

REPORT OF PROCEEDINGS BEFORE

COMMITTEE ON ENVIRONMENT AND REGULATION

**INQUIRY INTO MANAGEMENT AND DISPOSAL OF
WASTE ON PRIVATE LANDS**

At Sydney on Monday 28 October 2013

The Committee met at 9.45 a.m.

PRESENT

Mr C. S. Patterson (Chair)

Mrs T. Davies
The Hon. T. George
Mr J. T. Parker

CHAIR: Good morning and thank you for attending the public hearing into the management and disposal of waste on private lands. At our first public hearing on Monday 21 October we heard from local government representatives and other stakeholders in private land management who gave us a valuable insight into the current regulatory arrangements and some new ways forward. This morning the Committee is hearing from the New South Wales Council of Civil Liberties and from private citizens. In the afternoon we will be hearing from a range of experts in the areas of mental health and hoarding and squalor and from the Environment Protection Authority. I now declare the hearing open. I remind everyone to switch off their phones.

RICHARD MARTIN BIBBY, Board Member, New South Wales Council for Civil Liberties, affirmed and examined:

CHAIR: Before we proceed do you have any questions concerning the procedural information sent to you in relation to witnesses in the hearing process?

Dr BIBBY: No thanks.

CHAIR: In what capacity are you appearing before the Committee?

Dr BIBBY: I am appearing as an executive member of the New South Wales Council for Civil Liberties and as chair of its police powers and civil rights subcommittee.

CHAIR: Would you like to make an opening statement before we commence our discussion?

Dr BIBBY: Yes. I understand that the principal reason that we have been asked to come to this Committee concerns the rights of hoarders, so most of what I will say has to do with that. In dealing with these matters, we think councils should be governed by Mill's annunciation of the principle of liberty:

... that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of [others] is self-protection. That the only purpose for which power can rightfully be exercised over any member of a civilized community, against his will, is to prevent harm to others.

There is nothing new about this principle, but it is one that I think needs to be borne in mind very closely when looking at proposals to compel people to do anything. Listed on a submission which I sent to the Committee—I presume you have it—are three other principles in addition. I think the principal in relation to hoarders is the second one. People with a mental illness should be treated sensitively and with respect in view of what they have been, in view of what they may become and, indeed, in view of what they are. Councils should also take account of the feelings that others have towards people with incurable and progressing dementia. So it is not just a matter of the annoyance that neighbours have of seeing accumulations of refuse and so on, but other people's feelings to take into account as well. And if it comes to councils running for cover, there are other people who will be angry as well.

The fourth principle is that it is important to balance the concerns about managing waste appropriately and the other concerns that have been raised against the rights to privacy and civil liberties more generally. Balancing is not a matter of saying that this is more important than that and that is it. It is a matter of ensuring that the actions that are taken are the smallest invasion of privacy that is necessary in the circumstances if you do go that way and generally ensuring that what is done is appropriate and sufficient and no more. I will turn to hoarders. We have had the benefit of reading and of my hearing the submissions made by various councils about the problems that hoarders pose to them, particularly concerns about vermin, pollution and dangerous substances.

I think we can divide them into two groups: those who are mentally ill and those who are just sane but collecting things for some reason of their own. I think Mill's principle applies to the first group. Despite order 10 of section 124 of the Local Government Act, councils should be slow to order people to dispose of their property or to tidy their property unless it provides a health or safety risk. That a collection of rusty cars or pile of tyres is unsightly is not in itself a sufficient reason for heavy-handed intervention. Where there is a genuine concern about health or safety, that is another matter. But where there is no such concern, rangers and neighbours should limit themselves to the gentle persuasion of rational discussion. There can, after all, be good reason for people collecting odd objects. At the moment, for instance, they might be collecting in relation to the *Sculptures by the Sea* exhibition.

There is actually a lovely collection of such sculptures outside the city of Wellington in New Zealand—a large area with some dozens of things made out of little bits of rubbish. I shudder to think what the backyard of the curator of that collection would look like. Anyway, I think the serious problems that have been raised, and certainly what I heard when I was here the other day, are problems of people with mental disorder. There is no point whatever in taking a heavy-handed approach to people with mental disorder and supposing that more powers to force them to do things will resolve the issues. Obviously they are not, and that was apparent from what some of the people were saying if they do not. So you can get a court order, take action, councils can take action themselves and six months later the problem is back.

Mental disorders have to be treated with sensitivity and with the aid of professionals. So I think a council finds itself, in a way, chairing a scattered committee of different government agencies and private people who all have some powers and some ability to help in such cases. I think this Committee might consider what assistance councils need to obtain access to such professionals because it is a money matter. I think there is a council or two—I do not know how many—that employ their own staff, particularly where I think they have significant problems with homeless people, and that is something that might be looked at more closely. I will speak briefly about the other three matters I have raised.

Some councils have proposed that their staff be entitled to enter properties for the purpose of checking whether overgrown vegetation or piles of rubbish are a health hazard without the permission of the owners and without the possession of a warrant. That is a quite extraordinary request. Even the police and ASIO do not have such powers. The police do under emergency circumstances, but even ASIO must get a warrant from the Attorney General. It is an invasion of privacy walking onto somebody's property, walking past their windows. I invite you to consider how you would enjoy that if you were in the middle of a shower. I note with surprise that a regional illegal dumping squad has been engaging in covert surveillance. While this is an understandable reaction to illegal dumping, especially of hazardous materials, it is a basic requirement of privacy that a person know what his or her audience is. So overt surveillance is one thing—closed-circuit television cameras are common and the usual expectation is that people are told there are closed-circuit television cameras in this district, so you might be surveyed at any point. Then you know that your behaviour will be seen by other people. I like to use the example of courting couples who might very much prefer that their actions are not being monitored by people of possibly hostile intent. While it is odd, I agree—

Mr JAMIE PARKER: It is not odd; it is real. It is a real issue that you raise.

Dr BIBBY: Yes, it is. Privacy is important for the development of relationships, apart from other well-known reasons like protection against discrimination and so on. Final brief comments on the proposed list, which staggered me a bit: There is a proposal for a Statewide data list listing persons of interest. I was puzzled as to what "persons of interest" might mean. Presumably it has to be people who are believed to have illegally dumped materials but against whom there is not enough evidence to institute proceedings. I ask myself: What could such a list be used for? Any such list would be subject to part 2 of the Private and Personal Information and Protection Act, so it could not be used for any purpose other than that for which it was collected. It could only be collected in relation to law enforcement purposes. So it could not be collected or used for any other purpose. So the Council for Civil Liberties [CCL] is concerned that the fact that a person appeared on such a list might be used in relation to a person's other interests. Given the pre-supposition that is involved in this and there is no proof that the person has been acting illegally, it seems to be quite an extraordinary proposal. That is all I want to say.

CHAIR: Thank you for those opening remarks, and your in-depth submission. I am interested in where you obviously made the two differentiations with hoarding, that one relates to mental illness and one obviously does not relate to mental illness but simply because somebody chooses to collect things for whatever reason. Do you see, from a civil libertarian point of view, that the cleaning up of both can be or should be treated differently, or, no, obviously an invasion on land is an invasion on land or if the person has been certified to have a mental illness do you see that should determine the action, as compared to somebody who potentially just wants to keep their place as a dump, for want of a better word?

Dr BIBBY: If a person has a reason for collecting things on their property and it has become unsightly—if it is a health hazard that is another matter. That seems to be relatively straightforward. But if it is just unsightly then what you do with them is persuade them, if you can; if they are obdurate then that is too bad I think. I think Mill's principle is quite clear here and I think that is what should be followed. I am well aware of the disputes that neighbours get into over each other's properties. I am unsurprised to find there has been one in my own street.

CHAIR: I would be surprised to find there has only been one. Just on that point—

Dr BIBBY: Can I finish my answer?

CHAIR: Yes.

Dr BIBBY: There is a difference with people who are mentally ill. What has to be dealt with is the disorder.

CHAIR: Yes.

Dr BIBBY: If it is obsessive-compulsive disorder, I understand that is treatable and they should be assisted. If they can be cured, then the problem is going to go away. If they cannot be cured, the problem is not going to go away, no matter how heavy-handedly they are treated, so increasing council's powers does nothing for that problem.

CHAIR: Dr Bibby, before I hand over to Jamie, we heard last week from somebody affected by hoarding. Obviously there are issues that affect their life. Let me tell you that they are going through not the mental side but the anguish and other things as well. The point I am trying to make is this: Where are the liberties of the neighbour or the person, taking out the mental health issue? We now are talking about hoarding by choice, not by mental health.

Dr BIBBY: Yes.

CHAIR: And potentially there is no vermin and there are no health issues. It is just literally unsightly and a dump. Do you see that the person next door or the people within the street are having their liberties put at risk by allowing that to occur? Let me make it clear that the person doing it is not suffering mental health issues. However, clearly they are just allowing their place to accumulate stuff.

Dr BIBBY: Obviously I will have to treat that as a hypothetical case. I cannot know the details.

CHAIR: Yes, but it is happening.

Dr BIBBY: It is all right. I am not ruling it out on that ground.

CHAIR: We are just generalising.

Dr BIBBY: I think it is perfectly appropriate to use hypothetical cases in order to test principles. I would not have thought their liberties were involved. I think they would have a concern about property values and they might well have a feeling of distaste when they go past, but feelings of distaste are no reason for changing the law or for giving people power over what other people do. I could give examples but I think it is fairly obvious. Neighbourly disputes are things that should be handled sensitively and usually are not.

CHAIR: Yes, absolutely.

Mr JAMIE PARKER: I think the principles you raise are absolutely sound and I do not think they are principles that anyone here would seek to breach. The challenge that we have is at the margins, as it always is in these matters. The frustration that local government has expressed that there will be a collection—let us talk about hoarding—and they probably cannot get to the stage at which they can say it potentially harbours vermin, which is the kind of path they usually take to try to clean it out from a health and safety perspective. That is the line that is the furthest to which existing council powers can go; that this will provide a harbour for vermin. But there is that next step, which is really what we are discussing. It involves residents—and you touched on this when you mentioned property values—and their biggest investment in their whole life is their home. It is their future, their superannuation—you know, it is everything for them.

If a neighbour's collecting is unsightly, should we give councils power to take action on that basis to reduce that unsightliness in order to improve the confidence of the neighbour that their property values have not been destroyed? In some cases it is hard to determine what is unsightly and what is not. I am sure you have seen examples in the media and so on and when you look at the house, there is piled up garbage all around it. Obviously you would not buy the house next door because it looks like there is someone next door with a major problem. My question to you is this: Is there any situation outside health and safety—and we are getting into this unsightly kind of position—that you would support to allow councils to be able to ensure some type of clean-up process could take place?

Dr BIBBY: It will be a question of balancing. However, so far from what you have said, I cannot see any sufficient ground for forcing a person to shift unsightly material merely because it is unsightly.

Mr JAMIE PARKER: That is fair enough. That is the answer.

Dr BIBBY: I was prepared simply to say no.

Mr JAMIE PARKER: Sometimes short answers are the best answers. Thank you.

Mrs TANYA DAVIES: Dr Bibby, thank you for appearing this morning to address the Committee. I have a question I wish to put to you about the principle by Mr Mill that you cited, which is in your submission:

The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.

According to the Council of Civil Liberties, would you accept that that definition could be extended to state that the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others "and harm to themselves"?

Dr BIBBY: There is a long literature, and you are talking to a philosopher.

Mr JAMIE PARKER: I can feel a long answer coming on.

Dr BIBBY: I am trying to avoid that.

Mrs TANYA DAVIES: I am happy to have a short answer.

Dr BIBBY: When is paternalism appropriate? That is really the question. It is appropriate with children because they do not understand their position yet. It is appropriate with people with mental illness because they are not in a position to fully rationally determine what they are doing. Otherwise it is quite central to Mill's position that people are entitled to harm themselves if they wish. It is appropriate for a person who is harming themselves to point out to them what they are doing, but it is not appropriate to stop them from doing it.

Mrs TANYA DAVIES: I think what I am talking about is in terms of the issue we have been discussing. People with mental illness who are in these homes as a result of their illness are accumulating an incredibly vast array of materials that not only fill up their own home but also spill out into the front yard, sides of their properties and their backyards. As we have seen in previous examples, that literally has led to fires and the people themselves finding it difficult to get out of their own home. Surely as a civilised society exercising care for each other we need to help these people not only continually in terms of their illness but also in terms of a mechanism to protect them in case of an emergency, such as a fire, a flood, or if some accident were to happen in that community.

In discussing whether council should be given extra powers, the question I wish to put to you is this: In the situation whereby a fire hazard is clearly demonstrated, and that is through the experience of the Fire and Rescue unit, who are the experts in assessing these conditions, would that be justifiable cause to concurrently clean up at least the exterior of the property to enable access in fire cases as well as assisting these people with a mental illness? Or would you say that there is no reason whatsoever for any external member of society to step on that property without the permission of the resident—no reason whatsoever?

Dr BIBBY: I would like to take that one on notice, if I may, and make a brief comment now. Mental illness cases are difficult and, yes, there will be grounds for intervening when somebody has got a mental illness in order to protect them from harm. Precisely what should be permitted and who should do this is another question, which is I think more complicated.

