

SUBMISSIONS TO THE INQUIRY

SUBMISSION No	AUTHOR	RECEIVED
0001	The Hon Dr Arthur Chesterfield-Evans MLC Member Australian Democrats	26 November 1998
0002	Mr Ross Hampton WorkCover New South Wales	2 December 1998
0003	Mr Ray Mezieres Private Citizen	11 January 1999
0004	Mr Quentin Farmar-Bowers Private Citizen	27 December 1998
0005	Mr Peter Weatherstone Executive Officer Aerial Agricultural Association of Australia Ltd	12 January 1999
0006	Mrs Jean McKillop Private Citizen	14 January 1999
0007	The Hon Ernie T Page BE BCOMM MP Minister for Local Government to May 1999	22 January 1999
0008	Mr Reg Smith President New South Wales Dairy Farmers' Association Ltd	25 January 1999
0009	Mr Don Heussler Director - Government & Environmental Affairs Dow AgroSciences Australia Ltd	27 January 1999
0010	Ms Lesley Goddard Director Goddard Spraying Services Pty Ltd	27 January 1999
0011	Mr John Paul Trounce Private Citizen	28 January 1999

LIST OF SUBMISSIONS

SUBMISSION NO	AUTHOR	RECEIVED
0012	Mr Salvatore Caruana Private Citizen	28 January 1999
0013	Mr Malcolm Johnson Private Citizen	29 January 1999
0014	Mr Joe Friend JP BSCAGR Consultant Pacific Neem	29 January 1999
0015	Mr Alex Walker Managing Director Sydney Water	29 January 1999
0016	Ms Rose Tongmar Private Citizen	1 February 1999
0017	Mr Brad Williams Director - Intensive Industries New South Wales Farmers' Association	1 February 1999
0018	Mr Desmond Carpenter Private Citizen	1 February 1999
0019	Ms Shirley Jeffrey Private Citizen	1 February 1999
0020	Mr Rob Doolan Consultant Balanced Systems Planning Consultants	1 February 1999
0021	Mr Noel Selway President Faulconbridge Residents Association Inc	2 February 1999
0022	Ms Jenny Coman Council Member Byron Shire Council	2 February 1999
0023	Mr Ron Warburton Private Citizen	2 February 1999
0024	Mr Stan Scanlon Private Citizen	2 February 1999
0025	Mr Jon Baker Executive Officer Cotton Consultants Australia Inc	1 February 1999

SUBMISSION No	AUTHOR	RECEIVED
0026	Ms Jo Immig Toxic Chemicals Campaigner Total Environment Centre Inc	5 February 1999
0027	Mr Don & Mrs Ann Want Private Citizens	5 February 1999
0028	Mr Graham Hellier Managing Director Rapid Solutions	5 February 1999
0029	Mr David Rowland General Manager of Properties New South Wales Department of Education & Training	8 February 1999
0030	Ms Marianne Lloyd-Smith Co-ordinator National Toxics Network	8 February 1999
0031	Mr Mark Philip Lyden Private Citizen	8 February 1999
0032	Mr Colin Skinner Managing Director Colin Skinner Pest Control	8 February 1999
0033	Mr Michael Reid Director-General New South Wales Health	9 February 1999
0034	Mr John Carter Chairman Australian Beef Association	15 February 1999
0035	Mr Terry Ogg Chief Executive Officer Rail Services Australia	17 February 1999
0036	Mr Jack Garside General Manager Narromine Shire Council	29 February 1999
0037	Dr Neil Shepherd Director-General Environment Protection Authority New South Wales	4 March 1999

LIST OF SUBMISSIONS

SUBMISSION NO	AUTHOR	RECEIVED
0038	Mr Brian Inall Chairman Australian Environmental Pest Managers Association Ltd (New South Wales Branch)	1 March 1999
0039	Mrs Elizabeth Woods Private Citizen	5 March 1999
0040	Mr Colin Sharpe Director - Scientific & Regulatory Affairs (Crop Protection) Avcare	8 March 1999
0041	Mr David Ridley General Manager - Forest Policy and Programs State Forests of New South Wales	22 March 1999
0042	Mr Phillip & Mrs Colleen Drew Private Citizens	26 May 1999
0043	Mr J J Austin Acting General Manager Walgett Shire Council	1 June 1999
0044	Dr Kevin Sheridan Director-General New South Wales Agriculture	15 June 1999
0045	Ms Teena Sambrook Private Citizen	16 June 1999
0046	Mr Wally Jones Private Citizen	16 June 1999
0047	Mrs V Moses Private Citizen	16 June 1999
0048	The Hon Gary Punch Chief Executive Australian Cotton Industry Council	17 June 1999
0049	Ms Brenda Myers Private Citizen	18 June 1999
0050	Ms Heather Teakle President Mullumbimby Creek Progress Association	23 June 1999

SUBMISSION No	AUTHOR	RECEIVED
0051	Ms Vicki Doubleday Secretary Gunnedah Environment Group Inc	28 June 1999
0052	Ms Susan Marshall Private Citizen	29 June 1999
0053	Mr Jim Hourigan Private Citizen	12 July 1999
0054	Mr Terry Parkhouse President North Coast Environment Council Inc	12 July 1999
0055	Ms Amanda Pahl Secretary Mudgee District Environment Foundation	19 July 1999
0055	Ms Bev Smiles Secretary Central West Environment Council	19 July 1999
0056	Ms Margaret Dalitz Private Citizen	16 July 1999
0057	Dr Lilliana Corredor Private Citizen	17 July 1999
0058	AsPro Richard T Roush Director - Co-operative Research Centre for Weed Management Systems Waite Institute, University of Adelaide	23 July 1999
0059	Mr Peter Middlebrook Proprietor Middlebrook Air Services Pty Ltd	26 July 1999
0060	Ms Val Scanlon Private Citizen	23 July 1999
0061	Mr John Clarke & Associates Class members - Aboriginal Studies Certificate III Lake Cargelligo College of TAFE	28 July 1999
0062	Cr Geoff Marshall Mayor Gunnedah Shire Council	27 July 1999

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SUBMISSION NO	AUTHOR	RECEIVED
0063	Ms Jenny Czesny Secretary Lachlan River Families for a Safe Environment	29 July 1999
0064	Mr Mike Slack-Smith Chairman Narrabri Rural Lands Protection Board	27 July 1999
0065	Mr W J Lander Private Citizen	30 July 1999
0066	Dr Frances Parker Faculty of Social Inquiry University of Western Sydney	2 August 1999
0067	Ms Patricia Bartholomew Private Citizen	2 August 1999
0068	Mr John Rogers Secretary North Coast Low-Chill Stonefruit Growers' Association Inc	5 August 1999
0069	Mrs Clare Gaudron Honorary Secretary North Coast Oilseeds Growers Association Inc	6 August 1999
0070	Dr Archie Kalokerinos Private Citizen	3 August 1999
0071	Ms Jillian Lyons Private Citizen	8 August 1999
0072	Cr Ewan Tolhurst General Manager & Environmental Manager Bogan Shire Council	10 August 1999
0073	Mr Sam Haddad Executive Director Sustainable Development Department of Urban Affairs and Planning	18 August 1999
0074	Mr Tony Vlatko Private Citizen	19 August 1999

WITNESSES BEFORE THE COMMITTEE

DATE OF APPEARANCE	NAME, POSITION AND ORGANISATION REPRESENTED
Monday 21 June 1999	<p>Mr Jeff Angel Director Total Environment Centre</p> <p>Ms Jo Immig Toxic Chemicals Campaigner Total Environment Centre</p> <p>Dr Richard Shel Drake Deputy Director-General New South Wales Agriculture</p> <p>Mr Roger Toffolon Program Leader – Agricultural and Veterinary Chemicals New South Wales Agriculture</p> <p>Dr Richard Spurway Program Manager – Fibre, Oils and Specialty Products and Program Manager – Education and Training New South Wales Agriculture</p> <p>Mr John Williams Regional Director, North New South Wales Agriculture</p> <p>Mr Michael Nicholls Chairman – Agricultural Chemicals Committee NSW Farmers' Association</p> <p>Mr Brad Williams Director, Intensive Industries NSW Farmers' Association</p>

LIST OF WITNESSES

DATE OF APPEARANCE

**NAME, POSITION AND ORGANISATION
REPRESENTED**

Ms Amy Tucker
Assistant Director, Intensive Industries
NSW Farmers' Association

The Hon Gary Punch
Chief Executive
Cotton Australia

Mr Mike Logan
Director
Cotton Australia

Mr Gary Fitt
Chief Executive Officer
Cotton Research Centre

Mr Lindsay Keenan
NSW Director
Aerial Agricultural Association of Australia

Mr Peter Weatherstone
Executive Officer
Aerial Agricultural Association of Australia

Dr Neil Shepherd
Director-General
NSW Environment Protection Authority

Ms Sue Dawson
Acting Assistant Director-General, Environmental
Policy
NSW Environment Protection Authority

Mr Mark Gorta
Manager, Chemicals Policy
NSW Environment Protection Authority

Monday 26 July 1999

Mr Sam Amey
Community Representative
Citizens Against Pollution

DATE OF APPEARANCE	NAME, POSITION AND ORGANISATION REPRESENTED
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	Mr Richard Noss Community Representative Citizens Against Pollution
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	Mr David Yeo Community Representative Citizens Against Pollution
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	Mr Peter Cone Senior Area Manager Cotton Australia
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	Mr John Furney Primary Producer
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	Mr Doug Herd Director, Environmental Services Dubbo City Council
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	Mr Paul Anderson Manager, Building and Development Dubbo City Council
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	Mr John Davis Manager, Environment and Health Dubbo City Council
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	Mr Greg Geoghegan Manager, Strategic Planning Dubbo City Council
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	Ms Shirley Jeffery Private Citizen
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	Mr Andrew Montgomery Private Citizen
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	Ms Barbara Eldershaw Private Citizen
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LIST OF WITNESSES

