

ROADS AMENDMENT (LANE COVE TUNNEL FILTRATION) BILL 2007

Agreement in Principle

Mr ANTHONY ROBERTS (Lane Cove) [10.28 a.m.]: I move:

That this bill be now agreed to in principle.

It is with great deal of pride that I introduce this bill on behalf of my community. The bill is long overdue. The object of the bill is to require pollution filtration equipment to be installed and maintained that will remove particulate matter and toxic gases from the air in the Lane Cove Tunnel and from the air exiting the tunnel. Clause 1 sets out the amendment. Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act. Clause 3 is a formal provision that gives effect to the amendment to the Roads Act 1993 set out in schedule 1. Clause 4 provides for the repeal of the proposed Act after the amendment made by the proposed Act has commenced. Once the amendment has commenced the proposed Act will be spent and section 30 of the Interpretation Act 1987 provides that the repeal of an amending Act does not affect the amendments made by that Act. Schedule 1 inserts proposed section 161A into the Roads Act 1993 to give effect to the object of the bill. The schedule states:

Insert after section 161:

161A RTA to reduce road tunnel air pollutionA RTA to reduce road tunnel air pollution

- (1) Immediately after the commencement of this section, the RTA must install filtration equipment that removes particulate matter and toxic gases from air in the Lane Cove Tunnel and air exiting the tunnel.
- (2) The RTA must maintain the filtration equipment after its installation.
- (3) without limiting the generality of subsections (1) and (2), the RTA must, in complying with those subsections, ensure that the concentration of particulate matter leaving the Lane Cove Tunnel (through the stacks or portals) does not exceed the average daily ambient background concentration of particulate matter for that area (as determined by the relevant air quality standards), except where air quality in the area is affected by a bush fire.
- (4) Any money needed to allow the RTA to exercise its functions under this section is to be provided out of money to be appropriated by Parliament or that is otherwise legally available.

Debate resumed from 18 October 2007.

Mr ANTHONY ROBERTS (Lane Cove) [10.00 a.m.]: As I said previously in this House, the object of the Roads Amendment (Lane Cove Tunnel Filtration) Bill 2007 is to require pollution filtration equipment to be installed and maintained that will remove particulate matter and toxic gases from air in the Lane Cove Tunnel and air exiting the tunnel.

I place on record the fine work of an individual, Dr Ray Kearney, OAM, Associate Professor in the Department of Infectious Diseases and Immunology at the University of Sydney and community advocate for the installation of filtration systems in traffic tunnels to remove noxious exhaust pollution. Dr Kearney is one of the greatest men of our times, a great personal friend of mine, a great friend of our community, and a champion of the vulnerable. Dr Kearney's help and support to the local community and the people in metropolitan Sydney with respect to this has been invaluable. I also thank the members of the Lane Cove Tunnel Action Group, Lane Cove Council and its councillors, and Mums and Dads Against Stacks. I will mention individual members of that group in my contribution to the agreement in

principle debate.

I also place on record the wonderful work of the Hon. Joe Hockey, the Federal Member for North Sydney, who has committed \$10 million of Federal money towards the filtration of this tunnel. Joe's work on this has been absolutely fantastic and he should be commended. My colleague, Gladys Berejiklian, the member for Willoughby, has been a strong advocate and supporter from the very start. Gladys, together with Joe Hockey and me, has stood up for the health and wellbeing of our local constituents. I also thank the Leader of the Opposition, Barry O'Farrell, who has been a great supporter and advocate in making sure this becomes coalition policy. I must also mention John Turner, the member for Myall Lakes, who introduced a similar bill in 2002.

If we were assembled to deliberate on such life and death issues as capital punishment and abortion the process of discourse and the elements of reason would be different. The issue before us is also about life and death. Indeed, it is perhaps quite ironic in this so-called age of science and materialism that probably never before have ordinary men and women, including scientists as well as politicians, been confronted with so many moral and ethical problems. Scientists stress and seek objectivity. In arts, religion and philosophy, by contrast, the emphasis is upon subjectivity. Thus, whether something is good or beautiful or right in a moral sense, for example, cannot be determined by scientific method. Science is thus limited to what is observable and measurable. Theories about precisely how pollution affects health and wellbeing may be shattered, but with additional knowledge, new theories are found. However, recorded observations endure. Moreover, such observations are used over and over again. The extensive literature documents that episodes of air pollution are positively associated with enhanced mortality and acute-chronic illness in urban populations.

Because of the emphasis on objectivity value judgments cannot be made in science in the way such judgments are made in religion, philosophy and the arts. However, in a moral sense whether it is right to install filtration systems in a stack—any stack—is a problem solved not only by a value judgment; this decision can be greatly assisted in this case by the scientific method. Therefore the question is asked, and the problem that now confronts us in this forum can and should be solved both by value judgments and by scientific method. The issue then is one, I believe, that transcends party politics. There is no difficulty, in my view and as one who is familiar with the stack filtration issues during the last few years, for any person of integrity in telling the good guys from the bad guys, especially in the saga of events recounted.