Mrs TANYA DAVIES: So you will get back to us?

Dr BIBBY: I am not sure whether councils are the ideal body to be dealing with a person with a mental illness, though they may well be the people who have to institute proceedings.

Mrs TANYA DAVIES: It was clearly mentioned last week in the hearing that situations such as these require a holistic approach from a number of members of the community—the health service and social workers, et cetera, not just the council.

Dr BIBBY: Absolutely, and the council might end up being chair of committees.

Mr JAMIE PARKER: Yes.

CHAIR: At the end I will ask you formally, but I think there will be a number of things we will ask you to refer back to the Committee and I hope you will do that. Thank you for taking Tanya's question on notice and anything else. I will go through that with you at the end. Referring to Tanya's question, point four of the principles states "appropriate balance for an individual's civil liberties and powers councils have", you would acknowledge that is clearly not civil liberties versus council, I am sure. What is your thought historically—and you may need to take it on notice—about, on my understanding, councils acting in a caring, understanding and compassionate manner and quite often erring on the side of caution, for want of a better term, in their time frame for dealing with hoarders and dealing with clean-up notices? Would that be your thought, historically and generally?

Dr BIBBY: I would have to ask our members for any useful input to that. I do not have that kind of experience with councils to know whether they standardly act well or not. You hear stories, and of course we have occasionally had people coming to us with complaints about councils' actions, but that is what you would expect.

CHAIR: Yes. So I am guessing that generally the complaints are of the heavy-handed nature of councils, obviously.

Dr BIBBY: Yes.

CHAIR: Hence you are not hearing the feel-good stories. You are hearing the negatives, which is what you would expect.

Dr BIBBY: Yes.

CHAIR: Thank you.

Mr THOMAS GEORGE: Dr Bibby, my apologies for being late. I want to come back to that point and the point that my colleague Mr Parker made. The liberties of the neighbours next door are being affected in a big way. I come from country and regional areas. Let me assure you that it is not so much buying the house that is next door to the hoarder, it is when you buy a house and he or she buys the house next to you and then starts hoarding. The liberties of those neighbours have been affected. Councils are then in a situation where they have got every neighbour complaining about the hoarder. The councils have to then take action. My point is that while the hoarder, for want of a better description, is continuing with their everyday life unaffected, they are affecting the liberties of all the neighbours that surround that particular house. In doing so, by affecting them, that places councils in a situation where I think they are coming to us wanting to have it clarified: How do they handle this problem? But the liberties of the neighbours next door are being affected, in my opinion.

Dr BIBBY: Their enjoyment of life is affected. I do not know that I would describe it as their liberties.

Mr THOMAS GEORGE: I would—sorry, continue.

Dr BIBBY: And it matters, I think. You could equally say—supposing a person is hoarding rationally, collecting items for some purpose, and the neighbours do not like it—in such a case you would want to say, "We will have a discussion with you. Can't you put the stuff out the back or find somewhere else to put it?", or, "How long is it going to be there?" If you are considering a case where people are mentally ill—and that is commonly the case with hoarders—then we need to go down the path of doing something about the mental illness. Otherwise, I do not think I accept your presupposition about the liberties of the neighbours.

Mr THOMAS GEORGE: I can take you to many cases in my electorate where mental health is not the issue—it is not even an issue. I could take you and show you a property—and you say maybe shifted out the back—where a gentleman has put, I think it is up to ten cars, in his backyard. And the only way he got everyone off his back is by putting a big 6-foot fence right around the yard now—and it took years to get to that stage. I am sorry, but we do have an issue, as a representative of constituents and ratepayers—and I am the first one to accept the mental health issue—but, let me assure you, I can produce a lot more; I could show you a lot of examples where mental health is not the issue, that the liberties of the neighbours have been affected.

Dr BIBBY: What is the liberty in this case? It is unsightliness, it is just that the neighbour has got something not pleasant to look at.

Mr THOMAS GEORGE: You might describe it that way.

Dr BIBBY: I am asking the question seriously. What is the problem?

CHAIR: Last week, Dr Bibby there were obviously potential odours. We are not talking about breaches of health, vermin or anything, but we are talking about things discussed last week, from a neighbour's perspective: Potentially foul-smelling odours and extremely unsightly. Hearing the other side—the neighbour potentially chooses to sell but what they are living next door to could have a real impact on their doing that. These were some of the things brought up: A sense of community pride within the street—you mentioned you had a neighbourhood dispute in your street; ill-will, and those types of things. So I think the point that Thomas is making is that it was brought to our attention last week that there are a number of impacts. We are not talking about mental illness hoarding but people choosing to live in an unsightly manner. It does have an impact and is potentially taking away the enjoyment and right of the people living next door in the street. I think that would be the question posed.

Dr BIBBY: I respond in two ways: One is that neighbours often do things that upset their neighbours. My neighbours just recently put up a very large hedge which spoils the view from the study window. They have put up bamboo for a period, which shaded the washing line. These things are the normal sort of neighbourly disputes. Unsightliness—someone can build a building which is completely out of character with the street, which is decidedly ugly and that affects property values and so on. These neighbourly disputes need to be discussed between neighbours and settled that way, if they can. But forcing people to remove a collection of items seems to me to be an intrusion on their liberties and it needs more of a justification than that others do not like the look of it.

Mr THOMAS GEORGE: On that issue, Dr Bibby, you say that neighbours need to sort out their disputes but that just does not happen easily in the real world.

Dr BIBBY: I know it does not—I am quite familiar with neighbourly disputes.

Mr JAMIE PARKER: The challenge that we have is: What is the test? And your unsightly may not be my unsightly. That is one of the challenges we have. We have a health test, a safety test and I do not think anyone disputes the validity of a health and safety test. If there is vermin, if it is suppurating rubbish and vegetable matter, no-one disputes that. We are at this point which is: Do we want to give a council officer the power to say, "I believe that is unsightly and should be removed" and if we do, what is the test? What we are hearing from you is legitimate because it does concern me. Some councils are good but some are a little different and granting a council officer the right to determine what is unsightly needs to be considered very carefully and in a way that looks at all the different issues before we take any steps in that direction. But you can hear from the members of the Committee that we feel that we need to try and get a handle on how we can respond.

Can I ask you a question about an issue we have heard about? You talked a little about council maybe chairing a committee where the council might draw together people who have expertise in the area of mental health. What do you think might be a way to coordinate this? Do you think council should be leading this? If council identifies a mental health problem, do you think they should take it to the Department of Mental Health and leave them to coordinate a response for the person involved? Could you address that for us please?

Dr BIBBY: I will need to take that on notice.

Mrs TANYA DAVIES: Some inquiry participants have argued for a reverse onus of proof in hoarding matters, to enable items and materials to be deemed to be waste unless the owner or the occupier provides evidence to the contrary. Do you have any comments on that proposal, whether you agree or disagree and why not?

Dr BIBBY: It was a question of reversing the onus of proof in relation to—?

Mrs TANYA DAVIES: Proving that hoarding is being carried out and is purely waste material that should be sent to a dump. That decision currently rests with council. There were some participants suggesting that proving the waste is for some good purpose should be put on the owner-occupier of the premises and not on council. Do you have any comment on that proposal?

Dr BIBBY: I would not have thought it was appropriate, really. It is going to be very difficult for people without the resources of a council to turn around and do that.

Mrs TANYA DAVIES: Someone who is collecting materials, whatever they are, would not be able to give a reason why they were collecting the materials?

Dr BIBBY: You expect them to have a reason normally but I think the business of reversing the onus of proof is not a path that you should go down. Perhaps I should take that on notice as well, to give a more considered response.

CHAIR: Thank you for agreeing to provide answers at a later date. Let me stress again for the record that hoarding is only one part of this. Obviously, it is fine that that is where you think civil liberties need to get involved, with hoarders. But in the actual inquiry this will play one part of a much bigger inquiry. Last week a number of councils that I found to be extremely compassionate in relation to hoarding, together with a number of other groups we spoke to, all said—and I think you touched on it: We need a whole-of-community, whole-of-society approach. Clearly, councils and other levels of government, other departments within government and community services and charity groups need to be involved. We are hearing today from Catholic Community Care. If this Committee recommends a whole-of-community approach and looks at an advisory panel, would you see a role for civil liberties on that panel or to contribute to that?

Dr BIBBY: Goodness, if you are talking about a panel dealing with a particular person and so on, I think it would be pretty rarely the case where you would require a civil liberties representative.

CHAIR: I am talking about general advisory specifically.

Dr BIBBY: On a general advisory body to a council yes, it would be appropriate to have a civil liberties representative on such a matter.

CHAIR: Not a specific case, no.

Mr JAMIE PARKER: I want to ask a question around my particular area of interest, which is derelict buildings. Obviously, in Sydney as well, derelict buildings have been a significant issue. There has been talk, from time to time, about requiring owners to be able to at least lease buildings or encourage their use. In some jurisdictions there are penalties if you leave buildings empty for a long period of time. Obviously, there is a requirement to put hoardings around them and to keep them safe. Do you think there are any grounds for this committee to look at either ways to incentivise people to use empty buildings or have some stick approaches, if you like, for people leaving buildings empty or derelict?

Dr BIBBY: It is health and safety issues that should provide the limit. It is the harm principle again. One should not be compelling people to do things where there is no risk of harm. But derelict buildings obviously, there can be serious risk of harm unless they are properly protected.

Mrs TANYA DAVIES: One of the councils explained to us that some derelict buildings are being used by homeless people as places to sleep out of the weather but also as an area where drug-taking is conducted. For the latter, would that justify the principle of the harm being conducted to other people?

Dr BIBBY: What you do with homeless people is try to find them homes. If they are mentally ill and homeless on that ground, you try to deal with the mental illness. If you are talking about drug matters, the police have got powers to deal with that. None of that seems to relate to problems with the buildings themselves. If you do not have these things happening in derelict buildings, then they will happen under bridges or in bushes, or wherever people go. The homeless people will be better housed in a derelict building than sleeping on a park bench, I suspect—depending on how derelict the building is. So, you deal with the problem, not with the mere occasion.

CHAIR: On both those points, you have mentioned that, with a derelict building, you believe that the criteria should be whether it is going to cause harm to another individual. What about the individuals and councils last week that spoke about completely boarded up, derelict building which were an horrendous eyesore with nobody living there? The buildings are completely vacant but there is an issue of community aesthetics, the feel of the street and the look of the entry to the suburb. Should that be something that could be used to compel the owner of the derelict building to bring it up to a standard, visually or aesthetically? Are you accepting of it to be extremely unsightly and do you say that the aesthetics are not an issue if it is not causing anybody any harm? Or is that incorrect?

Dr BIBBY: Yes. I do not mean that people do not have a right to take action but to compel is quite another matter.

CHAIR: Explain the difference.

Dr BIBBY: I know what you are talking about, of course. I have gone through streets where the buildings are in a state of disrepair. If it comes to aesthetics, we are talking about neighbour disputes and so on, and it is extremely difficult to draw a line between an objection to a building because it has not been painted, or an objection to a place because it has got a different kind of tree. Somewhere in there you are going to be looking for a line. You have to draw lines; that is part of the business of being a law-maker. Drawing lines on aesthetics is particularly difficult.

CHAIR: It is a valid point. To be clear, we are not talking about a paint job, and it is not only residential buildings. It could be a business in the main street of a country town, or that the first thing that people see when coming into a town is an old, boarded-up, derelict building, yet it is potentially safe and the grass is mown. Is there not an issue to compel the owner to clean that up?

Dr BIBBY: I can see that people would want the owner to clean it up. It will improve the amenity of the town, its general look and so on, so there will be concern about it, but compulsion is another matter.

Mrs TANYA DAVIES: For clarification, your answer to the second last question was that you can encourage the owner of the building to take action but not compel them. Can you explain the difference? What would you expect the owner to do in taking action?

Dr BIBBY: The difference between encouraging and compelling is a question of whether you have got a penalty.

Mrs TANYA DAVIES: So issuing a penalty is the difference?

Dr BIBBY: Yes. It is straightforward matter, is it not? To compel is to require under threat of some penalty. To persuade is to talk to a person and reason with them.

CHAIR: The only point about that, Dr Bibby, which is a valid one, was brought up by a number of councils last week—and we are not talking now about hoarding, we are talking about a derelict building that has nobody living in it that is an eyesore—let us be clear—that councils have persuaded the owners for many years, to no avail. A lot of councils are saying, "Enough is enough." They want to be able to say, "Look, we have gone through all the criteria. We have ticked all the boxes. At the end of the day, our persuasion is not working. We would like the ability to compel", if that is the right word. As a member of the Civil Liberties Council, you do not see that to be appropriate?

Dr BIBBY: No, I do not. It is going to be extremely difficult to draw lines—extremely difficult. "I do not like the ivy that you have allowed to grow over the building. It is unsightly, it is not trimmed." It will be a real challenge to your legal branch. I do not think one should be compelling people to do things in relation to unsightliness.