DATE OF APPEARANCE

**NAME, POSITION AND ORGANISATION
REPRESENTED**

Mr Bob Meadley
Director Environmental Services
Narromine Shire Council

Mr Johannes Honnef
Planning Officer
Narromine Shire Council

Ms Amanda Pahl
Secretary
Mudgee District Environment Foundation

Ms Bev Smiles
Secretary
Central West Environment Council

Mr Peter Howat
Research and Development Manager for Australia
Nufarm

Tuesday 27 July 1999

Ms Vicki Doubleday
Secretary
Gunnedah Environment Group

Len Sanders
Gunnedah Environment Group

Ms Sandra Strong
President
Gunnedah Chemical Liaison Committee

Mr Sam Leys
Gunnedah Chemical Liaison Committee

Mr Ian Grant
Executive Officer
Liverpool Plains Land Management Committee

Ms Christine Robertson
Director
New England Public Health Unit

DATE OF APPEARANCE	NAME, POSITION AND ORGANISATION REPRESENTED
	Dr Lyn Fragar Director Australian Centre for Agricultural Health and Safety
	Mr Peter Middlebrook Proprietor Middlebrook Air Services
	Cr Geoff Marshall Mayor Gunnedah Shire Council
	Mr Mike Slack-Smith Chairman Rural Lands Protection Board (Narrabri)
	Ms Eslyn Johns Administration Officer Rural Lands Protection Board (Narrabri)
Wednesday 4 August 1999	Cr Richard Staples Councillor Byron Shire Council
	Ms Kath Vail Committee Member Poison Watch
	Mr Stan Scanlon Committee Member Conservation of North Shores (CONOS)
	Mr Rod Fayle President Australian Macadamia Society Limited
	Mr Don Want Private citizen
	Mrs Ann Want Private citizen

DATE OF APPEARANCE	NAME, POSITION AND ORGANISATION REPRESENTED
	Mr Ian Campbell Consultant Banana Industry Committee
	Mr Neil Treverrow NSW Agriculture
	Dr John Beard Director, Northern Rivers Institute of Health and Research NSW Department of Health, North Coast Public Health Unit
Thursday 5 August 1999	Ms Kate Hughes Private Citizen
	Mr Claude Gauchat Executive Director Avcare
	Mr Colin Sharpe Director, Scientific and Regulatory Affairs (Crop Protection) Avcare
	Mr Vernon Keighley General Manager Agsafe
	Mr Peter Mullins Executive Officer Rural Lands Protection Board State Council
	Ms Alison Nowland Environmental Co-ordinator Rural Lands Protection Board State Council
	Dr John Keniry Chairman NRA

DATE OF APPEARANCE	NAME, POSITION AND ORGANISATION REPRESENTED
	Dr Alison Turner Chief Executive Officer NRA
	Mr Greg Hooper Deputy Chief Executive Officer NRA
	Mr Brian Inall NSW Branch Chairman Australian Environmental Pest Managers Association (AEPMA) (New South Wales Branch)
	Mr Malcolm Trotter Member of the NSW State Council Australian Environmental Pest Managers Association (AEPMA) (New South Wales Branch)
	Ms Jillian Cranny Member National Toxics Network North Coast Environment Group Toxin Action Network (North Coast NSW)

Appendix A

1. INTRODUCTION

The *Pesticides Act* is 20 years old. Changes to the context within which pesticide management is taking place have led to the need to consider some refinements to the Act to remove duplication and improve the efficiency and effectiveness of the management of pesticide use.

Specifically, a national scheme for registering pesticides has been introduced. This changes the nature of what needs to be done at the State government level.

Secondly, there is a need to be aware that areas that were traditionally dominated by agricultural uses are now increasingly surrounded by other land uses and activities that may be incompatible with traditional use of pesticides. Partly because of these land use changes, there has also been a shift in community expectations about the use of pesticides. While the role of pesticides in supporting agricultural and other industries is well understood, there have been cases where residues in livestock and produce have caused trade difficulties. There is also a growing awareness of the potential for impacts on human health, property or the environment if pesticides are not used with the utmost care. Many Australian and overseas jurisdictions have found the need to respond with firmer regulation of pesticide use.

Finally, it is clearly recognised that pesticide use must be consistent with the principles of ecologically sustainable development. The framework of pesticide management needs to involve these principles and allow for accommodation of rapid changes in the knowledge of the impacts of pesticides, their application and alternatives to their use.

Amendments to the Act are therefore needed to ensure that:

- there is consistency with the new national scheme;
- emerging best practice approaches to pesticide management are promoted;
- the enforcement and licensing system is efficient and transparent; and
- mechanisms are provided to allow the key interest groups to contribute to the ongoing development of approaches to pesticide management.

This discussion paper outlines proposed changes to the Act so that all sectors of the community can consider and comment on the proposed reforms before legislation is drafted.

It should be noted that submissions will be welcomed on the proposals and their expected impact on communities and individuals. The closing date for discussions and for receipt of submissions is the 8th August 1997. In addition, organisations, groups or individuals may wish to contact the EPA below to discuss the proposals.

Submissions may be sent to:

Mark Gorta
Manager, Chemicals Policy Section,
NSW EPA
PO Box 1135
CHATSWOOD NSW 2057
Phone: 02 9325 5795
Fax 02 9325 5788

2. FITTING IN WITH THE NATIONAL REGISTRATION SCHEME

The national registration scheme for pesticides is detailed in the Commonwealth Agricultural and Veterinary Chemicals Code. A National Registration Authority for Agricultural and Veterinary Chemicals has been established to evaluate and register agricultural and veterinary chemicals and control their supply up to the point of sale.

In evaluating a pesticide for registration, the National Registration Authority (NRA) takes account of issues relating to the effectiveness of the pesticide and its impact on human health and safety, the environment, property and international trade. The NRA also approves product labels and this requires adequate instructions on the use, handling and disposal of the product.

In 1994, the introduction of the *Agricultural and Veterinary Chemical (NSW) Act* made the Commonwealth Agricultural and Veterinary Chemicals Code apply to New South Wales. This Act provides an up-to-date approach to dealing with issues associated with the registration and sale of pesticides and introduces some new definitions. The consequently outmoded provisions of the *Pesticides Act 1978* need to be removed to avoid duplication and confusion. The sections of the *Pesticides Act* that would be removed on this basis would be 8-22, 29, 30(1), 34-36, 38, 41, 42(1) and 44.

3 ENSURING PROPER USE OF PESTICIDES

Concerns have been expressed over the use and impacts of agricultural chemicals. These concerns include risks to marketing and trade, human health and the environment. There has been a particularly high level of industry concern about the contamination of agricultural produce by pesticide residues and the consequent trade implications.

Regulation of pesticides at the point where they are applied is a key part of ensuring that people, property and the environment are protected. Several Australian jurisdictions have recently strengthened or are currently strengthening the controls on the use of pesticides in legislation. Victoria has introduced the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* and Regulations (1996), Tasmania has introduced the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995*, and South Australia, the Northern Territory and New Zealand are currently considering appropriate legislation.

Misuse of pesticides occurs when people do things with pesticides that:

- are contrary to a label or pesticide permit or order directions;
- cause a risk of harm or actual harm to people or damage to property; or
- cause a risk of harm or actual harm to the environment.

Label directions are the means by which pesticide users receive specific directions for use of a particular pesticide. These directions are based on the expertise of the supplier and government agencies and are approved by the National Registration Authority (NRA) after advice from a range of government agencies. Queensland, South Australia and Tasmania have stringent requirements to follow labels.

Dealing with off-target damage, drift and overspray concerns have been key elements of all recently developed pesticide legislation in other jurisdictions.

The new Tasmanian legislation makes it an offence to cause draft that adversely affects persons or a broad range of things that are not owned or occupied by the person spraying. Under the legislation, it is an offence to cause actual harm to the environment or crops/livestock, and prosecution is sought where the use of the area or crop is restricted following pesticide damage. It is a defence under the legislation if the effect could not have been anticipated by the pesticide user.

In Victoria, the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* makes it an offence to carry out agricultural spraying that "injuriously affects" off-target plants, stock or lands. A major concern is

to ensure that pesticide misuse does not contaminate agricultural produce and disrupt domestic and export trade.

In Queensland, it is an offence under *the Agricultural Chemicals Distribution Control Act* to aeri ally spray any pesticide or ground spray herbicides in such a way as to cause loss or damage by drift to crops or livestock. In New Zealand it is an offence to cause plant damage on third party properties.

The following measures are proposed to deal with misuse of pesticides in ways that are consistent with other jurisdictions and avoid costly problems for industry and the community.

3.1 PROMOTING USE OF PESTICIDES IN ACCORDANCE WITH DIRECTIONS.

There is general agreement that following label directions is the minimum standard of behaviour required of pesticide users. Failure to follow such directions could lead to serious harm to persons, property or the environment, even though the harm may not be intended. The present requirement in the *Pesticides Act 1978* only goes part of the way to discouraging this practice because it has to be clear that the label was wilfully or carelessly disregarded.

Therefore, it is proposed to follow the example of other States by requiring that a person must not use a pesticide contrary to directions on permits or labels. The offence would occur if the directions were disregarded, whatever the user's intentions, ie.. users of pesticides must follow directions explicitly. Under this proposal, it would not be a defence for a person to say that s/he had not read or was not provided with the registered label.

The proposed provision would encourage greater compliance by showing the community and the Courts the importance of following such directions.

