent full-time positions at the Fair Trading Tribunal? Mr Waters, your answer please?

**Mr WATKINS:** Madam Chair—

**The Hon. M. J. GALLACHER:** Mr Waters, your answer please?

**CHAIR:** Mr Waters, would you like to refer the question to the Minister?

**Mr WATERS:** Yes, I would like to do that.

**The Hon. M. J. GALLACHER:** So you do not wish to answer the question? Mr Waters, you do not wish to answer the question?

**Mr WATERS:** I wish to refer that response to the Minister.

**The Hon. M. J. GALLACHER:** Madam Chair, I will withdraw that question. I will now move to another question. Mr Waters, you are in charge of advertising, is that correct?

**Mr WATERS:** Marketing, yes.

**The Hon. M. J. GALLACHER:** Marketing, is that advertising?

**Mr WATERS:** It includes that.

**The Hon. M. J. GALLACHER:** Mr Waters, I refer you to the regional budget highlights, which include an allocation of \$57,000 for television information commercials about Fair Trading rights and responsibilities, including building, home renting, credit and buying a car. Would you outline to the Committee which television stations are contracted to run these commercials?

**Mr WATKINS:** Madam Chair, could I—

**The Hon. M. J. GALLACHER:** Madam Chair, that was a fairly simple question, and it falls within Mr Waters' responsibilities in looking after advertising. He said that he was responsible for advertising.

**CHAIR:** I respectfully ask you not to interrupt the answers.

**The Hon. M. J. GALLACHER:** I have not heard an answer from Mr Waters yet.

**CHAIR:** You have not given him a chance.

**Mr WATKINS:** May I make a point, Madam Chair. When a question such as that is asked by a member of a committee, it is quite reasonable for me, as the relevant Minister, to simply ask which budget paper and which item the member is referring to.

**CHAIR:** With respect, Minister, the Committee has changed the format. This ought to help you. There is no obligation on the part of the Committee to specifically—

**Mr WATKINS:** Madam Chair, I know that, but in this case, where there is a specific question about a budget item, it is quite reasonable to ask which budget paper the member is referring to and where the question is coming from. I know that earlier tonight questions were asked about what we were going to do with sporting facilities at Homebush. That was not something you could draw down to a particular budget item, and I answered the question happily. But when there is a question that is specific to a budget paper, it is quite reasonable for me as the Minister to ask which budget paper and what page the member is referring to, and where the question is coming from.

**CHAIR:** I think the Minister is asking for clarification. Would the member like to provide that clarification?

**The Hon. M. J. GALLACHER:** I refer to regional budget highlights, which is dealt with at page 8-23. Mr Waters, would you please answer the question. Can you outline which television stations are contracted to run these commercials?

**Mr WATERS:** I would like to refer the matter to the Minister.

**The Hon. M. J. GALLACHER:** Madam Chair, I will withdraw that question. Mr Waters, could you please inform the Committee of the cost of each of the contracts with the television stations?

**The Hon. J. HATZISTERGOS:** It sounds like a police interview.

**Mr WATERS:** I refer that question to the Minister.

**The Hon. M. J. GALLACHER:** Mr Waters, what do you get paid for in your department? Are you the officer in charge of referrals?

**Mr WATERS:** I will answer that.

**The Hon. M. J. GALLACHER:** Madam Chair, I will withdraw that question and I will now ask Mr Waters—

**Mr WATKINS:** Madam Chair—

**The Hon. M. J. GALLACHER:** —could he please explain to the Committee—

**Mr WATKINS:** Madam Chair—

**The Hon. M. J. GALLACHER:** A fairly significant question in regard to that—

**Mr WATKINS:** Please, Madam Chair, the witness is answering—

**CHAIR:** Order! I would like to temporarily suspend the Committee hearing, if the Minister and his officers could give us five minutes to allow us to clarify this point.

**Mr WATKINS:** Could I make a point before you do that, Madam Chair?

**CHAIR:** No, I will just clear it now. I adjourn for five minutes.

**Mr WATKINS:** Madam Chair, the Minister of the department is here to answer questions. A certain line of questions is being put here. I would like to make a point to you before you adjourn. That is quite a reasonable request.