CHAIR: That is a good point, which has also been made by councils. However, they made the point that if it is just aesthetics, they would be looking for guidance and clear criteria to enable the next step. They are not talking about, "We don't like the paint colour", or, "The paint is cracking." We are talking about more serious—I do not know if severe is the right word—dereliction. You have answered the question. Thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in

writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Dr BIBBY: Certainly.

CHAIR: Thank you for your time today.

Dr BIBBY: It is a pleasure.

(The witness withdrew)

(Evidence continued in camera)

BRUCE MACKENZIE, Mayor of Port Stephens, sworn and examined:

CHAIR: Thank you for appearing before the Committee on Environment and Regulation today to give evidence. Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr MACKENZIE: None at all.

CHAIR: Please state your full name, occupation and in what capacity you are appearing before the committee.

Mr MACKENZIE: Bruce Mackenzie, franchisee, farmer, businessperson—you name it. But I am here today as the mayor of Port Stephens, not Bruce McKenzie the individual.

CHAIR: Would you like to make an opening statement before the commencement of questions? That can be a nice way to just lead in.

Mr MACKENZIE: I gave you a sheet of paper there, if I could run through it. The Protection of the Environment Operations Act [POEO] defines everything as "waste". This is so that all waste streams come under the control of the Environment Protection Authority [EPA]. The industry argument is that the dictionary definition of "waste" is "having served or fulfilled a purpose. No longer of use". Well, I do not go along with that. I do not go along with the idea that waste that comes into my area is no longer of use. It is used and has been for many decades and for many different purposes. It is used for house pads in flood-prone areas and pads for flood-affected areas so that when it floods cattle can survive on the mounds. It is used for roads into properties and for a lot of other purposes. Some of the fines that come out of Sydney are used for agricultural purposes such as building up low-lying land and hoeing it into existing soils and I can assure you that it grows great pastures. It is not waste; people find it useful.

I have just covered that one. The thresholds that have been set for reuse of recycled materials are so high that it is economically unviable to choose these criteria. The threshold for lead in recovered fines is 100 parts per million, yet the background level of virgin excavated sandstone from excavated sites in the Hornsby local government area is 1,400 parts per million and there is no restriction on the reuse of this sandstone anywhere, subject to council approval of course. Implementation of section A8 of the waste levy is now \$107 per tonne for all materials received in New South Wales landfill. Queensland has no landfill levy, yet the recycling rate is a percentage of material recycled, according to the Queensland Department of Environment and Heritage Protection, and is comparable to that of New South Wales. Queensland has benefited from this in a number of ways.

Might I say, I think a hundred B-doubles go up there every day. I will qualify that. After more research, I believe that between 50 and 100 B-doubles carrying this very waste—what is interpreted as waste by the Environment Protection Authority—goes to Queensland with no questions asked. Queensland has benefited in a number of ways—economically, employment, truck drivers, bulldozer operators, cheaper recycled construction materials—due to a high volume of materials available. It is a beneficial use that people in New South Wales are being omitted from obtaining. New South Wales is missing out on any form of waste levy whilst rates are the current level. While the material is going to Queensland, even to gather 50 per cent of what we are missing out on is better than receiving nothing at all. It seems ridiculous that it is more economically viable for a company to drive backwards and forwards to Queensland, burn fuel, use tyres and emit fuels in the name of protecting the environment. Might I say also, B-doubles on the road are a traffic hazard, as we all know, especially if they travel on the Pacific Highway.

There is no doubt that all toxic material should be put into landfill so as to prevent any harm to the environment, livestock or people—such as asbestos, materials contaminated from chemicals—but much of this material is perfect to be recycled into roads, mounds, et cetera. As I said, 50 to 100 B-doubles go to Queensland. The rumourmongers say that Campbell Newman will prohibit that because his rates will go up in the next couple of years. There is even talk—scuttlebutt—that a lot of this stuff could be put in old shipping containers and is being shipped to Indonesia. That would be a disaster if that sort of thing happened because a lot of it could be used. We should be encouraged to recycle but the way it is being handled is ludicrous. It would make more sense to reduce the levy so it is more economically viable to dispose of real waste and reuse. As you can

read, sir, "waste", in the dictionary, is described as "having served or fulfilled its purpose; no longer of use". Mr Chairman, I say that the stuff that we have seen over the last few decades in the Hunter Valley is used to good effect. If people can use it, why should it be called waste? As I said, that is what the dictionary says.

CHAIR: Out of courtesy, I should have introduced the panel: Jamie Parker, member for Balmain; Tanya Davies, member for Mulgoa; and Thomas George, member for Lismore.

Mr MACKENZIE: Thank you.

CHAIR: For the Committee's benefit, you are saying that the definition of "waste" needs to be addressed. There is the old adage that one person's trash is another person's treasure. You are saying that because it is deemed waste, obviously it could have any number of recycling uses, such as taking it out to rural communities or up north to be used as landfill. Is that something you would like this Committee to look at?

Mr MACKENZIE: Certainly. A lot of the stuff that I have seen should not be in landfill. The day has come—in this environmentally sensitive age—when you are not going to find landfill; people do not like landfill. This sort of material that I have witnessed over many, many years—and I have been on the council for nearly 40 years—is not waste to them and it is not going into landfill. It is criminal that this good material that can be used is going into landfill and is filling up holes in the ground. To me, it is just wrong.

CHAIR: Obviously the individual who has that waste, for want of a better word, from a building site or whatever, needs a central point for it then to be dispersed. Would you suggest that landfill is that central point then it can be dispersed and not used to fill the ground? Somebody who has got waste in Balmain is not going to know that somebody needs it in Lismore.

Mr MACKENZIE: They do. The truckies know. The truckies coming out of Sydney know. They are being denied a further income. They take it to our area or parts of the Hunter and farmers use it for this purpose or that purpose. That is their backload after they have come to Sydney.

CHAIR: Excuse my ignorance, but how do they know that the farmer in your electorate wants it?

Mr MACKENZIE: Word of mouth, scuttlebutt, talk. That is what has happened for decades, sir.

CHAIR: Is there a better way so opportunities are not missed?

Mr MACKENZIE: I can assure you that the people who want to use it know the game. They know which truckie to talk to. They know that people bring it up after they have brought sand or freight to Sydney. They take it back. They are getting a load up and back. As of now, it has been stopped. Those truckies are mostly owner drivers. They bring a load to Sydney and you know what happens? They go back empty.

CHAIR: Councillor Mackenzie, you have vast experience in local government. This Committee inquiry is based on private lands. I am interested in your opinion. Most councils in New South Wales need to ensure that that waste is clean fill and is not asbestos, high in lead, car batteries, whatever. How do you police that the B-double carrying the waste to a farm in your electorate is clean fill? Does that go through the normal process and does that process need to be adjusted?

Mr MACKENZIE: I think you will find that all the people who dispose of their sites or the clay they excavate for building or development or anything else in Sydney maintain that there is nothing in it. For instance, you have a picture of a house pad in a flood area. That would have to be 4.0 metres according to the Australian height datum [AHD]. Our policy is about 3.9 metres. That mound would be inspected by council officers, and they are continually going around these sites and looking for contaminated soils. There is one in our area now. A guy has to have tests done on some fill that has been put in. I can assure you that most of this is clean fill and there would not be any asbestos in it.

CHAIR: You are talking about the photo that we are looking at. Let us turn this around as a positive. This house is in the floods in your electorate and it enables the owners, at a reasonable cost—if any cost—to raise their levels above the flood level and yet have a purposeful use for what could have been deemed to be waste?

Mr MACKENZIE: Exactly.

CHAIR: You make a very good point.

Mr MACKENZIE: Might I add another thing—I could go on forever.

CHAIR: Please do not.

Mr MACKENZIE: I will not because you are over time. Take a 4½ pound house brick. So far as the Environment Protection Authority is concerned, you cannot take a load of house bricks to a farm and build a road over it, but Boral can crush it and use it. How ridiculous is that? How ridiculous that you cannot take a whole brick, but you can get it crushed and take it? It is the same material, for God's sake. It is quite crazy.

CHAIR: Without too much thought, I guess the irony is that the uncrushed house brick offers a better fill because it offers a higher volume.

Mr MACKENZIE: And if you have a truck going over sand or a swamp and you want to build a road, it is far better to have a truckload of full bricks than a heap of crushed bricks, because as soon as you run over it, it goes into the mud or into the sand. It is just a bit funny.

Mr JAMIE PARKER: Thank you for coming along and addressing the Committee.

Mr MACKENZIE: No problem.

Mr JAMIE PARKER: You are touching on a very important point, which is that we are talking about a resource, not waste.

Mr MACKENZIE: We are not talking about waste, sir.

Mr JAMIE PARKER: That is right. We are talking about a resource that can be used. There are three points I would like to address. First of all, you talked about the Environment Protection Authority's definition of recycled materials. You argue that there should be a broader definition of recycled materials so that more material can be used instead of tipped. We can address these matters when we talk to the Environment Protection Authority this afternoon, such as a crushed brick is okay, but a full brick is not okay. From my perspective, we need to maximise the use of the resources and minimise the amount that is put in landfill. We should be having zero landfill, if possible. So much of landfill is vegetable matter, organic material that should be cycled. There is a whole range of other options.

The second point is the waste levy issue. KPMG has finished a significant report into the waste levy. The Government has taken on board most of the issues that the KPMG report highlighted. One thing we are dealing with is the issue of illegal dumping. One of the problems with our levy that you have talked about is that where there are border towns, people will try to take it into Queensland, so the issue of crossborder harmonisation is important so that the costs of running a business or dumping waste in New South Wales costs the same in Queensland.

The third point is the issue of illegal dumping of material. There is an argument we can consider whether or not, for example, asbestos and other waste should be subject to the waste levy. The waste levy is an important way to fund a whole range of different costs concerning waste, but when it comes to more damaging materials there is a question whether or not it is providing an incentive for people to dump it in the bush, fire trails and other areas. That is something we should be talking about and will talk about with the Environment Protection Authority.

I am a member of Parliament in the Sydney area, so it is different for me, but in your area if there was a change in the definition of what constitutes recycled material and not waste that has to be tipped, do you think you would have a use for that product? You have talked about pads for houses. If the bar was set a little lower in respect of what determines a product that can be recycled or not, would you say there would be a use for those products?

Mr MACKENZIE: Big use, vast use, for many applications. The materials that we talk about as waste that I say is not waste have multiple uses. A lot of fines come out of Sydney that has been screened material. I could take you to a site where, after six months, those fines are covered in grass. Fines have been used in the

past for low-lying areas and are rotary hoed into paddocks, and in six months time it is all mixed in with the clay and sand. It gives it a bit of body and there are lovely pastures on that paddock because of the fines. It comes out of Sydney and it is screened before it comes out of Sydney.

CHAIR: Screening is critical because you are saying it can either be stock feed or used potentially for human consumption, whether it be food, what have you, so anything that is put into the ground would be screened and then used in the country?

Mr MACKENZIE: Yes. You are not going to hoe bricks and concrete slabs and things such as that into a pasture paddock.

CHAIR: No, but you may have contaminated soil, which could go in as a fill in a paddock in good faith.

Mr MACKENZIE: Yes, but there must be steps that can be undertaken at places of source or destination where every so many loads are tested. I do not believe the fines coming out of Sydney for the last few years are contaminated in any way, shape or form.

Mr JAMIE PARKER: That is interesting because we want to make sure that we protect the environment. You gave the example of 100 parts per million of lead, yet the background level of virgin sandstone from excavated sites in the Hornsby local government area is 140 ppm. We want to make sure we can maximise the use of all materials. Obviously, only a certain amount of material can be used, so we want to maximise its reuse. Are there any other examples, apart from the example in your paper, that would be useful for the EPA to consider? Has your council written to or approached the EPA saying that it thinks some of these guidelines should be amended?

Mr MACKENZIE: I do not know whether council could approach the EPA. I will give you an example. Local government areas can deposit a maximum of 200 tonnes on a place when it wants to reuse the material if it is doing road construction. Two hundred tonnes is nothing. If they put more than 200 tonnes, they are in trouble. We put road-base material, which we wanted to use later, into a tip in Medowie that used to be the tip—the garbage tip, I might add—for the RAAF base at Williamstown when I was younger. Sidwest had the contract. We were fined \$40,000. Our legal costs were \$71,000. The EPA bill to us was \$71,000.

CHAIR: That was for no other reason than being above 200 tonnes?

Mr MACKENZIE: No. That was because there was no levy paid on it.

CHAIR: Because you were storing it?

Mr MACKENZIE: We were storing it.

CHAIR: Excuse my confusion; you had not deposited it at an official waste facility?

Mr MACKENZIE: No. Why would you? Why would you put the ratepayers through that cost and then go and get it again if you wanted to use it in 12 months time?

CHAIR: Was there a specified time it would have been used or was it just as it was needed for local roads?

Mr MACKENZIE: Yes. You have photos of that tip?

CHAIR: Yes.

Mr MACKENZIE: That tip is now grassed, growing up with trees, what have you.

CHAIR: Who owns that tip?

Mr MACKENZIE: Council owns the property.

Mr JAMIE PARKER: Was the court matter because you were claiming it was temporary storage and the EPA claimed that it was a waste facility?

Mr MACKENZIE: Waste facility and there was no levy. We did not pay a levy.

CHAIR: Is that facility open to the general public?