3.2 ENCOURAGING GREATER CARE IN PESTICIDE USE OR DISPOSAL TO PREVENT EVEN UNINTENTIONAL ACTUAL HARM OR DAMAGE.

It is recognised that ensuring that people follow label directions is not a foolproof means of ensuring appropriate pesticide use. It is not practical for label directions to cover all circumstances. For instance, a label cannot cover all weather conditions that may cause off-target drift and often assumes that the pesticide will be used in rural areas, not areas characterised by mixed development.

A person may diligently follow directions about the use of a pesticide but may fail to take account of other relevant and readily knowable considerations and therefore cause harm to people or property. It is important to encourage those using such sensitive products as pesticides to exercise proper care and thought when doing so and to be aware of the risks and the factors that increase risk.

It is therefore proposed to make it an offence for a person to use or dispose of a pesticide so that it causes actual harm or damage to people or property. The person would be able to be prosecuted even if they did not intentionally cause the harm or damage unless the person was following specific instructions on a label, order or permit about ways to avoid this.

This approach is the same as that which applies to the pollution of water (under the *Clean Waters Act 1970*) and the dumping of waste (under the *Waste Minimisation & Management Act 1995*). It is worthwhile noting that the offence will attract a lower penalty than that which applies to offences where harm or damage is intentional or negligent.

3.3 TAKING STRONG ACTION ON INTENTIONAL OR NEGLIGENT PESTICIDE MISUSE WHICH RESULTS IN ACTUAL OR POTENTIAL HARM TO PEOPLE OR PROPERTY.

As noted above, dealing with off-target damage concerns has been a key element of recent developments with pesticide legislation in other States.

Pesticide users need to follow label directions, and also take all the reasonable precautions that a careful person would take to prevent causing harm from their use of a pesticide. This means taking into account factors including weather conditions, the proximity of people to the spray area, practical measures to avoid damage to non-target crops, and methods of application that minimise drift.

Unfortunately, some people negligently fail to take reasonable precautions or deliberately cause harm to people or property with pesticides. It is, therefore, proposed that it be an offence for a person to intentionally or negligently use or dispose of a pesticide to cause actual harm (or risk of harm) to people or property.

3.4 TAKING STRONG ACTION ON INTENTIONAL OR NEGLIGENT PESTICIDE MISUSE WHICH THREATENS OR HARMS THE ENVIRONMENT.

It is proposed to discourage harm to the environment caused by pesticide misuse by providing that a person must not intentionally or negligently

use or dispose of a pesticide to cause actual harm or risk of harm to the environment.

In framing the offence it needs to be clearly recognised that some harm to the environment is an unavoidable consequence of proper and responsible pesticide application practice. For example, an insecticide applied to a field may not only kill the target pests, but may also kill other insects. An offence would not be committed where such harm to the environment occurs. For this reason, a person will only be in breach of the provision for misuse of the pesticide where foreseeable harm to the environment occurred, and the person intentionally or negligently caused that harm by not taking reasonable precautions to prevent that harm. Reasonable precautions would include following proper and responsible pesticide application practice. The Act amendments would also need to recognise that some activities are authorised under other New South Wales legislation, eg, the application of herbicides to control aquatic weeds when the application is authorised under the *Clean Waters Act 1970*.

3.5 BANNING THE USE OF UNSUITABLE AIRCRAFT

It is also recognised that we need to take stronger action to prevent known problems. In particular, ultra light aircraft are often used to spray pesticides but those aircraft are relatively unstable and can contribute to excessive spray drift. They have not been endorsed for agricultural spraying by the Civil Aviation Safety Authority Australia and cannot comply with the insurance requirements of the Act.

It is therefore proposed to amend the Act to more effectively prevent their use by prohibiting:

- The use of any aircraft that has not been issued with an airworthiness certificate for aerial spraying from the Civil Aviation Safety Authority Australia;
- The attachment or use of pesticide application equipment on these aircraft;
- The sale of such equipment for use on these aircraft; or
- The sale of these aircraft with such equipment attached.

3.6 PROVIDING APPROPRIATE PENALTIES.

It is important that the level of penalties associated with the misuse of pesticides be appropriate. Within this, there is a strong case for imposing higher penalties where someone has acted intentionally.

The penalty for the offence of failure to follow the label or unintentionally causing harm (see 3.1 and 3.2 above) could therefore remain at the current level (maximum of \$40,000 for corporations and

\$20,000 for individuals). These penalty levels are in line with those existing for similar offences elsewhere. Victoria has penalties of \$40,000 for companies and \$20,000 for persons for spray drift which injuriously affects plants, stock or land outside the target area. South Australia has a \$40,000 and \$20,000 penalty also for use contrary to the label. The maximum fine for penalty notices (see 3.8 below) is proposed to be \$600 but lower levels may apply for certain offences.

It is proposed to provide a maximum penalty of \$125,000 for corporations and \$60,000 for individuals that “intentionally or negligently cause actual or risk of harm or damage” (see 3.3 and 3.4 above). The proposed penalty for such offences is the same penalty as Tier 2 offences under *the Environmental Offences and Penalties Act 1989*. Under that Act there are three levels of seriousness of offences. The most serious is the Tier 1 offence for wilful and negligent harm to the environment.

The penalty for use of an inappropriate aircraft (see 3.5 above) is proposed to be \$40,000 for corporations and \$20,000 for individuals. This is the same as for the current offence of use of an aircraft that does not conform to licence conditions under the Pesticides Act.

3.7 PROVIDING GUIDANCE IN SENTENCING

It is also of concern that the *Pesticides Act* currently provides no guidance to the Court on matters to consider when imposing a penalty. In some cases, low penalties have been imposed for matters involving a serious misuse of pesticides, for example when a Court has focused solely on the conduct and record of the defendant.

It is proposed to overcome this problem by including a similar provision to that in the *Environmental Offences and Penalties Act 1989* which allows the Court to consider the following matters in sentencing:

- The harm or likely harm caused to a person or the environment, or the damage or likely damage caused to a person’s property’
- The practical measures that may have been taken to prevent, control, abate or mitigate that harm’
- The reasonable foreseeability of the harm that was or could be caused;
- The extent to which the person charged had control over the commission of the offence; and
- Whether the person who committed the offence had complied with the order of an employer or supervisor.

3.8 EFFICIENT MANAGEMENT OF MINOR OFFENCES

Currently under the *Pesticides Act* prosecution in the Local Court is needed to take action over minor breaches of the Act.

Penalty notices are now a widely accepted enforcement tool in environmental legislation. They provide an efficient way of managing the minor offences that do not justify Court time.

Offenders may either pay the fine or contest the matter in the Local Court. Penalty notices are routinely used for Tier 3 offences under the *Environmental Offences and Penalties Act 1989*. Examples include the use of penalty notices regarding the pollution of waters and dumping waste on land. Victoria has provision for penalty notices in its pesticide legislation.

It is therefore proposed to introduce penalty notices for minor pesticide offences to deal more efficiently and effectively with these offences. The Environment Protection Authority Prosecution Guidelines (EPA 1996) clarify when such notices would be used.

It is therefore proposed to introduce penalty notices for minor pesticide offences to deal more efficiently and effectively with these offences. The EPA Prosecution Guidelines (EPA 1996) clarify when such notices would be used.

The offences where it is proposed penalty notices could be issued are:

- Failing to read instructions on a label;
- Using a pesticide contrary to a label;
- Using an unregistered pesticide;
- Failing to comply with a pesticide order;
- Making prohibited claims about a pesticide;
- Failing to comply with a direction of an inspector;
- Storing a pesticide other than in a container that bears the registered label; and
- Failing to comply with a compliance notice.

It is proposed that the legislation provide the option of delegating to other public authorities the power to issue penalty notices but actual delegation beyond the EPA would not occur without further consultation.

3.9 PREVENTING PESTICIDE MISUSE AND ENSURING TIMELY CLEAN UP OF CONTAMINATION

At present the registrar of Pesticides has wide powers to make orders to control the use of pesticides from aircraft. There are, however, also circumstances, where controls over pesticide use on the ground may be

required and it would seem more appropriate to be clear about the circumstances in which such orders would be issued by the Registrar.

It is therefore suggested that there be the opportunity for the Registrar of Pesticides to make orders relating to the manner of use of a pesticide for both ground and aerial applications. An order would only be able to be made if it would prevent danger to health of the public, undue risk to the environment, damage to property or an adverse effect on the trade of agricultural produce. Such orders are not intended to duplicate or overrule the powers of the National Registration Authority in setting nationally consistent controls on individual pesticides through placing directions for use on labels.

One proposed application of such an order would be to allow people to use pesticides at a lower concentration, lower application rate, or at less frequent intervals than specified on the label – unless this is specifically precluded by directions on the label. Use at lower rates is currently unlawful because of the requirement to follow label directions. People wishing to use lower rates currently need to obtain a permit to allow such use and this is inefficient.

It is proposed that orders would be made on a statewide or regional basis rather than directions on individual persons or properties. It is intended that orders only be made with the consent of the Minister for the Environment and they will be formally instituted through the gazettal process.

It is also proposed to allow the EPA to issue compliance notices to individual persons or properties which could require action to:

- Prevent, prohibit or cease an activity which, if it is allowed to proceed would be likely to harm people, property or the environment; or
- Clean up contamination caused by pesticide use.

Circumstances where compliance notices would be able to be issued include:

- Where an unregistered pesticide is being used or a pesticide is being used contrary to label.
- Where faulty equipment needs to be fixed or re-calibrated. A notice could require repairs or calibration prior to use.
- Where a pesticide is used in unsafe circumstances (eg in high wind near a vulnerable area) or there is a history of disregarding the sensitivities of pesticide use at a particular site (eg next to a school, near residential properties etc) a notice could place time or other specific application restrictions on spray operations to prevent harm.

- Where pesticides have been used or stored in a way that may be harmful, a notice could require clean up or removal of pesticide residues or containers from a place; or require a pesticide to be stored in an approved container.