**CHAIR:** It is adjourned now, Minister.

**Mr WATKINS:** Thank you. Would you like us to retire?

**CHAIR:** Yes. We would appreciate it if you would come back in five minutes.

*(Short adjournment)*

**CHAIR:** Order! Before the Committee continues, I remind the Minister and other officials that the Committee can hold another hearing if it finds the answers unsatisfactory.

**The Hon. J. R. JOHNSON:** The Minister cannot be compelled to attend.

**CHAIR:** I will read part of this advice from the Clerk of the Parliaments.

**Mr WATKINS:** Do you have a copy of that?

**CHAIR:** I will give the Minister a copy, but I will read this first:

... in appropriate cases where there is continued filibustering against the wishes of the Committee, the Chair could interrupt a witness to indicate that the answer is sufficient and call for the next question.

That is an important matter to remember. I indicate to the other witnesses as well—

**The Hon. J. R. JOHNSON:** It is grossly improper to refer to the Minister as filibustering.

**CHAIR:** Witnesses can decline to answer a question and choose to refer it to the Minister for an answer. Witnesses can refuse to answer, but if they do so the Committee can summon them to a new hearing to answer the question.

**The Hon. J. R. JOHNSON:** There is some doubt about that.

**The Hon. J. F. RYAN:** There is no doubt about that.

**CHAIR:** The Committee cannot summon the Minister, but it can summon witnesses. I want to make that point so that everyone is clear that they should answer the questions.

**Mr WATKINS:** I would hate the Committee members to hold the view or to leave this room with the view that I am unhappy to be here. I am here very willingly. It is my responsibility as Minister. I will answer the questions that are asked of me. I am able to do that and to represent my department. That is in fact my responsibility. I embrace that responsibility.

**CHAIR:** I appreciate that.

**Mr WATKINS:** I distance myself from your comment about filibustering. You have stopped me from answering two questions, and that is fine. But both of those questions were very relevant to my responsibilities in New South Wales. I will just read the information to which you drew our attention.

**CHAIR:** Before you do that, I think we have sufficiently canvassed the procedures. I ask you to return to the questions. The Hon. M. J. Gallacher?

**The Hon. M. J. GALLACHER:** Thank you, Madam Chair.

**Mr WATKINS:** Madam Chair, please.

**CHAIR:** No, we have finished with that.

**The Hon. J. R. JOHNSON:** You should sing that song, "I only have eyes for you" in relation to Mr Gallacher.

**CHAIR:** No, he was the last member of the Committee to speak. I will allow him to continue.

**Mr WATKINS:** You drew attention to some rules.

**CHAIR:** The Minister has no right to take a point of order.

**The Hon. J. R. JOHNSON:** He is not taking a point of order.

**Mr WATKINS:** I am asking you for some time to read this document to which you referred me so that I ensure that I understand it.

**The Hon. J. F. RYAN:** Are you willing to stay for the amount of time that you have taken up with this?

**Mr WATKINS:** I will stay past 9.05, if you give me a few minutes to read this document.

**CHAIR:** If the Minister is willing to stay beyond his required time, I will permit the Minister to make a statement in reply.

**Mr WATKINS:** I will stay until midnight if that is what you require, though I prefer not to do so. The manual for budget estimates hearings reads:

In answering a question it is a witness' prerogative to answer as the witness thinks fit, although the usual rules of debate (relevancy and unparliamentary expressions) still apply.

If questions are asked of Mr Waters, he can answer them as he thinks fit. I assume that somewhere else there would be rules relating to procedure and the way in which witnesses are spoken to. I would like to draw to your attention that I do not believe that the public servants present at this Committee should be spoken to in ways that could be described as unparliamentary.

**CHAIR:** For your benefit, I will raise that point.

**Mr WATKINS:** I will cop it on the chin, but I do not think public servants should.

**The Hon. M. J. GALLACHER:** Mr Waters, could you tell us how many investigators are in the Home Building Investigations Unit?