Mr MACKENZIE: No it is not.

CHAIR: I understand where you are coming from.

Mr MACKENZIE: It used to be a garbage tip. It was a quarry that they got gravel out of 60 years ago. It was a hole in the ground. It was a tip for the RAAF base at Williamstown. Now look at it. It has grown up beautifully: revegetated and rehabilitated. Could I just quote an example of someone who is in trouble about green waste? People use green waste for many purposes. They mix green waste with soil. Now they use sand and green waste. Surprise, surprise, they use ash from power stations. Ash is a waste but, surprise, surprise, the Government owns it. So there is a moratorium on it. There is a moratorium on the use of ash, which is classed as waste because how else are they going to get rid of it? Where are they going to put it? Where is the Government going to put its ash from the power stations? This particular guy uses four truck and dogs of ash a week for his soil mixes. Come on! Where are the rules and regulations? The Government has a moratorium on the ash.

Mrs TANYA DAVIES: Returning to the description of this house built on a raised level to get out of the flood zone, such action in metropolitan Sydney councils often results in a local community crisis because of the massive flow-on effects—excuse the pun—to surrounding neighbours and those downstream in flood crises. How does your council deal with permitting a house to be raised above the flood line and not then cause more serious effects on neighbouring properties or properties downstream?

Mr MACKENZIE: If that was an urban area, it would not be allowed.

Mrs TANYA DAVIES: What do you classify as an urban area?

Mr MACKENZIE: Residential areas. That is probably in a 500-acre paddock. There are no neighbours.

Mrs TANYA DAVIES: How small do properties become before you prohibit this action from being taken?

Mr MACKENZIE: Because of the sea level rise and all that stuff, our flood level around Port Stephens is 3.9 to build a house. But if there is a house there and here and they are 2.5 AHD and council rules and regulations say it is 3.9, council say, "No, it's an infill" and they are not affected by going to 3.9. They are allowed to build to 2.5. I do not think what you have just said would affect anybody, neighbours or downstream, from a house in a rural area on a 500-acre paddock—would not make any difference.

Mrs TANYA DAVIES: Perhaps not 500 acres, but it certainly has happened in Western Sydney where homes are on 1½- to two-acre properties.

Mr MACKENZIE: That is a bit different.

Mrs TANYA DAVIES: That is why I asked.

Mr MACKENZIE: You are talking about a 4,000 square metre block and a 6,000 square metre block compared with a 500-acre block.

Mrs TANYA DAVIES: That is why I asked where you draw the line.

Mr MACKENZIE: Yes.

Mr JAMIE PARKER: I was on council for almost 14 years.

Mr MACKENZIE: I am heading to 40 years.

Mr JAMIE PARKER: That is a pretty good run. I appreciate you taking the time to come to Sydney to talk to us about this because your submission raises quite a few issues that are worthwhile the Committee taking up with the EPA. Importantly, we need also to consider the motivating factors for illegal dumping. I look forward to putting some of your questions to the EPA later this afternoon to see if we can get some progress.

Mr MACKENZIE: I think we are leading the Hunter Valley in illegal dumping. We have a guy going round and he is having great success in illegal dumping with mattresses, fridges, you name it. Other local government areas ring Port Stephens to ask what we are doing because we have great success with illegal dumping and finding out who is putting it there. No-one will condone illegal dumpers on fire trails or out in the forestry or the water board or national parks. Port Stephens council is on the ball with illegal dumping.

Mr JAMIE PARKER: People have no idea what it costs; tens of thousands of dollars for councils just to remove mattresses and things like that.

Mr MACKENZIE: We make them clean it up. You want to get some facts on what Port Stephens is doing about illegal dumping.

Mr JAMIE PARKER: We will check that out.

Mr MACKENZIE: If you want, I will send it down to you.

CHAIR: Obviously, you are very proud of your track record. Is that because Port Stephens is proactive and educates people? Last week at a roundtable of about eight councils illegal dumping was raised as a huge issue. Many councils threw their arms in the air and said, "What can we do?"

Mr MACKENZIE: Send them up to us.

CHAIR: What are some of the things you do?

Mr MACKENZIE: We have a guy full time. He pays for himself. Costs us nothing. He goes round to all the fire trails out in the national parks, finds the place, looks around, finds something. People are a bit dumb. They leave something there. They leave a trail. We find them. Ring them up. Go and see them. They have to clean it up. That saves us sending our guys out at much expense to clean it up. We fine them and they have to clean it up.

CHAIR: That is a very good point.

Mr MACKENZIE: But we lead the way in a lot of things in Port Stephens.

CHAIR: You are making that very clear today, which is very good, and we are with you.

Mr MACKENZIE: We have Craig Baumann up there making sure we do.

Mr THOMAS GEORGE: That is what Craig Baumann has tried to tell us for a long time.

CHAIR: He tells us regularly. You are leading the way in members of Parliament too with Craig Baumann. On a serious note, if you are doing things well that is very positive. Last week a lady told us about how her Aboriginal land council clearly was leading the way educating and helping others. All councils agreed on information sharing. If you are doing it right, why reinvent the wheel? Proactively with dumping, are you educating or spending money on public education?

Mr MACKENZIE: Yes.

CHAIR: Do you want to tell us a bit about that?

Mr MACKENZIE: We put in the press what you are up for if we are going to fine you. Photos of the guy that is doing it have been in the local paper and what he is doing, and warning people, "You will get caught. You will clean it up and pay the fine." You just will not pay the fine; you will pay the fine and clean it up so our

workers have not got to go out and do it, which is a cost to the ratepayers and I am not about putting any more costs on ratepayers.

CHAIR: When you said this fellow pays for himself, he is a council employee?

Mr MACKENZIE: Yes.

CHAIR: But his hit or success rate clearly pays for what it would have cost in clean-up and removal?

Mr MACKENZIE: Totally and absolutely. Yes.

Mr THOMAS GEORGE: RMS can reuse this product; have you any experience with RMS?

Mr MACKENZIE: No problem with them. They are a government department. We are just a little old government.

Mr THOMAS GEORGE: Councils and everyone else are in the same boat?

Mr MACKENZIE: Yes.

Mr THOMAS GEORGE: RMS uses the same product with no problems?

Mr MACKENZIE: Yes. It is a joke.

Mr JAMIE PARKER: But councils cannot?

Mr MACKENZIE: No, 200 tonnes.

CHAIR: Just on that 200 tonnes—

Mr MACKENZIE: Five truck and dogs.

CHAIR: —returning to the photos you have provided, this is the tip where you were fined for having over 200 tonnes that would later be used for the road?

Mr MACKENZIE: Yes.

CHAIR: Is that a photo of the same site after that was removed? That was the original?

Mr MACKENZIE: That one there is the tip.

CHAIR: The one grassed over?

Mr MACKENZIE: Yes.

CHAIR: Was the waste you were using, which is now grassed over, to be used as road fill? Was it ever used or will it be in the future?

Mr MACKENZIE: That is the sort of material that we can only put 200 tonnes on the side of the road, but we top-dressed that and rehabilitated it.

CHAIR: Do you have anything further to add?

Mr MACKENZIE: No, just to say that landfill is archaic when you have a use for material that EPA seems to think should be paid a levy and put in landfill. You will run out of suitable sites to fill in holes in the ground for landfill when that material and produce can be gainfully used in a productive way.

CHAIR: You make an extremely good point. I just add that in my electorate, Jack's Gully waste landfill is an exceptional facility. The point is that we are a growth centre so it services my electorate, Campbelltown, Liverpool, Wollondilly to the south all the way down to Wingecarribee. With growth in our area

going from 70,000 to nearly 300,000 over the next couple of decades, people are going to need space to put their domestic waste. These facilities are not bottomless pits. You certainly have come up with very good food for thought.

Mr MACKENZIE: Have you heard of Bedminster in the Hunter Valley? Our garbage all goes there with our red and yellow bins. They produce a soil at the end of the day that would grow babies. It is real good stuff. It grows vegies. It is the best stuff you have ever come across to grow pastures. We are leading the way. It is great stuff. You want to go and look at it. Have you ever been there?

Mr JAMIE PARKER: That is fantastic. No, but I know of the facility.

CHAIR: We have not.

Mr MACKENZIE: You are agreeing that he should go and look at it because we are doing what you like us to do.

Mr JAMIE PARKER: It is very good.

Mr THOMAS GEORGE: So is Lismore.

Mrs TANYA DAVIES: So is Penrith.

Mr JAMIE PARKER: One of the problems we have in Sydney with food waste recycling is actually taking it somewhere to get it turned into compost or used for something. That is the challenge.

Mr MACKENZIE: Yes.

Mr JAMIE PARKER: People are happy to do the separation, but we actually have to have the facilities to get it somewhere.

Mrs TANYA DAVIES: We do at Penrith.

Mr MACKENZIE: I invite you to come to Port Stephens. I will take you out and show you.

Mr THOMAS GEORGE: We do at Lismore.

CHAIR: It is a very good point and this Committee has the ability to do industry tours. We thank you for the invitation. A stop on the way via a winery with a bit of cheese and bikkies might be an incentive.

Mr MACKENZIE: That could be corruption.

CHAIR: Thank you for your time. You have provided some valid points and good food for thought. It is not beyond the scope of this Committee to look at some of our regional or city areas.

Mr MACKENZIE: You could come up as a Committee, you could look at Bedminster and you could go and look at these sites where this stuff is gainfully used. Instead of sitting here and us talking about it, have a look at it on the ground.

CHAIR: Thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of the evidence and will be made public. Would you be happy to provide a written reply to any further questions?

Mr MACKENZIE: Anything you want to know, either here or there.

CHAIR: Thank you. We take your 40 years' experience on board and appreciate it.

(The witness withdrew)

(Luncheon adjournment)

CHAIR: Good afternoon and thank you for attending the public hearing of the Committee on Environment and Regulation's public inquiry into management and disposal of waste on private lands.

JOHN AMBLER SNOWDON, Professor, Concord Hospital,

JANICE LOUISE REDFORD, General Manager, Catholic Community Services,

MARGARET ANN PISTEVOS, Manager, Community Services, Catholic Community Services,

MARIA MERCEDES SPLITT, Senior Coordinator for Catholic Community Services, for Hoarding and Squalor, and

STEVEN JOHN COLEMAN, Chief Executive Office of the RSPCA, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee?

Professor SNOWDON: I am a psychiatrist working at Concord Hospital and in the community in the middle of Sydney. I have a particular interest in hoarding and squalor and that is why I have an interest in the work of this committee.

Ms REDFORD: As general manager of Catholic Community Services.

Ms PISTEVOS: As manager for Catholic Community Services and one of our programs is the hoarding and squalor program, funded by the Commonwealth.

Ms SPLITT: As the senior coordinator for Catholic Community Services. I provide hoarding and squalor consultancy and I manage the hoarding and squalor Sydney program.

Mr COLEMAN: As the chief executive of the RSPCA.

CHAIR: Does anybody have any questions concerning the procedural information sent to you in relation to witnesses and the hearing?

Professor SNOWDON: No.

Mr COLEMAN: No.

Ms SPLITT: No.

Ms PISTEVOS: No.

Ms REDFORD: No.

CHAIR: Would anybody like to make an opening statement before the commencement of questions?

Professor SNOWDON: I am happy to make a short opening statement. I am delighted the Parliament is considering this question. Obviously what we are concerned with is only part of what the Committee's involvement is but waste management on private property and in people's homes is clearly highly relevant to what you are discussing and we are aware of a lot of people who have got into a lot of trouble through accumulating too much stuff, whether it be rubbish or relatively valueless items. That has led to a lot of money needing to be expended to either tidy up their places or to try to do something about it. Maybe half the people who live in such conditions have some form of mental disorder and therefore psychiatric services need to be involved.

There is a close connection between living in squalor and collection of animals, which Mr Coleman can talk about, but we go also to such places and try to relieve the pressure. The pressure is on the local community because the accumulation of rubbish such as occurred in the well-known Bondi house, often in the media over the last 20 years, caused a lot of expenses for Waverley Council, and that is just one example. The fire at

Marrickville recently again drew attention to the accumulation of a lot of stuff in the garden. I have seen it; I saw the results after the fire and I think that is where we need to think how do we find the money and how do we ensure councils give it proper attention? Does there need to be any change in the law in New South Wales to make it easier for either councils or people trying to clear up rubbish, recognising people's rights, to get in there and prevent bad things happening?

CHAIR: I should have introduced the other members: Jamie Parker, the member for Balmain, Tanya Davies, the member for Mulgoa, and Thomas George, the member for Lismore.

Ms REDFORD: I would like to say that I think generally there is insufficient understanding across government broadly about the complexity of dealing with squalor and hoarding. We did approach government, and in particular the Department of Ageing, Disability and Home Care, a number of years ago and they did recognise that this is an issue and it did require some specialised resources and specialised funding and they made that available to Catholic Community Services both in Sydney and since that time in the Hunter, Illawarra and Southern Highlands, but there are many areas where there is no specialised funding and a lack of coordination across government agencies.