It is important to distinguish between the role of these site specific compliance notices and the statewide or regional focus of pesticide orders. Rights of appeal against a notice issued would be provided but they would not apply for notices that require clean up action or where urgent action is required to prevent harm.

The proposed compliance notice powers are used extensively in other environmental legislation, eg compliance notices under the Clean Waters Regulation have been used since 1987.

4 IMPROVING EFFICIENCY AND TRANSPARENCY OF THE SYSTEM.

4.1 PESTICIDE LICENCES

The *Pesticides Act* currently has no provision for amending a licence or conditions on a licence issued to a pilot or operator, during the term of a licence. Currently, licences would need to be cancelled and reissued if there was a need to vary a licence or change conditions on licences. It is proposed to allow for such amendments to be made. This would be consistent with provisions in the *Pollution Control Act 1970* and the *Waste Minimisation & Management Act 1995*. On a similar basis to the above Acts, it is proposed to introduce appeal provisions for licensees and applicants for licences.

4.2 MINISTERIAL POWERS

Currently the minister must give consent to prosecutions under the *Pesticides Act 1978*. Under its other environmental legislation the Minister's consent is not required to commence prosecutions. This reflects the principle embodied in the *Protection of the Environment Administration Act 1991* that the decision to prosecute should be fully and explicitly independent of Ministerial direction. It is therefore proposed that the proceedings for offences under the Act may be commenced with the consent of the EPA. The prosecution process will conform to the EPA's published Prosecution Guidelines (EPA 1996) and be separated from Ministerial direction.

Currently the Minister has powers to: waive or remit fees, approve insurance, appoint analysts and inspectors, consent to suspension of licences, consider appeals, delegate powers and approve the destruction or rendering harmless of a pesticide. These are administrative matters or decision making powers that more appropriately reside with the EPA or,

in some cases, the Director-General of the EPA. It is proposed to make such changes.

4.3 STRONGER POWERS FOR INSPECTORS

It is vital that pesticide inspectors are given powers which enable them to perform their functions safely and effectively and that these powers are in line with inspectors' powers under the other statutes administered by the Environment Protection Authority such as the *Waste Minimisation & Management Act 1995* and the *Pollution Control Act 1970*.

Proposed amendments would enable an inspector to:

- Use reasonable force with the aid of the police;
- Enter any place (except a dwelling-house) to examine pesticide application equipment'
- Seize articles and substances as provided under the Act, without the need to remove them from the premises in which they are found;
- Make inquiries where this is relevant to ensure compliance with the Act.

Another proposed amendment is to make it an offence to fail to answer questions, provided that the inspector has first informed the person that such failure is an offence. The privilege against self-incrimination would be maintained with respect to these powers.

It is also proposed to extend the time for which seized property may be retained, from six to twelve months or until enforcement proceedings are finalised. In addition, a Local Court could extend this time, or, on the application of the owner, order the return of the property at any time. The reason for these proposed specific changes is that enforcement proceedings can take considerably more than six months to complete. The *Stock Medicines Act 1989* and the *National Parks & Wildlife Act 1974* provide property seizure periods of 12 months and two years respectively.

4.3 CLEARER LIABILITY FOR ACTS OF EMPLOYEES AND CONTRACTORS

Employers are currently liable for offences committed by the employees, with some limited defences available to employers. Employer liability does not extend, for example, to an aerial operator who has contracted with a pilot to apply pesticides, or to a grower who has engaged a contract sprayer, which results in the contractor committing an offence. In many situations the operator or grower remains in control of the spray application, and the pilot or contractor is following the instructions given. Currently, in such situations, the pilot or contract sprayer could be prosecuted for misuse offences, while the aerial operator and grower may escape liability. It is proposed to amend the Act so that:

- Employers, including spray operators, will be liable for offences committed by their contractors, agents and employees; and
- Growers who contract with another person to apply pesticides to the grower's property will be liable for the offences committed by the other person (or the other person's employees, contractors or agents). A grower would have a defence to any such prosecution if the grower can prove that the offence committed was due to causes over which the grower had no control and took reasonable precautions and used due diligence to prevent the offence being committed.

5 ONGOING POLICY DEVELOPMENT IN PESTICIDE MANAGEMENT

Many groups and individuals have an interest in pesticide management and the roles and responsibilities are spread between State and local government and industry. These parties need to be drawn together to provide a mechanism for considering issues and advising on options for action.

A statutory advisory committee is therefore proposed to provide a source of community advice to the Minister and the EPA on pesticide management policies and issues and, in particular, on approaches aimed at reducing the risks from pesticide use.

The following membership is suggested.

Community and industry representation with expertise in:

- Pesticide product supply and management
- Pest control operators' practices
- Environmental impact of pesticide application
- The use of, and the exposure to, pesticides by consumers and
- Rural pesticide application practices.

Local government representation with expertise on the implications of pesticide use in local contexts and the mechanisms available to manage these.

State government representation as follows:

- Regulation of pesticide use (EPA)
- Agricultural use and impact of pesticides (Nsw Agriculture)
- Occupational health and safety and the regulation of pest controllers (WorkCover NSW)
- Impact of pesticides on public health (NSW Health)

- Impact of pesticides on wildlife (NSW National Parks and Wildlife Service)
- Impact of pesticides on land and water conservation (Department of Land & Water Conservation) and
- Management of interactions between different land uses (Department of Urban Affairs & Planning).

Appendix B



**STANDING COMMITTEE ON STATE DEVELOPMENT
Parliament of New South Wales, Legislative Council**

**INQUIRY INTO THE INTERNATIONAL COMPETITIVENESS
OF AGRICULTURE IN NSW**

TERMS OF REFERENCE

International Competitiveness of Agriculture in NSW

(Reference received 20 July 1995, amended 21 May 1998)

That the Standing Committee on State Development inquire into and report on the role of Government in facilitating the international competitiveness of agriculture in New South Wales, including:

- innovation and diversification of the industry, including the development of new products and the application of new technology;
- business enhancement services (for example, marketing and market intelligence, industry links/network, and leadership);
- regulatory impediments, and inter and intra government coordination;
- cost structures of the industry (for example, transport costs, packaging costs, state taxes and charges, and utility charges);
and

- the development of sustainable management of agricultural resources.

Appendix C



STANDING COMMITTEE ON STATE DEVELOPMENT Parliament of New South Wales, Legislative Council

Minutes No. 126

Thursday 12 November 1998
at Parliament House, Sydney at 1:00 pm

Members present
Mr Kelly (in the Chair)

Mr Cohen

Mr Obeid

Mr Johnson

Dr Pezzutti

Mr Macdonald

The Chairman declared the meeting open.

The Committee deliberated.

Resolved, on the motion of Mr Macdonald:

That the minutes of meeting numbers 111 to 125 be accepted.

The Committee deliberated.

Resolved, on the motion of Mr Johnson:

That, pursuant to the provisions of section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and under the authority of Standing Order No 252, the Committee authorises the Clerk of the Committee to publish all corrected transcripts of evidence given by witness and documents tabled by witnesses who have appeared before the Committee, and all submissions

provided to the Committee, in relation to the agriculture inquiry.

The Committee deliberated.

The Chairman made a statement about his intent to write to all Members and officers of the Committee seeking written advice as to whether they were responsible for information about findings of the Committee's *Interim report on the provision and operation of air services in New South Wales* being provided to Mr Photios prior to the tabling of the report.

The Committee deliberated.

Resolved, on the motion of Mr Cohen:

That the Chairman write to the Editor of The Express in relation to an article that appeared in the newspaper on 16 October 1998 entitled 'Findings fuel EIS demands' asking that the newspaper correct inaccuracies in the article by including an accurate account of the findings contained in the Interim report on provision and operation of rural and regional air services in New South Wales in the newspaper, including an acknowledgment of the inaccuracy of the previous article.

The Committee deliberated.

Resolved, on the motion of Mr Cohen:

That the Chairman write to the Minister for the Environment seeking clarification of terms of reference forwarded to the Committee relating to the use and management of pesticides.

Resolved, on the motion of Mr Cohen:

That the terms of reference for the pesticides inquiry, along with a call for submissions in relation to the inquiry, be advertised widely throughout the state, in both metropolitan and regional newspapers.

The meeting adjourned at 1.30 pm until 1:00 pm on Thursday, 19 November 1998.

Anna McNicol
Director



STANDING COMMITTEE ON STATE DEVELOPMENT
Parliament of New South Wales, Legislative Council

Minutes No. 127

Thursday 19 November 1998
at Parliament House, Sydney at 1:00 pm

Members present
Mr Kelly (in the Chair)

Ms Gardiner
Mr Johnson

Dr Pezzutti

The Chairman declared the meeting open.

Apologies were received from Mr Cohen, Mr Macdonald and Mr Obeid.

The Committee deliberated.

Resolved, on the motion of Dr Pezzutti:

That the minutes of meeting numbers 110 to 126 be accepted.

The Committee deliberated.

Resolved, on the motion of Dr Pezzutti:

That, in relation to the matter of the media release issued under the name of Michael Photios MP on 24 September 1998, and in light of advice from Dr Pezzutti that the Clerk of the Parliaments had suggested an amendment to the advice prepared by the Clerk to the Committee and in light of the fact that the Chair had not received responses to all his requests for information from Members, the Committee defer consideration of this matter.

The Committee deliberated.

Resolved, on the motion of Dr Pezzutti:

That, in relation to the reference received from the Minister for the Environment relating to the use and management of pesticides in New South Wales, the Minister be asked whether it would be acceptable for the inquiry to be referred to as "Inquiry into the use and management of agricultural chemical products in New South Wales".

The Committee deliberated.

Resolved, on the motion of Ms Gardiner:

That the terms of reference for the inquiry into pesticides be advertised in print media throughout the state, along with a call for submissions in relation to the inquiry, with a closing date for submissions of 31 January 1999.