**Mr WATERS:** I believe that that question may have some policy implications, so I would prefer to defer to the Minister.

**The Hon. J. R. JOHNSON:** Madam Chair?

**CHAIR:** Are you taking a point of order?

**The Hon. J. R. JOHNSON:** No, I want to ask a question. Surely it is our turn.

**CHAIR:** Order! The witness wishes to defer to the Minister. Will the Minister answer the question? Mr Waters has referred the question to you for an answer.

**Mr WATKINS:** The question is referred to me?

**CHAIR:** Yes.

**Mr WATKINS:** I am pleased to take the opportunity to discuss with the Committee compliance activities.

**The Hon. M. J. GALLACHER:** Point of order: I did not ask a question about compliance activities. I asked a fairly straightforward question, which was: How many building investigators are there in the Home Building Investigations Unit? It was nothing to do with compliance.

**Mr WATKINS:** Investigators do compliance; that is what they are there for. I am very pleased to answer a question about compliance. It has been drawn to my attention that investigators are involved with compliance. I would love to answer the question.

**CHAIR:** Order! The Minister may continue.

**Mr WATKINS:** During the current financial year the Department of Fair Trading has successfully prosecuted 30 defendants. Our investigators have been involved in gathering evidence against those defendants. The prosecutions have primarily been for non-compliance with the Home Building Act. It is building inspectors who do these investigations. These prosecutions have resulted in a total of \$113,802 in fines and costs being imposed by the Local Court upon those defendants. Some of the more serious cases include Ken How for unlicensed conduct, a penalty of \$54,000; Michael Brown, excessive deposits and failure to effect home warranty insurance, a penalty of \$8,500; and Kiernan Perkin for unlicensed conduct, a penalty of \$5,500. We would not have had these successful prosecutions under the Home Building Act without the vigorous hard work and professionalism of our home building investigators.

**CHAIR:** Order! Will you answer the question directly about the number of investigators? You have said enough about the amount of work they have done.

**Mr WATKINS:** That is exactly what I am answering. Additionally, a further 10 defendants are before the Local Court awaiting determination of their matters. The department is currently completing an investigation of another 20 defendants and expects to have those defendants before the Local Court before the end of this month. The prosecution of 60 defendants for non-compliance with the Home Building Act and Fair Trading Act represents a significant increase in the department's commitment to enforcement activities within the home building industry. The department will continue to refine its enforcement strategies and will use public naming as an effective means for alerting consumers to the existence of unethical and incompetent contractors.

**CHAIR:** Order! I remind the Minister about the guideline regarding relevancy.

**Mr WATKINS:** I am just coming to relevancy. If you are to have investigators out there doing the job that they are paid to do and we expect them to do, they have to be supported by other means. The public naming strategy is one of those means. It is important for us to make clear that contractors who fail to provide an appropriate level of service run the risk of being investigated, of having one of our Department of Fair Trading investigators knock on the door and institute proceedings that see their licences suspended by the District Court while the department conducts disciplinary or prosecutorial action.

Recently the Fair Trading Tribunal disqualified a licensed contractor from holding a contractor's licence for a period of 10 years—a very severe penalty—due to his failure to provide consumers with home warranty insurance and his alleged defective and incomplete work. The department's capacity to issue penalty notices will enable it to deal with matters of a relatively minor nature that might not otherwise have been dealt with by prosecution. Penalties vary from \$150 to \$500 for each detected offence.

If I were to move away from this answer and become irrelevant, I would draw attention to the compliance officers, the investigators that I have in areas outside the building industry—in motor dealing, weights and measures—where my investigators are doing fine work every day in New South Wales. But I do not want to be irrelevant or to move away from the question that was asked, which was about investigators in the building industry.

In order to make its enforcement programs more effective, the department is currently reorganising its compliance, legal and safety division. In future, legal services will be provided by a separate departmental division, to enable a greater focus on the preparation of prosecution files. That reorganisation was seen to be necessary to support the work of our investigators in the field. A solicitor advocate position has been earmarked for the new division. The additional resources being directed to this area of the department will ensure that serious breaches are brought more speedily before the courts. There is a total of 72 staff in building; that covers investigators, licensing, dispute management and mediation. Six more are to come to enable us to institute the plan to which I have referred.