To be really effective in dealing with squalor and hoarding issues there needs to be collaboration between government agencies—Housing, Health, Ageing, et cetera—and there needs to be dedicated resources and an understanding that it is more complex than simply putting a skip out the front of a house and hoping that the problem will go away quickly because generally it does not go away, if that is the approach that is taken. It is a lot more considered approach that is required, and generally there needs to be a lot more training to a whole lot of different agencies within the public sector and within business and the community services sector about how to effectively deal with squalor and hoarding.

Ms PISTEVOS: I would have to agree with Ms Redford that the collaboration needs to be further. We have pockets in isolated regions, as evidenced by councillors here from various locations. We have four locations where we operate our hoarding and squalor program, but in between those locations it is isolated incidents from other people and various providers have the task of doing it. There is no collaboration between us at a regional level or at any legislative level really. It is what they are doing and what we are doing, et cetera, and whilst we might have network meetings, et cetera, there is no formal collaboration process where we can all be unified in what the treatments need be or what the actual service provision has to provide and where the resources come from. It is very isolated and it does make it difficult. You may have a client in one region experiencing the same problems as another region and that particular local government area may not be aware of hoarding and squalor issues. Collaboration and funding and resources certainly at the State level needs to be discussed.

Ms SPLITT: I have to agree with all three of them. I was contacted by Marrickville Council as well and have been out there, spoken to the council, met with the family and spoken to the neighbours as well after that fire. Obviously I have seen the house many times before, and as I said earlier, I provide a lot of education and workshops in particular around New South Wales but also Australia-wide and that particular situation has come up. Questions have come up about that house: have you seen this place? Also the situation in Bondi comes up regularly, which is another example of forcing someone to clean up or at the same time there are these poor neighbours living in this environment: what can we do?

As the experts when it comes to hoarding and squalor, as Margaret said, we cover four areas but New South Wales itself as a whole is huge and those four areas have so many grey areas in between. I sit on some working groups and working parties in areas where there are not services and unfortunately the demand at the moment is actually quite high. Waiting list referrals are coming from everywhere basically and unfortunately one of the hardest things for us is when we do get a request from someone who owns their own property. When it is community housing or rental property we can work with the landlords to see if we can find a way to support the tenant. When it is a privately owned home we have to quite often step away and hope that at some point they will accept services or family may convince them, but that is where our hands are tied as well.

Mr COLEMAN: Our involvement might seem a little odd to the Committee but we do not profess to be experts when it comes to mental health issues or people hoarding issues. Our involvement is—I will not say simply—increasingly responding to complaints about animal hoarders. These complaints have a significant impact on our service delivery and when we joined the taskforce some time ago we were looking to involve ourselves in trying to find a solution. We are responding in some instances as the first agency to seek support and help in trying to deal with what is not an animal issue but a people issue and some of those people issues

result in significant suffering of many hundreds, in fact probably thousands of animals across the State. We do not profess to be the experts but we have a lot to provide to the Committee in terms of animal hoarding experience and it is not simple and it is not easy.

CHAIR: Thank you for appearing before the Committee and giving us your time and your expertise. This session is based on hoarding, but this inquiry is far wider than that. However, hoarding is a major aspect of it and we are very interested in hearing your views on it. That will be the primary focus of the hearing today. Last week we spoke to local councils and other agencies where collaboration was discussed. Hoarding is not a local government issue; it is a whole-of-society issue involving all levels of government through to community groups. We spoke to a number of local councils and did not think animals would get a mention, but that is also a huge issue.

Mr THOMAS GEORGE: You seem to have the same problem we have—the complaint that one size does not fit all. Some councils hope placing a skip in front of a house will fix the problem.

Ms PISTEVOS: That is often the community's perception.

Mr THOMAS GEORGE: Yes, but that is not a real response. Putting the funding aside for a moment, have you come up with a successful model in the four areas of the State in which you operate or do you tackle problems on a case-by-case basis?

Professor SNOWDON: I think there is a model that works, which is that there be a triage point—that is, a place that sorts out those cases that need attention and tries to involve the appropriate people. If you have one triage point for the whole of New South Wales, that would not work because it is too widespread. You do not want to have 200 triage points, but you need a point at which experts sort out who needs primary attention for mental health. They could determine whether it is primarily a problem that needs guardianship because the person has severe dementia and is living in accumulated mess because of that, or it is a case where Housing NSW is involved. There are differences according to whether the person owns a house or is living in rented accommodation. Housing NSW may be the landlord and should be able to take action. The department commonly does not take action, so one needs to have some sort of expertise based in a central triage place. That triage place could farm out the duties. For example, if those duties were farmed out to Catholic Community Services they could say, "This person has schizophrenia and we need the psychiatry people involved."

For an animal-hoarding case, there may not be an identifiable mental disorder but there certainly would be a personality problem. This may mean that they relate better to animals than to humans, and that is why they collect so many animals. The model you ask about has been demonstrated to some extent by Catholic Community Services in what they have done since they first got going in 2005 when money was provided by the State Government. The model was very successful then. I do not see it being nearly as successful at the moment for various reasons we could talk about.

CHAIR: Professor Snowdon, are you suggesting that for every case there be a central point and at that point decisions be made about what expertise is required? Do you see as a good starting point that central area determining what pathway needs to be taken and which people should be involved?

Professor SNOWDON: We were asked about a model and that model seemed to work. I am sure it does not work for everyone, but it or maybe a variant of it can work. Mercy mentioned education. A lot of doctors, health services and even community services do not understand or know much about hoarding or why people live in disgusting, filthy conditions. Some of us do, and it would be good to ensure that the people who know what to do can arrange for something to be done. People need to be referred. You could get a social worker at Concord Hospital, for example, who does not have a clue about squalor. She may be newly trained, and then the cases do not get referred.

CHAIR: If councils are at ground level because they have been left with the problem that is hoarding, would you suggest we look at the first contact having responsibility to look at the issue legislatively as well as referring cases to triage points to ensure all avenues are met?

Professor SNOWDON: That idea is worth exploring. For example, we wonder about what could have been done to prevent the Marrickville fire if the council had made appropriate referrals.

Mr THOMAS GEORGE: Sitting on this Committee has been a learning exercise for us. When a council gets a complaint it handles it and does not necessarily talk to care organisations. There are a lot of issues that bring about hoarding. I come from Lismore, close to Woodenbong. A gentleman there got into trouble with his cattle and faced a very big fine from the RSPCA. It was very traumatic and he ended up taking his own life. People did not wake up to the fact that there was a mental health problem until far down the track, or people would have been involved. People who knew the gentleman knew that he had a mental health problem, but such issues are referred to council and councils make decisions. In our discussions we have found that there is a lot more to hoarding than just the hoarding.

Ms PISTEVOS: It goes to awareness in lots of cases. We find that people phone us as a last resort because they do not know where else to go. It is about education and people knowing who they can turn to for advice. This goes back to the point about central intake points for triaging to give advice and information. It is very difficult, especially for councils operating within a customer service frame and answering a complaint about smelly garbage. The council would not know the context of the issue. There needs to be ground-level education about services available within local communities. That could be the starting point. It is not the be-all and end-all, but it could be a starting point.

Ms SPLITT: It is also important to emphasise the need for collaboration and all stakeholders working together. A while ago we found referrals would come through and there was a belief that we were experts so we would know what to do. If councils get a referral or come across particular situations, they need to call other services in and work together to resolve the problem. You mentioned the gentleman who took his own life. We heard that comment in regard to the Marrickville fire. It affected a husband and wife. The gentleman was approached more than a year before about the situation and told if they did not do something orders would be put in place. Apparently at some stage he threatened self-harm and council said, "Don't do that, it's okay."

Mr THOMAS GEORGE: That is what I mean—experience.

Ms SPLITT: It goes back to experience, education and training.

Mr THOMAS GEORGE: And local knowledge.

Ms SPLITT: It goes to perhaps calling the mental health team.

CHAIR: At present, through no fault of local government, the means is either the Local Government Act or the Environmental Planning and Assessment Act. This legislation is regulatory and hoarders find themselves, in the worst cases, before a court. Going back to Professor Snowdon's opening line, there needs to be a trigger at the first point to engage experts in relation to this. We heard from councils last week that they are very aware that they do not have the necessary expertise. They are aware that they need a trigger, so that is a very good thing to come out of this process.

Mr JAMIE PARKER: Everything we have heard points to needing an information package or kit, probably from the Department of Local Government, to be circulated to councils as first contact. That needs to be developed in collaboration with all stakeholders to bring all the different points together. My first question is on mental illness. A lot of people say that a person has a mental illness while others say that a person is an avid collector. Professor Snowdon, is that in the Diagnostic and Statistical Manual of Mental Disorders or is there some identifiable hoarding disorder? If not, is it seen as a symptom of some mental condition?

Professor SNOWDON: Hoarding and living in squalor both are found in a number of different mental disorders and in some people who do not have a mental disorder. DSM5 has recently been produced and that has a new category, which is hoarding disorder. It was not there until May this year, and up until then people who collected a whole lot of items were generally put into the category of being obsessive compulsive collectors. It is realised that it is not obsessive compulsive disorder. Hoarding disorder is something different, but hoarding disorder is just one of the problems that can lead people to accumulate much too much stuff. We have done some research looking at people referred to old age psychiatry services and we have found that maybe a quarter of them had dementia, a quarter of them had alcoholism or some other frontal lobe pathology leading to their difficulties, a quarter of them had schizophrenia, and in the other quarter there were some with OCD, some with personality problems which were probably hoarding disorder. But from that you gather that the hoarding disorder as described in DSM5 is probably a small minority of those cases that need attention by way of a big clean-up and intervention, whether it be through mental health or something else.

Young people under the age of 65—18 to 65—probably the rate of living in hoarded areas or in squalor is probably about one-fifth of the rate in older people. I give that from the initial experience of the Catholic Community Services. When the money was provided by the Government they saw, in the first place, 200 and then 400 people, and we were able to look at the data. That showed that maybe 10 to 15 per cent of people who get referred have this hoarding disorder. Hoarding disorder, I should emphasise, varies from those who need attention because their houses are stuffed full—I have seen places like that where the person cannot even get inside the house—down to people like me who hoard a bit. I do not think I would call myself as having a hoarding disorder but there is something in between where it is not a big problem but they can benefit, and they see that they need attention from psychologists. That is where somebody like Dr Grisham at the University of New South Wales is an expert. So there is a range of people with hoarding disorders, a range of us who hoard and it does not matter—sometimes it is quite a good thing as long as you do not do it too much. But the ones whom you are interested in are the ones where rubbish management is appalling and it causes problems to the neighbours, problems to the person themselves, problems to anyone who cares about them.

CHAIR: Somebody not with your level of expertise said that there are two types of hoarding, and I think you have just told us that is wrong. I certainly take what you have to say. Somebody suggested to us that there are hoarders with mental illness, which we have spoken about clearly with you today, but there are other people who you would class as a hoarder who are happy to live in a junky environment, yet there would be that same negative impact and their house is potentially squalor and those types of things. Do you see all hoarding as a form of mental illness?

Professor SNOWDON: No, I do not.

CHAIR: And not to the degree that you and I both share, the bit that impacts on the community.

Professor SNOWDON: I think there are some people who hoard who have a personality problem and I think for some of them it has become such a problem that you would call it a disorder because they can no longer get around their house; it is causing a fire risk, a hygiene risk and various other risks. You would have to call it a disorder and because they have personality problems you would probably say it is a variant of a mental disorder. But the ones I was talking about, I would not see it as a personality order. They have a mental disorder such as dementia, schizophrenia, alcoholism, frontal lobe syndrome.

Mr JAMIE PARKER: My second question goes more to the community sector. We have heard a lot about council powers and about the powers that councils currently have. Obviously if there is a safety issue, which is quite broadly defined, or if there is a health issue, vermin and other things, council can intervene. Some witnesses have said that councils need more power to be able to take action around unsightly collections of items and material. Obviously we want to be able to help people who are struggling who are hoarding but we do not want councils to be like the pretty police and say, "That looks unsightly to you but it looks great to me" and come to this subjective position. Do you think the powers—and we can talk about collaboration as the next step—are sufficient? Do you think there are any other powers that local councils, under the Protection of the Environment Operations Act or the Local Government Act, need, or do you think it is satisfactory at the moment and the issue is about how we deal with it in a social context? The first question about powers may be something the RSPCA may want to comment on as well.

Ms SPLITT: I believe that the council does not have enough power from the situation we have had with our clients where we have had to walk away. Another concern is that if we have concerns about a client's suspected mental health, whether or not there is a diagnosis, we may approach a guardianship tribunal to assess and the client may present very well on that day so that gets thrown out. So when they own their own home and we have approached council—we see with the Bondi situation what happened there.

Mr JAMIE PARKER: What powers specifically do you think councils should have?

Ms SPLITT: In regards to affecting the neighbours, I will give an example of the Marrickville situation. Prior to the fire those items were over the fence. On the actual footpath there are items collected next to the cars. There are two cars and a trailer. Underneath one of the cars obviously the room has run out to store items so there are a lot of tins.

CHAIR: Sorry, I have just been advised that the neighbours have given evidence in camera and they have requested that their details not be aired. As it stands now, this is open for everybody.

Mr JAMIE PARKER: Be a bit more hypothetical.