The Committee deliberated.

The meeting adjourned at 1.40 pm sine die.

Anna McNicol
Director



STANDING COMMITTEE ON STATE DEVELOPMENT
Parliament of New South Wales, Legislative Council

Minutes No. 1
Thursday 17 June 1999
At Parliament House at 2.30 pm

1. Members Present

Mr Kelly (in the Chair)
Mr Cohen
Mr Johnson
Mr Macdonald

2. Apologies

Dr Pezzutti

3. Procedural Motions

Resolved, on motion of Mr Cohen, that the following motions be agreed to in globo:

That arrangements for the calling of witnesses and for visits of inspection be left in the hands of the Chair and Director after consultation with the Committee.

That press statements on behalf of the Committee be made only by the Chair, if possible after consultation with the Committee.

That persons with specialist knowledge may be invited to assist the Committee.

That the Director be empowered to advertise and/or write to persons, bodies and organisations inviting written submissions relative to the terms of reference.

That the Chair and Director make arrangements for travel and visits of inspection for the Committee as a whole.

That, unless otherwise ordered, transcripts of evidence taken by the Committee be not made available to any person, body or organisation (other than Committee Members); provided that each witness will be given a proof copy of their evidence for correction and return to the Director.

4. Tabled Documents

4.1 Submissions

The Chair tabled 48 submissions sent to the Committee in relation to its pesticides inquiry, listed in Attachment 1.

4.2 Correspondence Received

The Chair tabled one item of correspondence received:

Letter from the Hon Ian Cohen MLC to the Chair, dated 16 June 1999, requesting that the Committee hold a hearing in relation to the pesticide inquiry at Lismore.

4.3 Correspondence Sent

The Chair tabled 20 items of correspondence sent:

Letter from the Chair to the Hon Bob Debus, Minister for the Environment, dated 9 June 1999, relating to the pesticides public hearing on 21 June 1999.

Letter from the Chair to the Hon Richard Amery, Minister for Agriculture and Minister for Land and Water Conservation, dated 16 June 1999, relating to the pesticides public hearing on 21 June 1999.

Letters from the Director to various persons who were scheduled to give evidence at the pesticides public hearing on 21 June 1999, dated 11 and 15 June 1999, relating to their appearance. (see attachment 2 for names)

5. Pesticides Inquiry

It was agreed that the Committee would hold pesticide inquiry hearings on 26 July 1999 (Dubbo), 27 July 1999 (Gunnedah), 4

August 1999 (Lismore) and 5 August 1999 (Sydney).

6. Agriculture Inquiry

The Chairman advised that the pesticides inquiry would take precedence over the agriculture inquiry.

7. Adjournment

The meeting adjourned at 3.25 pm until Monday, 21 June 1999 at 9:30 am.

Anna McNicol
Director

ATTACHMENT 1

Submissions received relating to pesticides inquiry

Submission 1 – Hon Dr Arthur Chesterfield-Evans MLC, dated 26 November 1998

Submission 2 – WorkCover NSW, dated 1 December 1998

Submission 2 (Supplementary) - WorkCover NSW, dated 2 February 1999

Submission 3 – Mr Ray Mezieres, dated 3 January 1999

Submission 4 – Mr Quentin Farmar-Bowers, dated 27 December 1998

Submission 5 – Aerial Agricultural Association of Australia Ltd, dated 7 January 1999

Submission 6 – Mrs Jean McKillop, dated 13 January 1999

Submission 7 – The Hon Ernie Page MP (then Minister for Local Government), dated 21 January 1999

Submission 8 – NSW Dairy Farmers' Association Ltd, dated 22 January 1999

Submission 9 – Dow AgroSciences Australia Ltd, dated 18 December 1998

Submission 10 – Goddard Spraying Services Pty Ltd, dated 27 January 1999

Submission 11 – Mr John Paul Trounce, dated 23 January 1999

Submission 12 – Mr Salvatore Caruana, dated 22 January 1999

Submission 13 – Mr Malcolm Johnson, dated 29 January 1999

Submission 14 – Pacific Neem, dated 21 January 1999

Submission 15 – Sydney Water, dated 27 January 1999

Submission 16 – Ms Rose Tongmar, dated 26 January 1999

Submission 17 – NSW Farmers' Association, dated 28 January 1999

Submission 18 – Mr Desmond Carpenter, dated 25 January 1999

Submission 19 – Ms Shirley Jeffrey, dated 25 January 1999

Submission 20 – Balanced Systems Planning Consultants, dated 31 January 1999

Submission 21 – Faulconbridge Residents Association Inc, dated 1 February 1999

Submission 22 – Cr Jenny Coman (Byron Shire), dated 26 January 1999

Submission 23 – Mr Ron Warburton, dated 27 January 1999

Submission 24 – Mr Stan Scanlon¹, dated 4 January 1999

Submission 25 – Cotton Consultants Australia Inc, dated 1 February 1999

Submission 26 – Total Environment Centre Inc², dated 2 February 1999

Submission 27 – Mr Don & Mrs Ann Want, dated 4 February 1999

Submission 28 – Rapid Solutions, dated 4 February 1999

Submission 29 – NSW Department of Education & Training, dated 5 February 1999

¹ Private & confidential

² With Nature Conservation Council, National Parks Association (NSW) & Friends of the Earth (NSW)

- Submission 30 – National Toxics Network, dated 7 February 1999
- Submission 31 – Mr Mark Philip Lyden, dated 2 February 1999y
- Submission 32 – Colin Skinner Pest Control, dated 29 January 1999
- Submission 33 – NSW Health, dated 1 February 1999
- Submission 34 – Australian Beef Association, dated 10 February 1999
- Submission 35 – Rail Services Australia, dated 9 February 1999
- Submission 36 – Narromine Shire Council, dated 8 February 1999
- Submission 37 – Environment Protection Authority, dated 3 March 1999
- Submission 38 – Australian Environmental Pest Managers Association Ltd, dated 26 February 1999
- Submission 39 – Ms Elizabeth Woods, dated 25 February 1999
- Submission 40 – Avcare, dated 4 March 1999
- Submission 41 – NSW State Forests, dated 15 March 1999
- Submission 42 – Mr Phillip & Mrs Colleen Drew, dated 25 May 1999
- Submission 43 – Walgett Shire Council, dated 24 May 1999
- Submission 44 – NSW Agriculture, dated 11 June 1999
- Submission 45 – Ms Teena Sambrook, dated 31 March 1999
- Submission 46 – Mr Wally Jones, dated 25 March 1999
- Submission 47 – Mrs V Moses, dated 31 March 1999
- Submission 48 – Australian Cotton Industry Council, dated 17 June 1999

ATTACHMENT 2

List of persons sent correspondence relating to their scheduled appearance to give evidence at the pesticides public hearing on 21 June 1999

Mr Jeff Angel, Director, Total Environment Centre
Ms Jo Immig, Toxic Chemicals Campaigner, Total Environment Centre
Dr Kevin Sheridan, Director-General, NSW Agriculture
Dr Richard Sheldrake, Deputy Director-General, NSW Agriculture
Mr Richard Toffolon, Program Leader – Agricultural & Veterinary Chemicals, NSW Agriculture
Dr Richard Spurway, Program Manager, Fibre, Oils & Specialty Products and Program Manager, Education & Training, NSW Agriculture
Mr John Williams, Regional Director, North Coast, NSW Agriculture
Mr Michael Nichols, Chairman – Agricultural Chemicals Committee, NSW Farmers' Association
Mr Michael Keogh, Policy Director, NSW Farmers' Association
Mr Brad Williams, Director, Intensive Industries, NSW Farmers' Association
Ms Annie Tucker, Assistant Director, Intensive Industries, NSW Farmers' Association
The Hon Gary Punch, Chief Executive, Cotton Australia
Mr Mike Logan, Director, Cotton Australia
Mr Bruce Pike, Extension Manager, Cotton Australia
Mr Dave Anthony, Director, Cotton Research & Development Corporation
Mr Lindsay Keenan, NSW Director, Aerial Agricultural Association of Australia
Mr Peter Weatherstone, Executive Officer, Aerial Agricultural Association of Australia
Dr Neil Shepherd, Director-General, Environment Protection Authority



STANDING COMMITTEE ON STATE DEVELOPMENT
Parliament of New South Wales, Legislative Council

Minutes No. 2
Monday, 21 June 1999
At Parliament House at 9.30 am

1. Members Present

Mr Kelly (in the Chair)
Mr Cohen
Mr Johnson
Mr Macdonald
Dr Pezzutti

2. Confirmation of Minutes

Resolved, on motion of Mr Cohen, that the minutes of meeting number 1 be confirmed.

3. Business Arising

The Committee deliberated.

Resolved, on motion of Mr Cohen, that Dr Pezzutti be granted a leave of absence from the Committee from 26 July 1999 to 5 September 1999.

4. Hearing

The Committee deliberated.

Resolved, on motion of Dr Pezzutti, that in accordance with the Resolution of the Legislative Council of 11 October 1994 the Committee

authorises the sound broadcasting and television broadcasting of its public proceedings held today.

The public and media were admitted.

4.1 Pesticides Inquiry

Mr Jeff Angel, Director, and Ms Jo Immig, Toxic Chemicals Campaigner, both of the Total Environment Centre, were sworn and examined. Mr Angel tendered two documents supporting his evidence.

Resolved, on motion of Dr Pezzutti, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

Dr Richard Shel Drake, Deputy Director-General, Dr Richard Spurway, Program Manager, Fibre, Oils and Specialty Products and Program Manager, Education and Training, Mr Roger Toffolon, Program Leader, Agricultural and Veterinary Chemicals, and Mr John Williams, Regional Director, North Coast, all of NSW Agriculture, were sworn and examined. Dr Shel Drake tendered two documents supporting his evidence.