The regulatory authorities, in particular the Roads and Traffic Authority and the Environment Protection Authority, have isolated and quarantined new filtration systems and technologies which have arisen abroad, especially when such technologies have been contrary to the prevailing political points of view. These technology decisions it would appear have also been assisted by comments, without proof or evidence, from the associated regulatory authority, the Health Department. Despite all the posturing about new engine designs and better fuels, the combustion engine continues to belch out pollution and fill the air with noxious particulates and chemicals. It is clear that for some time an organised campaign has been orchestrated, I believe principally through the Minister's Office and the Roads and Traffic Authority, against filtration technology. This was evident in the Report of the Parliamentary Inquiry on the Ventilation of the M5 East Stack when the Chairman, the Hon. Richard Jones, wrote in the foreword:

The single stack as currently planned will concentrate the tunnel emission into one source and add to the pollutant load of the valley. The adverse health

effects of this increased pollution on the surrounding community must be acknowledged, but the RTA fails to do so.

The predominant culture of any society or political system is not a conspiracy; it is a taken for granted acceptance of many spoken and unspoken precepts. The Roads and Transport Authority states, without objective proof, that filtration systems have not been shown to be effective. NSW Health declares there is no risk to health or wellbeing, I understand, without objective evidence of proof. The Environment Protection Authority oversees a monitoring program that fails to disclose the size and number of ultra-fine particles generated locally but resorts to irrelevant averages of Sydney's regional air shed. This all helps to underestimate exposure by up to 35 per cent and possibly more. Such a prevailing political and patronising culture is more powerful than any conspiracy. A conspiracy can be tracked down, found out, divided and broken. The deep weave of cultural and political patronage that I believe currently exists among the regulatory authorities is difficult to unpick. No single individual or group of individuals can be easily bought to book or held responsible for the collective representation. No single statement or set of statements outlines their code.

This cultural and political patronage does not have an easily identifiable beginning or end. It simply is engrained within the consciousness of each individual: the senior advisor, the project manager, the political spokesperson or even the consultant. It goes on largely unquestioned, however bizarre its consequences, and with an indifference to the objective analysis of scientific and medical evidence. My observations over the years confirm that the Roads and Traffic Authority managed workshops and taxpayer-funded reports have little to do with a search for the truth and a great deal to do with the confirmation of prejudice in this case that tunnel stacks do not require filtration, the technologies do not work and there is no risk to health. It is my understanding, and it is the understanding of the extensive scientific community throughout the world, that nothing could be further from the truth.

In addressing this bill and the question of filtration in stacks and tunnels there is clearly a need for Government to apply honesty, as well as objectivity, to the appraisal of the technologies as well as to the scientific and medical evidence for health risk. This should not be, as it is at the moment, a dicker by the Government, its Minister and the statutory authorities, on the margins of a duty of care and an endless and irrelevant discussion about whether more research should be undertaken. The latter was a patronising do-nothing recommendation by Mr Arnold Dix, a facilitator of the Roads and Traffic Authority workshop. I must say that Mr Dix will be dealt with further in this debate.

I believe the totality of the evidence is beyond reasonable doubt in favour of installing filtration and makes it obligatory for Government to unanimously endorse the installation of filtration technology in tunnels and stacks as a responsibility and a duty of care. Three hospitals are affected by the emissions, pollutants and cancer-causing particulates from this stack in the local area of the member for Willoughby, the member for North Sydney and in my electorate: Royal North Shore Hospital, North Shore Private Hospital and Mater Misericordiae Hospital.

It is well known that these particulates cause problems and issues for unborn children. They cause asthma in young people and prevent the normal development of healthy lungs in children. In my electorate of Lane Cove and the electorate of Willoughby are the following schools: Artarmon Primary School, Boronia Park Public School, Chatswood High School, Chatswood Public School, Currambena Primary School, Greenwich Public School, Lane Cove Public School, Lane Cove West Public School, Holy Spirit Primary School at North Ryde, Hunters Hill High School, Hunters Hill Public School, Mercy College at Chatswood, Mowbray Public School, Naremburn School, North Ryde Public School, Our Lady of

Dolours Primary School at Chatswood, Our Lady Queen of Peace School at Gladesville, Ryde East Public School, Ryde Public School, Ryde Secondary College, St Ignatius Junior School, St Ignatius College, St Joseph's School at Hunters Hill, St Leonards Catholic Primary School, St Michaels Primary School at Lane Cove, St Philip Neri Primary School at Northbridge, St Pius College at Chatswood, St Thomas Primary School at Willoughby, Villa Maria Parish School at Hunters Hill and Willoughby Girls High School.

These schools are within the active and dangerous polluting zone of the east vent stack and the west vent stack of the Lane Cove Tunnel. I hope that this bill will go forward to ensure that all tunnels and emissions from those tunnels are filtered throughout metropolitan Sydney. It is now world's best technology to filter tunnels. The Madrid tunnel has just been filtered. The Japanese filter their tunnels. Norway filters its tunnels. It seems that the only place in the western hemisphere that ignores the overwhelming and significant medical evidence about the danger of particulates from these tunnels and the significant health problems they cause young people and older people is New South Wales, and it is something that needs to be addressed