CHAIR: Yes, just a bit more hypothetical would be nice.

Mr JAMIE PARKER: If there was a place that did have a car out the front, and if there was a place where there were things over the fence—

CHAIR: We are respecting citizens' views, as you would expect.

Ms SPLITT: Of course. I suppose our concern is that I can understand that, yes, at the moment the council does not have the power on a person's property. But in this situation where it was coming over the fence but it was also on the footpath and on the road underneath the car, we would like some council powers to assist with putting something in place in that situation. With regard to what sort of powers council would like—

Ms PISTEVOS: If the issue is of the car, that may be one small example, parked on the street, registered because it is supposedly roadworthy, yet this particular vehicle could have absolute clutter inside the vehicle which impedes vision totally. So it is impossible to drive the vehicle. There could be things underneath the vehicle which are flammable, et cetera, which is nothing to do with the registration. But in this case we have a department of the State stating that this vehicle is roadworthy to drive, fine, yet it is parked on a street on which you could not possibly drive this vehicle and yet it is re-registered year after year. What kind of collaboration and powers would we need to have so that someone can overrule a decision that this vehicle, which has flammable liquids inside it, on top of it, no vision whatever to be able to drive the car, including the dashboard, which is basically a very small window to see out of—what types of powers would the council need to overrule something where Roads and Maritime Services has decided that this vehicle is roadworthy so therefore it cannot be touched or taken off the street? What kind of powers would they need to override those types of things or make a claim that this vehicle, whilst roadworthy, should not be parked here, that type of thing?

CHAIR: Council agrees, and I think everybody agrees—correct me if I am wrong—that as it stands now council does not have the authority under the Local Government Act to in many instances look after the issue. However, I think I go back to Professor Snowdon's point. As a Committee we certainly need to look at councils' ability to act but we need to have another mechanism in place that clearly says that while you are acting or before you act the red flag is to speak to the expert, the community-based people and whoever if there are people involved. I think there are a couple of overriding issues that yes they need, but they need extra power and authority with the provisions of helping the individual or what have you.

Ms PISTEVOS: Definitely. Councils are certainly looking for the same outcomes.

CHAIR: And they are. You are the only person who has mentioned twice now about the neighbour, the people in the street or whatever, and I think that is a good point that was made clear in some private in camera submissions. We can never lose sight of the fact that the person who is doing the hoarding has a mental illness and needs help, but the potential negative impact on those living around or whatever is something that we need to address and look at too because this Committee—I would be interested in your opinion on it—has heard from individuals who are saying that their health and wellbeing, not so much in a physical sense but in a mental sense, is being impinged on because they are living in the vicinity of a dwelling. Do you get that often?

Ms SPLITT: We do get that. We have had a lot of situations where neighbours have become quite hostile and even quite aggressive towards clients who have come through our service simply for that reason. I understand that a person has a right to live whichever way they want but we need to take into account others around them. When you go home at the end of the day you should have that peace of mind that you can come home and relax and not have that fear of any day now that house next door could catch on fire, especially when there are so many items that you do not know what is flammable, you do not know what is going on there; if the person, or even to think of a family who lives next door to a hoarder who is not accepting any form of supports or assistance, knowing that your parent or whoever is maybe frail or has a physical disability and how quickly they can get out of the house should something occur. We need to take into account everything, basically.

Professor SNOWDON: Just to add to that, we have the Local Government Act, we have environmental health legislation. Action can be taken, but I have been astonished over the years how often the local council in particular or the Housing department has not taken action when they could have done. I think there are two groups that need to be considered: the neighbours and others who are affected by the unhygienic or

dangerous situation and the person themselves. We need to know that they have the capacity to make a decision to live like that. If they do not have capacity they need help and somebody should step in to do something. I think that is what I was saying earlier that there are situations when someone should have acted and maybe the Marrickville case that we talked about earlier should have had something done.

CHAIR: That is—interesting is the wrong word, but coming from you I think that is an invaluable thing for this Committee because somebody—I apologise, it may have been you, Professor; it may have been one of the ladies—said before that there is a time that a council is going to act. However, somebody mentioned the word "hoarding" and everybody took three deep breaths and said, "Hang on, let's just have another rethink on it." You are saying, quite rightly, that that is necessarily the right frame of action. Again, the right frame of action is not throwing the book at the hoarder; it is helping the hoarder but being cognisant of everyone around and the time frame to address the issue.

Professor SNOWDON: Exactly.

Mr COLEMAN: I go back to Mr Parker's question which I thought was a very pointed and intelligent question on the basis of the law of unintended consequences. The Act that the RSPCA works under is the Prevention of Cruelty to Animals Act, the same as the Animal Welfare League and the police. Being cautious of what you wish for, generally speaking, with whatever powers are enacted or provided, generally that is required because some level of communication has broken down. The example of that is that 1 per cent of all the cases that we respond to—and they are just generally purely complaints—result in prosecution. I emphasise 1 per cent. So we would say that our communication has failed with that person on 1 per cent of those occasions. That is when the legislation is required to take it to the next step.

Even having done that and having taking some of these people to court because we have run out of options and our communication with the person has broken down, it does not necessarily prevent that from happening again. It is certainly our experience that recidivism around animal hoarding is well and truly there. From our lay perspective when it comes to this issue and people, it is not so much about what can we do to step in and take over. It is: What can we do that respects the privacy of that individual, who in many cases refuses for us to be able to get outside help, and we have to respect that person's privacy? Somewhere in this quandary it might well be useful to think about what we talked about, John's triage, or trigger point or triage. I think if we are really looking to help the individual, which happens in some cases and the welfare issues as well with their animals, it is about helping the person, not necessarily prosecuting them.

Professor SNOWDON: Yes.

Mr COLEMAN: That does not necessarily win the day or win the battle.

Professor SNOWDON: Yes.

Mr THOMAS GEORGE: I hope that does prevail, but sometimes it does not.

CHAIR: Can I just check one more thing? With the animal hoarding, obviously we understand the person who keeps the 100 animals or cats or whatever, are there any other side effects to animals the RSPCA has found by non-animal hoarders but by hoarders? By that I mean that the one or two animals they have are put in a bad or unsafe environment because of the situation, or is that just not an issue on the radar?

Mr COLEMAN: I cannot say that it is not an issue but I guess it is varied, Chris, in that they might have piles and piles of what we would consider to be rubbish—newspapers or something that is of value to that person—and they may have one or two or half a dozen animals. In some instances, those animals are not impacted. Their welfare is quite fine. It is not how we would choose to live. It is not perhaps how the neighbour might choose to live, but from our perspective as long as the welfare needs are addressed in terms of the animals, by and large that is where our role stops. Whether that is right or wrong, even though we might see other hoarding issues that are unrelated to animals, what obligation do we have right now to report that? The answer is nothing. We have no obligation. I do not know whether that is right, either.

Mr THOMAS GEORGE: Professor, you answered about four questions in one earlier. I was pleased to hear you say that you felt councils do have legislation or powers to do something. Today we have just witnessed when the council has acted and it has created a problem. It has been indicated on two or three occasions where they do have other powers or powers to do something but it is getting them to take the

necessary actions to try to bring about an issue. But if they do go down that line and you get to the fines situation, that creates another problem. You mentioned a figure in your opening comments. Of the hoarders, would you put it as high as 50 per cent having mental problems, or even higher?

Ms SPLITT: Sixty-five I think.

Mr THOMAS GEORGE: Sixty-five, is it?

Professor SNOWDON: Of people who accumulate stuff—and I say that to distinguish it from hoarding, and I will explain why and try to be concise—of the people who collect too much stuff, probably a majority have a mental disorder. Whether it is 50 per cent or 65 per cent, I do not know. We did some research with elderly people and we certainly found that the majority of the ones referred—because they live in a squalor situation or a hoarding situation—the majority had a mental disorder. That does not mean to say that the ones who do not get referred have mental disorders, and that makes it difficult. The semantics that I want to refer to are that a lot of people accumulate but they do not mind particularly if you remove the stuff. They have not got this burning desire to keep it and they don't have a great resistance to discarding. A lot of people with schizophrenia or dementia accumulate much too much stuff and it goes up to the ceiling and they are not so concerned. Hoarding as a term I think means people who store for later use, whether that is for sentimental reasons or because they think it looks good or because it might come in useful later.

Mr THOMAS GEORGE: That is the you-and-I situation.

Professor SNOWDON: Well, maybe, and for some of us it really has proved quite useful to be a hoarder because you suddenly dig out something that you thought of that is in the pile. But that requires you to be reasonably organised in the way you hoard. The difficult situations where people need the help of cleaners, forensic cleaners, or the Catholic Community group or whoever, those are people where they need to help them to organise their situation.

Mr THOMAS GEORGE: Thank you.

Ms SPLITT: I just want to point out that in regard to some of the data that we collected—Catholic Community Services—we actually ran a comparison across two of our programs and collected some data from about 400 clients who would range from 18 up to whatever. It showed that 83 per cent had a mental health diagnosis.

Mr THOMAS GEORGE: Eighty-three per cent?

Ms SPLITT: And that obviously ranges.

Mr THOMAS GEORGE: I know. I appreciate that. You have spoken about different councils. Is there an attitude of some councils being more cooperative in trying to come to a resolution than others? Do you find that within your work?

Ms SPLITT: We have some very good relationships with various councils. Obviously we have worked very closely with the Council of the City of Sydney in particular for quite a long time. There is not resistance from any council. I really believe it does come down to education and an understanding. We often get told, "I don't know whether I can do that", or, "That's beyond our power"—those sorts of things—but we do not get resistance. We have a very good relationship with the ones that we have worked with.

Professor SNOWDON: I have a quick comment on that. Some councils would quite like to help but it is going to cost them much too much money.

Ms SPLITT: Yes.

Ms REDFORD: Yes.

Mr COLEMAN: Yes.

Professor SNOWDON: It is going to cost them \$60,000 and their budget already has been blown for the year, so they cannot do it. It is not that they are resisting, but they feel, "Well, we don't have to do this", and

therefore they do not refer. What would have been good is if they had been able to get onto a triage point to talk about what were the things that could be done in that situation.

Ms REDFORD: One way to address that is through the development of a squalor and hoarding tool kit by council area.

Mr JAMIE PARKER: Exactly right, yes.

Ms REDFORD: The City of Sydney gave us a grant a number of years ago to develop a tool kit for the City of Sydney. We are now talking to Burwood Council in particular about developing that tool kit to address their particular set of agencies and what resources are available. But to do that on an ad hoc basis is not going to achieve anything. It needs to be a coordinated statewide approach to equipping councils with the information they need. I think it would be a really good starting point to get councils to the point where they have got the information they need, they know where to refer, and that gives them somewhere to go in those situations when they are not sure what to do.

CHAIR: Just on that point, Ms Redford, obviously every case is different and every council is different but you see a general one-size-fits-all for the 152 councils and then they can tailor it to their needs. What you would like to see is the ability of the task force to set up guidelines that are the same and that go to all the councils as a starting point. Is that what you are saying?

Ms REDFORD: The tool kit—

CHAIR: The tool kit, sorry, yes.

Ms REDFORD: —contains general information about squalor and hoarding and some of the interventions and those types of things, but there is also tailored information in addition to that generalised information that can be developed for each council. They can take advantage of both.

CHAIR: Or council areas, such as the inner city or the ROCs? Would you see that as a workable outcome?

Ms REDFORD: Yes. When there is the need for additional—

Mr JAMIE PARKER: ROCs meaning the Regional Organisation of Councils, not The Rocks.

Ms REDFORD: Yes.

CHAIR: Rural councils have a similar thing.

Ms REDFORD: I understand.

CHAIR: I thought you did. If not specifically tailored to each, it could even be tailored to each region that is sharing similar issues.

Ms REDFORD: Absolutely.

Mr JAMIE PARKER: I think we are starting to get to a good place with this because I am sure the other members of the Committee agree that when we had all the local councils, just about every council said, "We got legal advice on the Act", and if we put all the legal advice together and stopped spending money on legal advice and gave some definitive advice from the Department of Local Government about where we believe the boundaries are for each piece of legislation, I think that would be far more efficient and far more effective. Some councils are incredibly litigious. Some councils go to court quite aggressively. We have evidence about that. Other councils want absolutely nothing to do with it and just say that it is not their issue. It might be worthwhile for the Committee to examine that, and I think the Department of Local Government would be the obvious place.

Of course the Government does not want to spend any extra money on things—I have heard that message loud and clear—but at least the Government should create a working party with all the key stakeholders together to develop a tool kit or protocols or some kind of process to start this and then obviously

look towards funding some type of education campaign and developing a handbook or some type of tool kit. What we have from councils is if we gave some generic and good advice on how to interpret the Act in terms of protection of the environment Act and the Local Government Act about the steps and kind of protocols that councils can reasonably take, they should include in the discussion the stakeholders; whether councils should continue to participate or whether they should just palm it off onto somebody else; that we want a collaborative approach; and when to engage the RSPCA. I think that would be incredibly valuable.