Resolved, on motion of Dr Pezzutti, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

Mr Michael Nichols, Chairman, Agricultural Chemicals Committee, Mr Brad Williams, Director, Intensive Industries, and Ms Amy Tucker, Assistant Director, Intensive Industries, all of NSW Farmers' Association, were sworn and examined.

Resolved on motion of Dr Pezzutti, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the Committee authorises the Clerk to the Committee to publish submission no 26 (Total Environment Centre).

Evidence concluded and the witnesses withdrew.

The Hon Gary Punch, Chief Executive Officer, Cotton Australia, and Executive Director, Australian Cotton Industry Council, Mr Gary Fitt, Principal Research Scientist, CSIRO, and Chief Executive Officer, Australian Cotton Research Institute, and Mr Mike Logan, Farmer and Director, Cotton Australia, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Mr Peter Weatherstone, Executive Officer, and Mr Lindsay Keenan, NSW Director, Aerial Agriculture Association of Australia, were sworn and examined. Mr Weatherstone tendered a document supporting his evidence.

Resolved, on motion of Dr Pezzutti, that the Committee accept the document.

Evidence concluded and the witnesses withdrew.

Dr Neil Shepherd, Director-General, Ms Sue Dawson, Acting Assistant Director-General, and Mr Mark Gorta, Manager, Chemicals Policy, all of the NSW Environment Protection Authority, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Public hearing concluded, the media and public withdrew.

Resolved, on motion of Dr Pezzutti, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the Committee authorises the Clerk to the Committee to publish the corrected transcripts of evidence given at today's hearing, and to publish the documents accepted by the Committee during today's hearing [Mr Angel - two; Dr Sheldrake - two, Mr Weatherstone - one].

5. Pesticides Inquiry

The Committee deliberated.

Resolved, on motion of Mr Cohen, that the Director write to all those persons who have expressed an interest in the inquiry, advising them of the inquiry timetable and agreed hearing dates and that additional submissions will be received up until 16 July 1999.

6. Adjournment

The meeting adjourned at 4.00 pm until Monday, 26 July 1999 at 9:30 am.

Anna McNicol
Director



STANDING COMMITTEE ON STATE DEVELOPMENT
Parliament of New South Wales, Legislative Council

Minutes No. 3

Monday 26 July 1999

At Oxley Room, Dubbo Civic Centre, Dubbo at 9.30 am

1. Members present

Mr Kelly (in the Chair)
Mr Cohen
Mr Johnson

2. Apologies

Dr Pezzutti (leave of absence granted from the Committee until 5 September 1999).

3. Confirmation of minutes

Resolved, on motion of Mr Johnson, that the minutes of meeting number 2 be confirmed.

4. Business arising

Nil.

5. Tabled documents

5.1 Submissions

The Chair tabled two submissions sent to the Committee in relation to its pesticide inquiry:

Submission 51 – Gunnedah Environment Group, dated 28 June 1999
Submission 55 – Central West Environment Council, dated 19 July 1999

6. Hearing

The Committee deliberated.

Resolved, on motion of Mr Cohen, that in accordance with the Resolution of the Legislative Council of 11 October 1994 the Committee authorises the sound broadcasting and television broadcasting of its public proceedings held today.

The public and media were admitted.

6.1 Pesticides inquiry

Mr Sam Amey, Mr Richard Noss and Mr David Yeo, all of Citizens Against Pollution, were sworn and examined. Mr Amey tendered three documents supporting his evidence. Mr Yeo tendered one document supporting his evidence.

Resolved, on motion of Mr Cohen, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

Mr Peter Cone, Senior Area Manager, Cotton Australia and Mr John Furney, Proprietor, Ben Furney Flour Mills, were sworn and examined.

Mr Furney requested that certain evidence be heard in private by the Committee.

Under Standing Order 250, the public and media were excluded for a portion of Mr Furney's evidence.

In private evidence concluded.

The public and media were readmitted.

Evidence concluded and the witnesses withdrew.

Mr Doug Herd, Director, Environmental Services, Mr John Davis, Manager, Environment and Health, Mr Paul Anderson, Manager, Building and Development and Mr Greg Geoghagen, Manager, Strategic Planning, all of Dubbo City Council, were sworn and examined. Mr Davis tendered four documents supporting his evidence.

Resolved, on motion of Mr Cohen, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

Ms Shirley Jeffrey and Mr Andrew Montgomery, both private citizens, were sworn and examined. Mr Montgomery tendered 19 documents supporting his evidence.

Resolved, on motion of Mr Cohen, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

Ms Barbara Eldershaw, private citizen, was sworn and examined. Ms Eldershaw tendered 19 documents supporting her evidence.

Resolved, on motion of Mr Johnson, that the Committee accept the documents.

Evidence concluded and the witness withdrew.

Mr Andrew Montgomery, private citizen, was recalled and examined under former oath.

Mr Montgomery requested that certain evidence be heard in private by the Committee.

Under Standing Order 250, the public and media were excluded for a portion of Mr Montgomery's evidence.

In private evidence concluded.

The public and media were readmitted.

Evidence concluded and the witness withdrew.

Mr Bob Meadley, Director, Environmental Services, and Mr Johannes Honnef, Planning Officer, both of Narromine Shire Council, were sworn and examined. Mr Meadley tendered 8 documents supporting his evidence.

Resolved, on motion of Mr Cohen, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

Ms Amanda Pahl, Secretary, Mudgee District Environment Foundation, and

Ms Bev Smiles, Secretary, Central West Environment Council, were sworn and examined. Ms Pahl tendered 2 documents supporting her evidence.

Resolved, on motion of Mr Cohen, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

Mr Peter Howat, Research and Development Manager, Australia, Nufarm, was sworn and examined. Mr Howat tendered two documents supporting his evidence.

Resolved, on motion of Mr Johnson, that the Committee accept the documents.

Evidence concluded and the witness withdrew.

Public hearing concluded, the media and public withdrew.

7. General business

The Committee was advised by the Chair that Mr Robert Stefanic, has been seconded to the position of Senior Project Officer to the Committee until 17 September 1999 to assist the secretariat with the Pesticides inquiry.

8. Adjournment

The meeting adjourned at 5:00 pm until Tuesday, 27 July 1999 at 10:00 am.

Steven Carr
Director



STANDING COMMITTEE ON STATE DEVELOPMENT
Parliament of New South Wales, Legislative Council

Minutes No. 4
Tuesday 27 July 1999
At Smithhurst Theatre, Gunnedah at 10:00 am

1. Members present

Mr Kelly (in the Chair)
Mr Cohen
Mr Johnson
Mr Macdonald

2. Apologies

Dr Pezzutti (leave of absence granted from the Committee until 5 September 1999).

3. Hearing

The Committee deliberated.

Resolved, on motion of Mr Cohen, that in accordance with the Resolution of the Legislative Council of 11 October 1994 the Committee authorises the sound broadcasting and television broadcasting of its public proceedings held today.

The public and media were admitted.

3.1 Pesticides inquiry

Ms Vicki Doubleday and Mr Len Sanders, both private citizens, were sworn and examined. Ms Doubleday tendered one document supporting her evidence.

Resolved, on motion of Mr Cohen, that the Committee accept the document.

Evidence concluded and the witnesses withdrew.

Ms Sandra Strong, Mr Sam Leys and Mr Ian Grant, all of the Gunnedah Chemical Liaison Committee were sworn and examined. Ms Strong tabled one document supporting her evidence.

Resolved, on motion of Mr Macdonald, that the Committee accept the document.

Evidence concluded and the witnesses withdrew.

Ms Christine Robertson, Director, New England Public Health Unit, and Dr Lyn Fragar, Director, Australian Agricultural Health Unit, were sworn and examined. Dr Fragar tabled one document supporting her evidence. Ms Robertson tendered six documents supporting her evidence.

Resolved, on motion of Mr Johnson, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

The Committee undertook a site visit of a property owned by Len Sanders and Jan Douglas at Gunnedah.

Mr Peter Middlebrook, Proprietor, Middlebrook Air Services, was sworn and examined.

Mr Middlebrook requested that certain evidence be heard in private by the Committee.

Under Standing Order 250, the public and media were excluded for a portion of Mr Middlebrook's evidence.

Mr Middlebrook tendered one document supporting his evidence.

Resolved, on motion of Mr Johnson, that the Committee accept the document.

In private evidence concluded.

The public and media were readmitted.

Evidence concluded and the witness withdrew.

Cr Geoff Marshall, Mr Max Kershaw, General Manager and Mr Michael Silver, Manager, Environment, all of the Gunnedah Shire Council, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Mr Mike Slack-Smith, Chairman, and Ms Eslyn Johns, Administration Officer, both of the Rural Lands Protection Board (Narrabri), were sworn and examined.

Evidence concluded and the witnesses withdrew.

Public hearing concluded, the media and public withdrew.

4. Pesticides inquiry

The Committee deliberated.

Resolved, on the motion of Mr Cohen, that the Committee write to the NSW EPA to ascertain the results of pesticide residue analysis taken by Narromine Council and the NSW EPA of a Narromine bus on 5 February 1999.

5. Adjournment

The meeting adjourned at 3:40 pm until Wednesday, 4 August 1999 at 9:30 am.

Steven Carr
Director



STANDING COMMITTEE ON STATE DEVELOPMENT
Parliament of New South Wales, Legislative Council

Minutes No. 5

Wednesday 4 August 1999

At Lismore Workers' Club at 9:30 am

1. Members Present

Mr Kelly (in the Chair)
Mr Cohen
Mr Johnson

2. Apologies

Dr Pezzutti (leave of absence granted from the Committee until 5 September 1999).

3. Business Arising

The Committee deliberated.