**CHAIR:** Are there any further questions on this issue?

**The Hon. J. R. JOHNSON:** I refer the Minister to the marketplace performance program at page 8–15 of Budget Paper No. 3, Volume 2. What steps have been taken to advise additional investigators in the Department of Fair Trading?

**Mr WATKINS:** A good question.

**The Hon. J. F. RYAN:** Point of order: The Committee hearings have been limited to two hours specifically by the Government, because it was expected that Government members would not take up time by asking questions. This is the second question from a Government member. I do not object to their asking questions, but one reasonable thing they might do is to allow additional time so that they can ask questions. I am happy to stay for another hour to let that happen.

**The Hon. J. R. JOHNSON:** Refer it to the House.

**The Hon. J. F. RYAN:** I simply refer to the fact that you are breaching the agreement which was made.

**The Hon. J. R. JOHNSON:** Nobody ever made an agreement with me.

**CHAIR:** Order! In proceedings Government members may ask questions.

**Mr WATKINS:** I am happy to answer the question, if that is the wish of the Committee. It is an important question to which the New South Wales community deserves an answer. If the amount of time of the Committee has to be limited in this strict way by Opposition members, I will wear that.

**CHAIR:** Order! Will the honourable member withdraw the question?

**The Hon. J. R. JOHNSON:** The Minister can take it on notice if he so desires.

**Mr WATKINS:** I will take the question on notice.

**The Hon. J. F. RYAN:** Do you recall that when the Labor Party was in opposition it made a promise to fund community groups in the home building industry—groups such as the Building Action Review Group [BARG], for example. To assist you, I refer you to a press release by Mr Richard Amery, the then shadow minister for consumer affairs, in which he said that “the Opposition would fund community-based consumer groups through the BSC”, which is now the Department of Fair Trading, “providing information for building consumers in a similar way to the funding of financial counselling services”. Does the Government intend to implement that promise at some stage or other?

**Mr WATKINS:** I am pleased to have Mr Ryan from the upper House with this Committee. Before I came here this evening I did not realise that he would be a member of this Committee. I am very aware of his deep interest in and commitment to ensuring there are improvements in this most important and difficult area of the Fair Trading portfolio. He is working on positive solutions, and I am very pleased to have met the honourable member in recent times and to have corresponded with him several times about some of these issues. I make the point very publicly that I am willing to work with anyone in the New South Wales Parliament to ensure that we get the best possible protection for consumers in the community. I value the suggestions that he has made already in that process. I assure him that I will value and look forward to his future co-operation in this matter.

I am aware also of the organisation called BARG. Prior to being elected to the Legislative Assembly, in 1995 I met some of the proponents of BARG, the people organising it. I spent some time with them on one afternoon at a house in my electorate of Ryde where there were major building programs. I realise the deep commitment that they make to seeking justice for people who have had problems with building. I should make the point that this Government has instituted the Home Building Grants program, and that is funded through the Department of Fair Trading’s Consolidated Fund. The Home Building Grants program was offered for the first time in 1999-2000. Previously ad hoc grants had been made available through the former Building Services Corporation. In the 2000-01 funding year 28 applications were made, five of which have been approved, and they received a total of \$443,750 in funding.

I am pleased to have received that question, and can assure the honourable member that this Government, through the department's funding program, has indeed kept that commitment. I would encourage all of you to take to your wider communities the fact that this funding program is available, and encourage applications from parties or groups that could use funds under the Home Building Grants program for purposes like this.

**The Hon. J. F. RYAN:** Minister, I asked that question because Mrs Irene Onorati, representing that group, wanted me to. Her concern is, and I have observed, that she spends an enormous amount of her own

money assisting consumers and filling out the paperwork needed for the Fair Trading Tribunal. Her home phone bill is phenomenal, printing various things and so on.

She was interested to know whether there was some other group doing the job that she is doing, or whether she is eligible to apply for a grant to assist her in doing the work, which she largely does voluntarily.