We have heard from neighbours and people representing hoarders, such as supporting those who are in the hoarding situation, that all of them come to the same point, which is it is very unclear about where to go. It is very unclear what people's rights are and it is very unclear how the stakeholders in the process can get an understanding of what their rights and responsibilities are. Is that something that you would think would be worthwhile in the first instance? Obviously funding that and making it work in a more proactive way and extending that into the community is important, but as a first step if the Committee—and I do not wish to prefigure what the Committee does—were to recommend something like that would you think that was a reasonable use of our time?

Professor SNOWDON: Yes.

Ms REDFORD: I do think so.

CHAIR: Professor, to add to Jamie's point, clearly you guys are experts. Who else do you believe would add valuable input to an advisory panel? Who else would need to be on the pathway list?

Ms SPLITT: Definitely the fire brigade.

Ms REDFORD: The fire brigade, yes.

CHAIR: We have other groups who addressed us before so we would obviously look at that, but is there any glaring omission from your groups?

Professor SNOWDON: You have talked to Housing, have you? The point I wanted to make about the Housing department is that they are the landlord and they do not need to use the law. They can say to their tenant—they can use the tenancy Act and things like that—but one thing that I think ought to be documented here is that quite often the Housing people have not inspected places that are rented from them for maybe many months and maybe sometimes years, yet there is a shocking accumulation of stuff that they have not done anything about. I think it should be incumbent on the Housing department. In some parts it is okay. In some, it is certainly not. They have the power whereas most of the people we have been talking about in relation to councils are probably owners rather than people who are renting from somebody else. There is a different situation.

When the landlord has the power to get the person out or to tell them they cannot put up with it any longer, sometimes they do act but sometimes because they do not get around to inspecting, hoarding situations can build up. That brings up the point that we should be looking after our neighbour. The Housing people should be looking after their tenants. Neighbours should be looking after their neighbours. If there is a squalor situation and the person looks as though they might be leading to a fire risk or a hygiene or falls risk, they should be trying to help that person. If the person has got capacity, they can get on with it but commonly they have not. Similarly, the housing people need to look after those who have not got capacity to look after themselves.

CHAIR: A lot of the hoarding that has been discussed before the Committee over the last two weeks has been in private situations—privately owned dwellings. Do you suggest any recommendation that the Committee could put before local government? One would expect Housing NSW to do the same. If they were the tenant, they would follow the triage model you have put to us. You are not saying they would just have to deal with the problem. They would have to point the people in the direction of Mental Health, CatholicCare or the RSPCA.

Professor SNOWDON: I would hope they would take that sort of action.

CHAIR: All levels of government would follow the best practice.

Professor SNOWDON: Yes.

CHAIR: To have this level of experience in the room is fantastic. Would you like to offer anything else or anything you think we have not come across?

Mr THOMAS GEORGE: If not, you can send more information.

Professor SNOWDON: We have talked about drugs or alcohol, but drugs can also lead people to live in a situation of squalor, more than a hoarding situation. So maybe that is not so much the province of this Committee.

CHAIR: We need to go across every local government area, or region. How do the people access your services who are not lucky enough to have you in their area? Is there a shortfall there, or do people need to make the trip?

Ms PISTEVOS: There is.

CHAIR: Can you explain that?

Ms PISTEVOS: There is a shortcoming with referrals, in terms of where they come from. There is a gamut but an example of one is hospitals. We get a lot of referrals after a client has been in hospital for falls, infection control or other reasons where the person has been living in hoarding and squalor for quite a while but where it has not been brought to the attention of any agency. An example of that occurred today. A hospital sent a client home and the case manager from one of our programs went out to the home. It is a classic example of hoarding and squalor. There is no power, no water and no plumbing. There are mice and we cannot get into the house. The client gave the hospital that information. I am yet to confirm all the details, but the hospital has not followed up and has sent the client back home to live in the same surroundings and to be supported by whatever services we can provide, without notifying us of the issue until our case worker went out there this morning.

CHAIR: I am guessing that if the hospital suspects child abuse, sexual abuse or elder abuse, they have mandatory reporting. Would you be suggesting to the Committee that, in the instance of clear physical deterioration, as a base of hoarding or the living standards, that we should be looking at something like mandatory reporting?

Ms PISTEVOS: I think it is the way to look at it. This person may have been missed forever. Hygiene needs are very high. We cannot even get food into this person because the agency delivering the food refuses to go into the house, for obvious reasons. We then have to set other things in place where only a cold meal is delivered and a worker is coordinated at the same time to pick up the meal from the back door and to take it in. This person has probably been living with the situation for quite a while but it has only been brought to our attention because of her hospitalisation.

If the social discharge planner from the hospital had an avenue or pathway, as Professor Snowdon suggested, some kind of triage pathway, they may have a clearer indication of what they need to do, rather than saying, "She has said she lives like this but what can we do? 'Go home. You are ready to go home'."

Mr JAMIE PARKER: Clear out the bed.

Ms PISTEVOS: Exactly.

Mr THOMAS GEORGE: I am surprised that no further action was taken by the hospital before they sent her home because, in other issues—

Ms PISTEVOS: They go to the home and do an occupational therapy assessment, normally.

Mr THOMAS GEORGE: Or before they go home, they make sure services are in place. I am speaking about my area.

Ms PISTEVOS: There are services in place—us. But the services we have to deliver are physio and meals and they are the types of services we are meant to deliver, according to their care plan. Yet, they have a clear indication of this person living in extreme clutter.

Mr THOMAS GEORGE: Before she went to the hospital?

Ms PISTEVOS: No, she has obviously identified that herself. She appeared to be quite engaging with the services that went in today. But again it is just the lack of knowledge of where the social discharge planner has followed a pathway that really does not exist. If she had a clear pathway, such as that which John was suggesting, she could make a phone call: "This is what I have heard, this is what I know. Maybe it is nothing but maybe you need to go and have a look at it before you perform these services. Do we need additional services in place, rather than just providing a meal to this person when they go home?"

Professor SNOWDON: An alternative is that that hospital should refer it to the Health Department community team.

Mr THOMAS GEORGE: I am surprised it has not happened. That is what I was saying.

CHAIR: It brings us back to where we started last week and where we are going to finish today: It is a whole-of-community issue.

Ms PISTEVOS: It is a holistic issue.

CHAIR: It is every sector, from government, to community, to mental health, through to the RSPCA and the fire brigade. Everybody needs to be communicating and it is obviously not occurring as well as it needs to.

Ms REDFORD: It is a Statewide issue, not just a Sydney issue.

Ms PISTEVOS: We have it in the Hunter as well.

CHAIR: Hoarding in a rural environment is still hoarding. It has the same core issues as hoarding in a duplex in the inner city but to a different degree.

Ms REDFORD: When we received our funding a number of years ago, we were overwhelmed by phone calls from, not only across New South Wales, but across Australia. There were people who were seeking information, advice and support from a whole range of different agencies right across the country. I think, to a large extent, that continues. One of the things we have talked about today is the need for a centralised contact point. I leave you with the thought that the State Government has recently funded a Statewide elder abuse telephone support line. It is a service that we operate, funded by Ageing, Disability and Home Care [ADHC]. Anyone in the State can ring that service. It does not have to be an agency; it can be a council, a neighbour, or a friend. Anyone can ring up and say, "I am concerned about that elderly person on the corner of the street because I have noticed these things. What do you suggest we should do?" We can provide useful, practical advice to people over the phone and ensure that there is a localised response to that particular issue, to keep those people safe in their own homes.

Mr JAMIE PARKER: What is the cost to run that service, the cost to government?

Ms REDFORD: The cost to government is \$350,000 to \$500,000 per annum.

CHAIR: In isolated areas and across the State—and I think Lifeline has proven this with its telephone counselling service—you are saying that the telephone might be a good means to enable people. You do not have to have an agency in your backyard if you have access to that. That is something the Committee will take on board.

Ms SPLITT: One example of that is, because Catholic Community Services is known Australia-wide for providing support with situations of hoarding and squalor, we get a lot of phone calls Australia-wide. People Google "support" and come across Catholic Community Services. I receive those calls and I have spoken over the phone with hoarders from Western Australia. They say, "I am a hoarder. What can I do?" I speak with them by phone about some little processes because the hardest step is to get someone to accept support and to say, "I need some support." So, to have someone call and say, "Where can I get some assistance?" knowing there are limited services out there and talking them through it. It definitely does work and we see that whenever we do an interview or there is some sort of publication, a lot of calls come in saying, "Everything that you said in that interview was me. Can you help me?"

CHAIR: Tanya apologises. She had to leave but she asked me to ask a specific question. The Committee understands that the hoarding and squalor task force intends to establish protocols to assist authorities to manage hoarding and squalor. What sort of matters are the protocols likely to cover and when do you think that would occur, because that is something we would be very interested in.

Ms REDFORD: The task force paper is being completed. It is hoped that that would be distributed prior to Christmas or early in the new year.

CHAIR: That soon?

Ms REDFORD: Yes. It is covering a broad range of issues and the author of that paper is talking to a number of agencies, councils, other service providers, the public hospital system, et cetera, to gather as much information around the barriers and the complexity of this issue as possible. So the task force comprises Professor Snowdon, the RSPCA, the fire brigade, the Mental Health Coordinating Council, NSW Health and ADHC. There is a reasonable amount of input and consultation occurring in that process but we hope to have a task force paper ready by the end of the year.

CHAIR: Who is the author of the task force paper?

Ms REDFORD: Catholic Community Services has commenced that process and there has been contribution and input from a number of stakeholders. So the people I have just mentioned have been part of the task force committee. We have engaged a person to complete the writing of that paper because it does take time and it is something we are funding ourselves. It is an important piece of information, research and documentation about the state of the system in New South Wales. Some of the recommendations will be about putting in place different protocols, practices or training et cetera that will improve the situation we have.

CHAIR: I think the job you are doing is exceptional. The Committee would like to have a copy or a draft copy of that paper. I am happy for you to take that on notice and we will write to you and ask you for that. You are doing an outstanding job.

Ms REDFORD: We would be happy to have further conversations and to provide a copy of that paper. Something that we intend to do, at the completion of the process, is to engage with government around the information that we have found and what we believe are relevant recommendations for further discussion. As we said in the beginning, it is about collaboration and a whole-of-government approach. Without engagement with government, we are not going to be able to bring about some of the changes we think are necessary.

CHAIR: The Committee can tell you what it thinks but you are the experts and obtaining feedback from you is valuable. At the end of the day the Committee is going to make recommendations based on what witnesses have said but you are the experts, so any extra input would be much appreciated and will certainly help the Committee in its recommendations. Working together with you can be a win-win situation.

Ms REDFORD: We will be happy to share.

Mr THOMAS GEORGE: I suggest that another important organisation to keep in the loop is local government. They have an association representing them and we need to take them along in this debate.

Ms REDFORD: Yes.

CHAIR: Thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions? I will ask each of you individually if you would be happy for that to occur.

Professor SNOWDON: Yes.

Ms REDFORD: Yes.

Ms PISTEVOS: Yes.

Ms SPLITT: Yes.

Mr COLEMAN: Yes.

CHAIR: Thank you for your extra time, it is appreciated.

(The witnesses withdrew)

CHAIR: I welcome Mr Stephen Beaman, Mr Rob Hogan and Mr Chris McElwain from the Environment Protection Authority. Thank you for appearing before the Committee on Environment and Regulation today to give evidence. Before we proceed, gentlemen, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr BEAMAN: No.

Mr McELWAIN: No.

Mr HOGAN: No.

ROBERT TERRENCE HOGAN, Manager of Regional Waste Compliance, Environment Protection Authority; and

CHRISTOPHER SHAUN FRANCIS MCELWAIN, Senior Manager of Waste Compliance, Environment Protection Authority, affirmed and examined:

STEPHEN JOHN BEAMAN, Director of Waste and Resource Recovery, Environment Protection Authority, sworn and examined:

CHAIR: On the panel we have Jamie Parker, member for Balmain; you have met me, the member for Camden; and Thomas George, member for Lismore. It is a formal thing, but we are informal. If you are happy, first names are great. Would one or all three of you like to give us a rundown, or are you happy that we ask questions?

Mr BEAMAN: Can I give you an opening statement?

CHAIR: Please do.

Mr BEAMAN: I know you are squashed for time.

CHAIR: Your time is a priority. We have no witnesses after you, so anything up to six o'clock we can do.

Mr BEAMAN: I am happy for you to pick our brains. Thank you, Mr Chairman, for the opportunity to present to the Committee. In relation to waste and recycling, waste is a part of the economy that is a by-product of economic activity from households and businesses. As a result, waste management is an essential part of the State's production cycle. Effective waste management contributes to efficient material use, improvements in production through less wastage, preservation of valuable landfill capacity and builds community pride in local communities. In addition to improving the productivity gains by returning waste materials back into the productive economy, local communities and businesses expect strong government action to promote waste avoidance, increase recycling, combat illegal dumping and reduce litter.