Resolved, on the motion of Mr Johnson, that the leave of absence granted by the Committee to Dr Pezzutti be recorded in the minutes.

Resolved, on the motion of Mr Johnson, that Mr Macdonald's name be struck from the Apologies section of Minutes 3 and Minutes 5.

4. Tabled Documents

7.1 Submissions

The Chair tabled 19 submissions sent to the Committee in relation to its pesticides inquiry:

- Submission 45 – Ms Teena SamBrook, dated 16 June 1999
Submission 46 – Mr Wally Jones, dated 16 June 1999
Submission 47 – Mrs Val Moses, dated 16 June 1999
Submission 48 – The Hon. Gary Punch, Cotton Australia, dated 17 June 1999
Submission 49 – Ms Brenda Myers, dated 18 June 1999
Submission 50 – Ms Heather Teakle, Mullumbimby Progress Association, dated 23 June 1999
Submission 51 – Ms Vicki Doubleday, Gunnedah Environment Group, dated 28 June 1999
Submission 52 – Ms Susan Marshall, dated 29 June 1999
Submission 53 – Mr Jim Hourigan, dated 12 July 1999
Submission 56 – Ms Margaret Dalitz, dated 16 July 1999
Submission 57 – Dr Lilliana Corredor, dated 16 July 1999
Submission 58 – Associate Professor Richard Roush, Cooperative research Centre for Weed Management, dated 23 July 1999
Submission 59 – Mr Peter Middlebrook, Middlebrook Air Services, dated 26 July 1999
Submission 60 – Mrs Val Scanlon
Submission 61 – Mr John Clark, Clark and Associates, dated 28 July 1999
Submission 62 – Cr Geoff Marshall, Gunnedah Shire Council, dated 27 July 1999
Submission 63 – Ms Jenny Czensy, Lachlan River Families for a Safe Environment, dated 29 July 1999
Submission 64 – Mr Mike Slack-Smith, Narrabri Rural Lands Protection Board
Submission 65 – Mr W Lander, dated 30 July 1999

7.2 Correspondence Received

The Chair tabled two items of correspondence received:

Letter from Dr Neil Shepherd, Director General, Environment Protection Authority, to Senior Project Officer, dated 23 July 1999, providing answers to questions on notice from the Department's appearance at the Committee hearing on 21 June 1999.

Letter from Dr Kevin Sheridan, Director General, NSW Agriculture, to Senior Project Officer, dated 23 July 1999, providing answers to questions on notice from the Department's appearance at the Committee hearing on 21 June 1999.

8. Pesticide inquiry

The Committee deliberated.

Resolved, on motion of Mr Johnson, that pursuant to the provisions of section 4 of the Parliamentary Papers

(Supplementary Provisions) Act 1975 and under the authority of Standing Order 252, the Committee authorises the Clerk to the Committee to publish the corrected transcripts of evidence given at the Committee hearing of 26 July 1999 and 27 July 1999. The Committee authorises the Clerk to publish the documents accepted by the Committee during the hearings of the:

26 July 1999 [Mr Amey – three, Mr Yeo – one, Mr Davis – four, Mr Montgomery – 19, Ms Eldershaw – 19, Mr Meadley – eight, Ms Pahl – two, and Mr Howat – two]; and

27 July 1999 [Ms Doubleday – one, Ms Strong – one, Dr Fragar – one, Ms Robertson – six, and Mr Middlebrook – one].

9. Hearing

The Committee deliberated.

Resolved, on motion of Mr Johnson, that in accordance with the Resolution of the Legislative Council of 11 October 1994 the Committee authorises the sound broadcasting and television broadcasting of its public proceedings held today.

The public and media were admitted.

9.1 Pesticides inquiry

Cr Richard Staples, Byron Shire Council, was sworn and examined.

Evidence concluded and the witness withdrew.

Ms Kath Vail, representative, Poison Watch, was sworn and examined. Ms Vail tabled one document supporting her evidence.

Resolved, on motion of Mr Cohen, that the Committee accept the document.

Evidence concluded and the witness withdrew.

Mr Stan Scanlon, representative, Conservation of North Ocean Shores, was sworn and examined.

Evidence concluded and the witness withdrew.

Mr Rod Fayle, President, and Mr Andrew Heap, Executive Officer, both of the Australian Macadamia Society Limited, were sworn and examined.

Evidence concluded and the witnesses withdrew.

Mr Don Want and Mrs Ann Want, both private citizens, were sworn and examined. Mrs Want tabled one document supporting her evidence.

Resolved, on motion of Mr Cohen, that the Committee accept the document.

Evidence concluded and the witnesses withdrew.

Mr Ian Campbell, consultant to the Banana Industry Committee, and Mr Neil Treverrow, Technical Specialist, Tropical Fruit, NSW Agriculture, were sworn and examined. Mr Campbell tabled three documents supporting his evidence.

Resolved, on motion of Mr Cohen, that the Committee accept the documents.

Evidence concluded and the witnesses withdrew.

Dr John Beard, Director, Northern Rivers Institute of Health and Research, Northern Rivers Area Health Service, was sworn and examined.

Evidence concluded and the witness withdrew.

Public hearing concluded, the media and public withdrew.

Resolved, on motion of Mr Cohen, that the confidential status of Mr Scanlon's submission to the Committee (submission No.24) be confirmed.

7. Adjournment

The meeting adjourned at 3:30 pm, until Thursday 5 August at 9:30 am.

Steven Carr
Director



STANDING COMMITTEE ON STATE DEVELOPMENT
Parliament of New South Wales, Legislative Council

Minutes No. 6

Thursday 5 August 1999

At Parliament House at 9:30 am

1. Members Present

Mr Kelly (in the Chair)
Mr Cohen
Mr Johnson
Mr Macdonald (for the period 10:40 am – 11:00 am)

2. Apologies

Dr Pezzutti (leave of absence granted from the Committee until 5 September 1999).

3. Business Arising

Nil.

4. Hearing

The Committee deliberated.

Resolved, on motion of Mr Cohen, that in accordance with the Resolution of the Legislative Council of 11 October 1994 the Committee authorises the sound broadcasting and television broadcasting of its public proceedings held today.

The public and media were admitted.

4.1 Pesticides inquiry

Ms Kate Hughes, private citizen, was sworn and examined. Ms Hughes tabled one document supporting her evidence.

Resolved, on motion of Mr Cohen, that the Committee accept the document.

Evidence concluded and the witness withdrew.

Mr Claude Gauchat, Executive Director, Mr Colin Sharpe, Director, Scientific and Regulatory Affairs (Crop Protection), and Mr Vernon Keighley, General Manager, Agsafe, all of Avcare, were sworn and examined. Mr Sharpe tabled four documents supporting his evidence.

Resolved, on motion of Mr Johnson, that the Committee accept the documents.

Evidence concluded and the witness withdrew.

Mr Peter Mullins, Executive Officer and Ms Alison Nowland, Environmental Co-ordinator, Rural Lands Protection Board State Council, were sworn and examined. Mr Mullins tabled one document supporting his evidence.

Resolved, on motion of Mr Johnson, that the Committee accept the document.

Evidence concluded and the witness withdrew.

Dr John Keniry, Chairman, Dr Alison Turner Chief Executive Officer, and Mr Greg Hooper, Deputy Chief Executive Officer, all of the National Registration Authority, were sworn and examined.

Evidence concluded and the witness withdrew.

Mr Brian Inall, NSW Branch Chairman, Mr Malcolm Trotter, Member of the NSW State Council, all of the Australian Environmental Pest Managers Association, were sworn and examined.

Evidence concluded and the witness withdrew.

Ms Jillian Cranny, representative, Toxin Action Network (North Coast), National Toxics Network, North Coast Environment Council, was sworn and examined. Ms Cranny tabled seven documents supporting her evidence.

Resolved, on motion of Mr Cohen, that the Committee accept the documents.

Evidence concluded and the witness withdrew.

Public hearing concluded, the media and public withdrew.

Resolved, on motion of Mr Cohen, that pursuant to the provisions of section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and under the authority of Standing Order 252, the Committee authorises the Clerk to the Committee to publish the corrected transcripts of evidence given at the Committee hearings of 4 August 1999 and 5 August 1999. The Committee authorises the Clerk to publish the documents accepted by the Committee during the hearings of:

4 August 1999 [Ms Vail – one, Mrs Want – one, Mr Campbell – three]; and

5 August 1999 [Ms Hughes – one, Mr Sharpe – four, Mr Mullins – one, Ms Cranny – seven].

5. General Business

The Committee deliberated.

Resolved, on motion of Mr Cohen, that the Minutes reflect the attendance of Mr Macdonald at the hearing of 5 August 1999 to be from 10:40 am to 11:00 am.

6. Adjournment

The meeting adjourned at 3:30 pm, until Monday 13 September 1999 at 2:30 pm.

Steven Carr
Director



STANDING COMMITTEE ON STATE DEVELOPMENT
Parliament of New South Wales, Legislative Council

Minutes No. 7
Monday 13 September 1999
At Parliament House at 4:00 pm

1. Members Present

Mr Kelly (in the Chair)
Mr Cohen
Mr Johnson
Mr Macdonald
Dr Pezzutti

2. Apologies

3. Confirmation Of Minutes

Resolved, on motion of Mr Johnson, that the minutes of meeting numbers 3, 4, 5 and 6 be confirmed.

4. Business Arising

Nil.

5. Tabled Documents

6. Submissions

The Chair tabled nine submissions sent to the Committee in relation to its pesticides inquiry:

Submission 66 – Dr Frances Parker, University of Western Sydney, dated 2 August 1999.

Submission 67 – Ms Patricia Bartholomew, dated 2 August 1999.

Submission 68 – Mr John Rogers, North Coast Low-Chill Stonefruit Growers' Association Inc, dated 5 August 1999.