**Mr WATKINS:** Thank you for the question. I have met Mrs Onorati in the past, and I would be happy to talk to her again about the work that they do. A whole range of groups out there are doing valuable work, and they do apply for funding. I would encourage Mrs Onorati to contact me, and hopefully you could take that message to her.

**The Hon. J. F. RYAN:** Minister, can I show you a couple of letters that I have received recently, in the last day or so?

**CHAIR:** Do you want to table this letter?

**The Hon. J. F. RYAN:** Yes, I am happy to table it. In fact I seek leave to table it.

**Mr WATKINS:** Madam Chair, is there a particular procedure that applies to evidence or such documents?

**CHAIR:** Yes, you can table them.

**The Hon. J. F. RYAN:** I will give you a copy just to assist. Minister, the two letters that I have received relate to a problem that I have discussed with you.

**CHAIR:** I have not seen it.

**The Hon. J. F. RYAN:** I will not put the material on the record, but I just might read a couple of lines from the letter. Minister, whilst I have made the letter available I do not really wish to table it, because if I table it it becomes a public document, and that may not be necessary. But I did want to make it available.

**Mr WATKINS:** Excuse me, I think Madam Chair is seeking something. Madam Chair, I prefer that you deal with the procedural matter and have that finalised.

**The Hon. J. F. RYAN:** Minister, all I was worried about was the confidentiality of the people involved. Apparently I can table the document without it becoming a public document, so I seek leave to table the document.

**Leave granted.**

**Document tabled.**

**The Hon. J. F. RYAN:** The purpose of these two letters, Minister, is to—

**Mr WATKINS:** Just one more interruption, I am sorry. Does that mean that this will not become a public document?

**CHAIR:** No.

**Mr WATKINS:** And therefore the confidentiality of the people in it is protected? Thank you, I am happy to receive the question.

**The Hon. J. F. RYAN:** Minister, the first letter is to Mr Liu, who is happy to make his name known, from his builder. He says the builder wrote to him and said, "We advise that this company is in a financial situation beyond our control due to adverse media exposure resulting from Wentworthville. We are no longer in a position to complete your building project."

He applied to HOW, the insurance company which provided the warranty insurance, and a couple of days later he received this reply, which says: "Whilst you have submitted correspondence from the builder advising he is not financial to complete the project, we have obtained information from the Australian Securities

and Investments Commission which confirmed that"—and the builder is named—"is still solvent. In view of the foregoing, Home Owners Warranty wishes to advise that at this stage liability towards your claim is denied."

Minister, the point these two letters make is that this person has been informed by his builder that his builder has no intention of completing the project, is financially unable to do so, and yet, because of the technicality that insolvency has not been applied for, he appears to be unable to claim on the home warranty insurance.

Given the importance of the Home Warranty Insurance Scheme to consumer protection, is there not a need to revisit how the legislation works to make sure that this kind of situation cannot occur?

**Mr WATKINS:** Thank you for that question. Regarding this particular matter, as Minister I feel uncomfortable dealing with it in public. My response will be a public document, and this is a matter that could easily come to me, or in fact be before the Fair Trading Tribunal at some stage, I presume.

I would prefer to take this matter as a representation that you are making to me about this particular case, and I will deal with it and respond to you in a confidential way, which is the normal course of events.

I am happy to speak about the wider issue of potential problems with the Home Warranty Insurance Scheme, and that is a matter that we have discussed. Because of concerns that have been raised with me across the industry by consumers, and by members of Parliament like yourself, I have asked for there to be a review of the Home Warranty Insurance Scheme.

**CHAIR:** I do not think that it is appropriate to discuss these two letters in the budget inquiry, because it is a personal situation.

**The Hon. J. F. RYAN:** No, it is not. The explanation demonstrates the problem with the insurance scheme. I am not actually discussing the case itself.

**Mr WATKINS:** I am happy to speak regarding generalities, Madam Chair. The Home Warranty Insurance Scheme, under the Home Building Act, came into operation on 1 May 1997. That insurance scheme provides cover for consumers against faulty or incomplete work. The scheme replaced the former government scheme, which in various forms had operated since 1973. Work done and contracts signed prior to 1 May 1997 are covered by that former scheme.

Five insurers have been approved to operate under that new scheme, and to assist people who have a building problem the Department of Fair Trading has prepared an information sheet which helps them determine whether they are covered by the insurance scheme, how to make a claim, and other avenues for address.

Since commencement of the scheme in 1997 the department has received a number of written and telephone complaints from consumers about the conduct of insurers. In most cases the department, after contacting the insurer, has been able to clarify the matter. If a claim has been declined by the insurer the department has been able to assist the consumer by explaining their appeal rights.

Overall, the level of complaint which the department has received is small compared to the number of claims that are handled by the insurers. Small but significant; anyone's complaint in this area concerns me. If it is found that an insurer is unwilling to comply with the conditions of approval, action will be taken to revoke the insurer's approval to operate the home building market.

The Department of Fair Trading meets regularly with insurers to discuss any issues which may arise, and obtain feedback on the operation of the scheme. We also liaise with the industry, consumer groups, and other interested parties, to ensure their interests are protected.

**The Hon. J. F. RYAN:** Which consumer groups do you liaise with on the insurance scheme?

**Mr WATKINS:** I will just finish this question. The Government is determined to ensure that the scheme provides consumers with the protection it should. If it is found that the current scheme is not fully delivering such protection, the Government will take action to ensure that it does. So late last year, after discussions with me, the department engaged an independent insurance expert to review the operation of the scheme, and to advise on improvements, particularly for claims handling.



The expert met with insurers early this year, and will have ongoing discussions with them. Consultation has also taken place with building industry associations and other interested parties. It is anticipated the recommendations arising from the review will be submitted for consideration imminently, in the near future.

I am aware of the concerns that the honourable member has about the operation of this scheme, and the level of protection, or lack thereof, that it provides to consumers. I take his concerns seriously. That is why we are in fact in a sense ahead of his concerns by having this independent consultant give advice about the schemes and how well they operate.

That is coming back to me soon. I hope and expect that arising from that there will be recommendations that in fact improve the situation, so the consumers are more adequately au fait with the scheme, aware of the scheme, and protected by it.

In conclusion, the groups that have been consulted have included Advisory Council members, complainants to the department, constituents of members of Parliament, and the Australian Consumers Association.

**CHAIR:** I am conscious of the time; I think that the hearing has extended over two hours now.

**Mr WATKINS:** I am happy to go a bit further if there are some outstanding questions.

**The Hon. M. J. GALLACHER:** If he is happy, we are happy to keep going.

**CHAIR:** I will allow another question, and any other questions can be put on notice.

**The Hon. J. F. RYAN:** The Clerk actually wanted us not to put questions on notice.

**CHAIR:** That is not the point. I have just ruled that we have a last question, because the Minister is willing to answer the question, until we will have to leave the meeting.

**Mr WATKINS:** I am happy to answer questions, Madam Chair.

**The Hon. M. J. GALLACHER:** Minister, can you advise the Committee exactly how many complaints your department has received in the last two years about the safety of disposable cigarette lighters?

**Mr WATKINS:** Madam Chair, this raises a very important issue relating to product safety. One of the most important areas of responsibility this department is involved with is ensuring that products for sale to the public are in fact safe. That is a responsibility I take most seriously. Every year we have a number of items, products that are sold in the marketplace, that in fact are not.

Unfortunately many products imported into Australia prove to be unsafe. Unfortunately they are not stopped at the waterfront. The Customs Service, it seems, does not have the wherewithal or desire to—wherewithal perhaps; I will leave it at that—to stop the importation of dangerous products. I am very pleased to report that my inspectors are in the marketplace every day across New South Wales looking for dangerous products. Regularly I draw those products to the attention of traders and consumers—

**The Hon. M. J. GALLACHER:** Point of order, Madam Chair: Minister, the question specifically asked: How many complaints have you received in the last two years?