Submission 69 – Mrs Clare Gaudron, North Coast Oilseeds Growers Association Inc, dated 6 August 1999.

Submission 70 – Dr Archie Kalokerinos, dated 3 August 1999.

Submission 71 – Ms Jillian Lyons, dated 8 August 1999.

Submission 72 – Cr Ewan Tolhurst, Bogan Shire Council, dated 10 August 1999.

Submission 73 – Mr Sam Haddad, Department of Urban Affairs and Planning, dated 18 August 1999.

Submission 74 – Mr Tony Vlatko, dated 19 August 1999.

7. Correspondence Received

The Chair tabled nineteen documents of correspondence received involving responses to questions taken on notice.

8. Response to questions on notice

Letter from Ms Amanda Pahl, Mudgee District Environment Foundation, and Ms Beverley Smiles, Central West Environment Council, to Director, dated 23 August 1999, responding to questions taken on notice before the Committee on 26 July 1999.

Letter from Ms Jillian Cranny, National Toxics Network, North Coast Environment Council, Toxin Action Network, dated 23 August 1999, responding to questions taken on notice before the Committee on 5 August 1999.

Letter from Mrs Shirley Jeffery, private citizen, to Director, dated 23 August 1999, responding to questions taken on notice before the Committee on 26 July 1999.

Letter from Mr Sam Amey, Citizens Against Pollution, to Director, dated 23 August 1999, responding to questions taken on notice before the Committee on 26 July 1999.

Letter from Mr Ian Campbell, consultant to the Banana Industry Committee, to Director, dated 26 August 1999, responding to questions taken on notice before the Committee on 4 August 1999.

Letter from Mr Shaun Slattery, Narrabri Rural Lands Protection Board, to Director, dated 26 August 1999, responding to questions taken on notice by Mr Mike Slack-Smith before the Committee on 27 July 1999.

Letter from Ms Vicki Doubleday, Gunnedah Environment Group, to Director, dated 26 August 1999, responding to questions taken on notice before the Committee on 27 July 1999.

Letter from Ms Christine Robertson, New England Public Health Unit, to Director, dated 26 August 1999, responding to questions taken on notice before the Committee on 27 July 1999.

Letter from Mr Don Want, private citizen, to Director, dated 26 August 1999, responding to questions taken on notice before the Committee on 4 August 1999.

Letter from Mr Don Want, private citizen, to Director, dated 27 August 1999, responding to questions taken on notice before the Committee on 4 August 1999.

Letter from Mr Claude Gauchet, Avcare, to Director, dated 27 August 1999, responding to questions taken on notice before the Committee on 5 August 1999.

Letter from Mr Vernon Keighley, Agsafe, to Director, dated 27 August 1999, responding to questions taken on notice before the Committee on 5 August 1999.

Letter from Mrs Kath Vail, Poison Watch, to Director, dated 27 August 1999, responding to questions taken on notice before the Committee on 4 August 1999.

Letter from Mr Stan Scanlon, Conservation of North Ocean Shores, to Director, dated 27 August 1999, responding to questions taken on notice before the Committee on 4 August 1999.

Letter from Mr Peter Cone, Cotton Australia, to Director, dated 27 August 1999, responding to questions taken on notice before the Committee on 26 July 1999.

Letter from Dr Alison Turner, National Registration Authority, to Director, dated 30 August 1999, responding to questions taken on notice before the Committee on 5 August 1999.

Letter from Dr John Beard, Northern Rivers Institute of Health and Research, Northern Rivers Area Health Service, to Director, dated 30 August 1999, responding to questions taken on notice before the Committee on 4 August 1999.

Letter from Cr Richard Staples, Byron Shire Council, to Director, dated 5 September 1999, responding to questions taken on notice before the Committee on 4 August 1999.

Letter from Mr Peter Howat, Nufarm, to Director, dated 7 September 1999, responding to questions taken on notice before the Committee on 26 July 1999.

9. Pesticides Inquiry

Deliberation of draft report version 1.

The Committee deliberated.

10. General Business

Nil.

11. Adjournment

The meeting adjourned at 5:45 pm until Friday, 17 September 1999 at 9:30 am.

Steven Carr
Director



STANDING COMMITTEE ON STATE DEVELOPMENT
Parliament of New South Wales, Legislative Council

Minutes No. 8
Friday 17 September 1999
At Parliament House at 9:30 pm

1. Members Present

Mr Kelly (in the Chair)
Mr Cohen
Mr Johnson
Dr Pezzutti

2. Apologies

Mr Macdonald

3. Confirmation Of Minutes

Resolved, on motion of Mr Johnson, that the minutes of meeting number 7 be confirmed.

4. Business Arising

Nil.

5. Pesticides Inquiry

5.1 Draft Report Version 1

The Chair submitted his draft report entitled "The Use and Management of Pesticides in New South Wales" which, having been circulated to each Member of the Committee, was accepted as being read.

The Committee proceeded to consider the draft report.

Resolved, on motion of Mr Johnson, that the Prelude be adopted, as amended.

Resolved, on motion of Mr Johnson, that Chapter one be adopted, as amended.

Resolved, on motion of Mr Johnson, that Chapter two be adopted, as amended.

Resolved, on motion of Mr Johnson, that Chapter three be adopted, as amended.

Resolved, on motion of Dr Pezzutti, that Chapter four be adopted, as amended.

Resolved, on motion of Dr Pezzutti, that Chapter five be adopted, as amended.

Mr Cohen indicated his intention to submit a statement of dissent in relation to the report.

6. General Business

The Chair tabled a letter from Mr Carl Scully, Minister for Transport and Minister for Roads, requesting that the Standing Committee on State Development inquire into and report on issues relating to road maintenance and competitive tendering (letter attached).

The Committee deliberated.

Resolved, on motion of Dr Pezzutti, that the Chairman write to the Minister for Transport and Minister for Roads, requesting details of the number of recommendations that the NSW Government has implemented from the following Standing Committee on State Development reports:

Discussion Paper 1 May 1989

Public Sector Tendering & Contracting in New South Wales: A Survey

Report 1 August 1989

Public Sector Tendering & Contracting in New South Wales: Supply of Goods and Services

Report 2 October 1989

Public Sector Tendering & Contracting in New South Wales: Local Government Tendering & Contracting

Discussion Paper 3 June 1990

Public Sector Tendering & Contracting in New South Wales: Capital Works Tendering & Contracting: Management Options

Report 3 April 1991

Public Sector Tendering & Contracting in New South Wales: Capital Works Tendering & Contracting. Volume A

Report 5 December 1991

Public Sector Tendering & Contracting in New South Wales: Capital Works Tendering & Contracting. Volume B

Report 7 June 1992

Public Sector Tendering & Contracting in New South Wales: Supply of Goods and Services: Follow Up Report

Report 8 October 1992

Coastal Planning & Management in New South Wales: The Process for the Future. Volume II

Report 9 April 1993

Public Sector Tendering & Contracting in New South Wales: Local Government Tendering & Contracting: Follow Up Report

Resolved, on motion of Dr Pezzutti that, where available, the Director forward copies of these reports and discussion papers along with NSW Government responses.

7. Adjournment

The meeting adjourned at 3.00 pm until Monday, 20 September 1999 at 2:00 pm.

(Unsigned)



STANDING COMMITTEE ON STATE DEVELOPMENT
Parliament of New South Wales, Legislative Council

Minutes No. 9
Monday 20 September 1999
At Parliament House at 2:00 pm

1. Members Present

Mr Kelly (in the Chair)
Mr Cohen
Mr Johnson
Mr Macdonald
Dr Pezzutti

2. Apologies

3. Business Arising

Nil.

4. Pesticides Inquiry

4.1 Draft Report Versions 1 And 2

The Chair submitted his draft report, as amended (version 2), entitled "The Use and Management of Pesticides in New South Wales" which, having been circulated to each Member of the Committee, was accepted as being read.

The Committee proceeded to consider the amended draft report.

The Committee deliberated.

Resolved, on motion of Dr Pezzutti, the meeting adjourned at 2:30 pm until 2:50 pm.

The Committee deliberated.

5. Correspondence Received

The Chair tabled two items of correspondence received:

Letter from Mr Mick Keogh, Policy Director, NSW Farmers' Association, to Chairman, dated 19 September 1999, relating to injunction powers under the *Pesticides Act 1978*.

Correspondence from Mr Judson Agius, NSW Environment Protection Authority, to Director, dated 20 September 1999, relating to injunction powers under the *Pesticides Act 1978*.

The Committee deliberated.

Resolved, on motion of Dr Pezzutti, that the Director amend the draft report to incorporate extracts from the NSW Farmers' Association's correspondence of 19 September 1999.

Resolved, on motion of Dr Pezzutti, that recommendation 26 of draft report version 1 be deleted. Mr Cohen requested that his dissenting vote be noted.

Resolved, on motion of Dr Pezzutti, that recommendation 31 of draft report version 2 be deleted. Mr Cohen requested that his dissenting vote be noted.

Resolved, on motion of Dr Pezzutti, that recommendation 36 of draft report version 2 be deleted.

Mr Cohen indicated his intention to submit a statement of dissent in relation to the report. It was agreed that the statement would be provided to the Clerk to the Committee to append to the report no later than 9:30 am on Wednesday 22 September 1999.

The Committee deliberated.

Resolved, on motion of Mr Macdonald, that Volume two be adopted.

Resolved, on motion of Mr Macdonald, that the report, as amended, be adopted.

Resolved, on motion of Mr Macdonald, that the report be signed by the Chairman and presented to the House.

5. General Business

Nil.

6. Adjournment

The meeting adjourned at 4:45 pm *sine die*.

(Unsigned)

CONTACT DETAILS

Correspondence and telephone inquiries concerning the Standing Committee on State Development and current work should be directed to:

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