**Mr WATKINS:** Madam Chair, this is a very important area of product safety.

**CHAIR:** I think the Committee would be very happy if you have a very succinct short answer.

**Mr WATKINS:** Okay, I will move from that on to disposable cigarette lighters, Madam Chair. The mandatory standard for child resistant cigarette lighters under the Trade Practices Act was gazetted in February 1997. The standard, which prescribes requirements for disposable, cheap, refillable and novelty cigarette lighters, is based on the United States mandatory standard. That standard requires disposable lighters and refillable eligible devices to meet specific standards in relation to flame testing, structural safety, and labelling including ignition, flame variation and height, cessation of flame—

**CHAIR:** Order! I think that the member would be very happy with a specific number.

**Mr WATKINS:** Madam Chair, I am specifically answering the question about product safety in relation to disposable cigarette lighters.

**CHAIR:** He just wants to know how many.

**Mr WATKINS:** Well, Madam Chair, I have not finished answering the question. I am happy to spend the time to do that. I thought the question was a serious one about the safety of disposable cigarette lighters. I am giving that answer.

**CHAIR:** I do not think the member asked you that question. I think the member asked you about how many complaints were received. I think the member only wanted you to inform the Committee about the safety of the product.

**The Hon. M. J. GALLACHER:** I wanted to know the number of complaints.

**Mr WATKINS:** I am coming to that, Madam Chair. The standard was introduced as a temporary measure while an Australian standard was developed. An Australian standard is currently being developed, and Standards Australia has recently circulated a draft for comment by Australian Standards Committee members.

The new Australian standard picks up performance requirements from the International Standards Organisation cigarette lighter standard, and establishes test procedures for comparing the forces required to achieve child resistance, as stated in the certificate, with those of the lighter. All States have mandatory standards that mirror the Commonwealth standard. By way of information, New Zealand also has mandatory requirements for disposable, cheap, refillable and novelty cigarette lighters.

Following investigations into alleged non-complying lighters by Australian-New Zealand Fair Trading Consumer Affairs enforcement agencies, concerns have been raised relating to the enforcement of the mandatory standard. These matters were discussed at the Consumer Products Advisory Committee on 25 May this year. It was proposed by New South Wales and New Zealand that a small working party be established to examine that matter.

**CHAIR:** Minister, I think we have sufficient information on that product standard.

**Mr WATKINS:** Thank you, Madam Chair. I am also advised, Madam Chair, that my office has received one letter this year regarding this matter.

**The Hon. M. J. GALLACHER:** Last year, Minister. You have said one this year. I actually asked for two years. You have probably forgotten. It was half an hour ago.

**Mr WATKINS:** I should also tell you that this Consumer Products Advisory Committee, which met in May this year, established the working party. That paper is being forwarded to SCOFA. SCOFA is the officer organisation for Departments of Fair Trading. They meet several times through the year, out of session, in the lead-up to the ministerial meeting.

**The Hon. M. J. GALLACHER:** Point of order, Madam Chair: I asked a very simple, supplementary question. You heard it. It was: How many complaints were made last year? We had one this year. How many were made last year?

**CHAIR:** I think it is important that the Minister answer the question directly.

**Mr WATKINS:** Madam Chair, I have spoken about the last 12 months. I can recall the correspondence coming through my office across that period of time, not for the past two years, especially for that period of time that I was not Minister for Fair Trading. Even though I have had to interrupt my answer and pull it short, I think my answer should suffice.

**The Hon. M. J. GALLACHER:** Minister—

**CHAIR:** I actually ruled that that was the last question. Any further questions must be put on the notice paper, and I close the hearing right now. The hearing was supposed to last two hours. We have extended the time. On behalf of the Committee, I want to thank the Minister and all the officials.

**Mr WATKINS:** You must know that I am happy to stay. I make that very clear to Hansard, that I am happy to stay.

**The Hon. M. J. GALLACHER:** I move a motion that we continue, Madam Chair.

**The Hon. A. B. MANSON:** The decision has been made by the Chair. The meeting has been adjourned.

**Motion by the Hon. M. J. Gallacher negatived:**

That the Committee continue to sit.

**The Committee proceeded to deliberate.**

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