The recycling sector is economically important, providing resources or inputs into a range of industries in a similar way to the mining industry but without depleting natural resources. In 2010-11, the recycling sector in New South Wales had an estimated turnover of \$2.2 billion. The volume of waste that is produced is increasing as a result of population and economic growth, where economic growth is translating into higher consumption. When talking about waste, it is generally considered to fall into three broad categories: municipal solid waste, commercial industrial waste and construction and demolition. In 2010-11, being the last year for which we have verified data under the waste and resource recovery strategy, 17.1 million tonnes of waste was generated in New South Wales. New South Wales residents and the industry recycled approximately 63 per cent of the waste generated, which is a great news story, and that equates to 10.7 million tonnes in 2010-11. This is an increase of 18 per cent from 2002-03 when the Waste Avoidance and Resource Recovery Strategy was established.

Some key facts around waste in New South Wales are that the municipal recycling rate is 52 per cent, up from 26 per cent, against a 2000 base year, so it has doubled. The commercial industrial recycling rate was 57 per cent, up from 28 per cent against the 2000 base year, and the construction and demolition recycling rate

was 75 per cent, up from 65 per cent against the 2000 year. In February 2013, the New South Wales Government announced a new waste and recycling funding program called Waste Less, Recycle More. It is an initiative worth \$465.7 million over the next five years. It has been developed to transform waste and recycling in New South Wales. On 23 October, the New South Wales Environment Protection Authority released a draft Waste Avoidance and Resource Recovery Strategy, covering the period 2013 to 2021. The document has been released for public consultation until 16 December 2013. The draft strategy has six key targets: reducing the rate of waste generation per capita, increasing recycling, diverting waste from landfill, managing problem waste better, reducing litter and combating illegal dumping.

In relation to waste management and disposal on private land, the primary concern is illegal dumping, which is the unlawful disposal of any waste that is larger than litter to land or waters. Illegal dumping is where waste materials are dumped, tipped or otherwise deposited on private or public land when it has been done unlawfully, meaning it has been done without an appropriate planning approval or environment protection licence. Illegal dumping may vary from small bags of rubbish or household waste in an urban environment to large-scale dumping of material such as construction and demolition waste in more isolated areas, such as bushlands and rural settings. Such waste may also contain materials such as asbestos. Illegal land filling is a form of illegal dumping where waste is used as "fill" with or without the consent of the owner or occupier of the land without the necessary planning or licensing approval.

From reading the transcripts, I understand that the Committee has had a robust discussion around roles and responsibilities. The Environment Protection Authority provides and administers legislation and policy to regulate the classification, storage, transport, disposal and recovery of waste in New South Wales. The regulatory framework for managing waste includes the Protection of the Environment Operations Act [POEO], and the Protection of the Environment (Waste) Regulation 2005. The Protection of the Environment Operations Act defines waste, identifies responsibilities for regulating waste, provides a framework to support genuine recovery of waste—material for application to land or used as a fuel, provides a range of tools to regulate waste, including environment protection licences, clean-up licences, cost compliant notices and prevention notices, and contains the offence provisions.

Briefly, the Environment Protection Authority is responsible for regulating the storage and disposal and transfer of waste where it is the Appropriate Regulatory Authority [ARA], as provided by section 6 of the Protection of the Environment Operations Act. The Environment Protection Authority is the Appropriate Regulatory Authority for activities that require an environment protection licence or are carried out by a public authority, such as local councils, Roads and Maritime Services and Sydney Water. Section 6 of the POEO Act also creates the Appropriate Regulatory Authority responsibilities for local councils. Local councils are the Appropriate Regulatory Authority for activities that are not regulated by the Environment Protection Authority, which typically includes construction and demolition sites, residential properties, commercial sites and small to medium industrial facilities. Councils can take regulatory action using powers under the Protection of the Environment Operations Act, such as issuing investigative notices, clean-up notices, prevention notices, penalty notices and take legal proceedings in the courts. Councils also have powers under the Local Government Act and the Environmental Planning and Assessment Act specifically to address local community issues such as derelict buildings, hoarding and squalor.

From an operational perspective, the Environment Protection Authority identifies breaches of the POEO Act, regulates activities where it is the Appropriate Regulatory Authority, assesses and promotes environmental compliance in the waste industry, builds capacity of local governments in fulfilling their responsibilities and responds to pollution incidents and community complaints. Combatting illegal dumping is a key priority for the Government and the New South Wales 2021 plan sets strong targets. The target for illegal dumping is to reduce the incidents of illegal dumping greater than 200 cubic metres in Sydney, the Illawarra, Hunter and Central Coast by 30 per cent by 2016, and that is an ambitious target. The New South Wales Environment Protection Authority has a strategic waste enforcement and compliance program. It also supports and provides assistance to public land managers and councils to help them combat illegal dumping. The Environment Protection Authority has published a wide variety of resources and educational material for councils, businesses, public land managers and private landowners to help address waste management issues, particularly dumping. The Environment Protection Authority is also responsible for the delivery and administration of the New South Wales Government waste and environmental levy under the Act, which requires licensed waste facilities in designated areas of the State to pay a levy contribution in respect of each tonne of waste received for disposal.

I will briefly mention some strategic initiatives. The New South Wales Waste Avoidance and Resource Recovery Strategy lays out the Government's aims and objectives regarding increasing recycling, waste avoidance, litter and illegal dumping. The strategy includes targets for increased recycling in each of the three key waste areas: municipal, commercial and industrial waste. The strategy needs to be reviewed every five years and a new draft is currently out for consultation. Regarding illegal dumping and the capacity building we have been doing with local government and other land managers, the Environment Protection Authority has run a series of illegal dumping workshops and has a number of handbooks available. One handbook is specifically designed for local government and that was prepared in consultation with local government. We have a handbook for Aboriginal land to assist Aboriginal owners of the land to manage waste and illegal dumping issues, and last year we published a handbook for public land managers, so there are three comprehensive handbooks to assist local government. Thank you.

CHAIR: Chris and Rob, are you happy with that as the opening statement from the EPA?

Mr McELWAIN: Yes, nothing to add.

Mr HOGAN: Yes.

CHAIR: I am happy to put on record that quite often your agency is labelled as the bad guys. I can say that that is absolutely not the case. You are regulators and we need to be cognisant of that and work with you. I shall address later the perceived buck passing and how we work together with other organisations to achieve the same outcomes.

Mr JAMIE PARKER: Thank you for taking the time to come along. I could talk all day because I am very interested in the issue of waste. I used to sit on one of the old waste boards. Of course, all these targets were supposed to be hit but were missed by a country mile. I know that we are making progress. Obviously, extended producer responsibility is the key to making strong progress despite the efforts of the beverage council to mislead the community about things like cash for cans—that is another discussion we can have later. We had a fantastic presentation from a local Aboriginal land council talking about the impact of deterrent methods. We know that the waste levy goes towards helping to support that process, which is an excellent result of the KPMG report. Obviously, issues exist around the responsibilities of TransGrid, RMS and RailCorp. The Committee will address that. I want to examine specifically the asbestos issue. Many people have talked about the waste levy being a driver of illegal dumping. I think that is probably overplayed, but I want to explore whether you think that applying the waste levy to products such as asbestos or lifting the waste levy from such a specific product would help manage illegal dumping. To what extent do you think the waste levy is driving illegal dumping? Do you think that if the waste levy was removed from some of the more dangerous or high-risk materials, it would encourage the appropriate disposal of those waste materials?

Mr BEAMAN: The Government commissioned KPMG to do probably the first independent review in 41 years of the waste levy. Part of the terms of reference was to test the perceived linkage between the levy and illegal dumping. We found it a challenge to gain any accurate information on the nature and extent of illegal dumping. Dumping by its nature often is out of sight, secretive and anonymous. The KPMG review very specifically said to local government, "Bring your data to us. Bring us some information." People say, "It just does" and KPMG said, "Give us some facts. Where are the facts? Where is your data and we will put it on the table to government?" Unfortunately, through no fault of local government, there was no hard and fast data.

Mr JAMIE PARKER: So you do not have any additional data outside the KPMG data?

Mr BEAMAN: No. Really, one of the results out of the KPMG work, and it is an area where we have beefed up our activity, is that we released an illegal dumping strategy, which I think is probably the first ever statewide illegal dumping strategy. That has been out for public consultation and we are finalising it now. One of the six tactics of that is to improve our database to have a standardised reporting and data system across New South Wales so we can actually collect real data not only to determine this question about the impact of the levy but also to develop programs—a hot spot analysis. Dumping is that secretive-where-you-feel-comfortable activity. People find a spot and, particularly with rogue operators, they keep dumping on that spot. If we have much better real time information around the location of these dumping incidences, what is being dumped, how often and the volume of material, then we can work with local government to come up with some prevention measures to cut off these sites. Unfortunately, there is no real hard and fast data. Having said that, in 2004 we commissioned the University of Technology Sydney, I think it was Stuart White from sustainable—

Mr JAMIE PARKER: From the Institute of Sustainable Futures?

Mr BEAMAN: Yes. They did some work for us where they surveyed local government. That report found that the annual number of incidents of illegal dumping was higher in urban and rural areas. It is very general stuff but it is the best we have at the moment. Certain waste types emerged as the problem. This was interesting. From that research three types of things get dumped. First was household hard waste: broken furniture, broken stereo cabinet when people just drag it out to the footpath. Next was garden waste, which is quite intriguing. What has changed over the last 10 years is the rollout of kerbside recycling and people often mean green bins. There is this thing about garden waste where people think it is a little like throwing an apple away with littering. People say, "It's organic. It's okay. I can throw those grass clippings out in that national park" not realising they are creating a weed and fire hazard. Often you see that material dumped and when they are picked up they say, "It's organic. It's okay." The third material was construction and demolition waste. They were the three things ISF picked up as the major material that gets dumped. That is the data we have. But we are definitely working and trying to look at using technology. There is some really good work being done on graffiti tracking. It would be something where we could use the Smartphone technology where local government and EPA offices can take a photo of an illegal dump site and because the phone is GA referenced you have a place, location and time date. We can start collecting this data in a much more real time way so we can jump on it.

CHAIR: I am not averse to paying, but I used my example yesterday of my local tip. I took a full trailer load of green waste. It cost me \$47. I accept that. At the end of the day it was \$47. I knew it was \$47 and packed my trailer with as much as I possibly could. I live on an acre and there had been dead things and other things I had put together. That is the minimum charge; one size fits all. If somebody just had the equivalent of an Otto bin worth of garden waste and got charged \$47 to get rid of it, it is exorbitant. Is that a deterrent to people doing the right thing? Some people do not have the ability to fill a trailer and say, "Oh, well, at the end of the day I got value for money." Do you think there needs to be a sliding scale? I know that is out of your scope, but I am interested in your opinion.

Mr BEAMAN: From the research we see three different things that drive behaviour. It is convenience, cost and infrastructure. Part of this Waste Less, Recycle More package is the \$70 million fund for organics processing over the next four years. We need to think differently and work with local councils and landfills about what we do with organic waste, including garden waste. The kerbside system has matured to a point and in some respects we need to rethink how the community engages with those waste systems and how we make it more cost effective for them. Absolutely.

Mr JAMIE PARKER: Witnesses spoke about the use of the Protection of the Environment Operations Act for what some people call storing, others call it hoarding, unused materials. There was an example of a residential use where the council determined through court action that the people were running an illegal waste facility because there was so much waste. Have you come across that issue? Does the EPA take any role in waste versus hoarding, that is, it is a waste site rather than just hoarding? There is some greyness with the definition, but is the EPA involved at all? Do you have experience in that area?

Mr BEAMAN: Yes. I did not answer your question about the asbestos. Do you want me to answer that quickly and I will jump back to that one.

Mr JAMIE PARKER: Yes.

Mr BEAMAN: You asked about the asbestos issue and the levy. That was canvassed a lot during the KPMG review. KPMG recommended not to lift the levy on asbestos. One issue of that is people misusing the system. If you made waste that contained asbestos levy free, clearly there was an opportunity for people to salt loads with asbestos and then seek the cheaper disposal. What the Government said it would do, and which we are finalising now, is run a series of pilots around the State. We are looking at six or seven locations around the State where we trial different price settings with local government on asbestos generated by home renovators—someone who has done a bit of work. How can you get them the right information and then incentivise good behaviour by having different pricing setting, whether it is no levy applying, and trialling a couple of different models to work out the best solution? If you go back to those three reasons people do the wrong thing, it is lack of information, lack of infrastructure and cost. If you just fix one, you leave the other two out. We are very keen to have a holistic solution to this where we are looking at cost. The other part of the package is that as part of Waste Less, Recycle More the Government has announced \$70 million for drop-off centres. So you make a facility available where people can wrap it up, put it in the boot of their car, take it to somewhere and have it

easily handled levy free. We want to have a holistic package. Hopefully, we should be able to make some announcements about those trials shortly.

CHAIR: That is an excellent idea. Not to tell you your stuff, but could I suggest that if you have not already gone down that path, you make your six or seven sites as diverse as you can and not forget growth centre councils? I use mine as an example, Camden, of which you are very aware. We received 30-odd submissions from local government and asbestos fees are a big issue. Remember that growth centre councils with all the development of either knocking down old fill for new is an issue. Please include that in your pilot.

Mr JAMIE PARKER: Are you talking about whitegoods and so on for these centres?

Mr BEAMAN: I think we are talking initially about the drop-off centres. We are saying to local government that we will pay for the infrastructure for these drop-off centres and for the operating costs for certain materials. We are looking at paints, oils, batteries, fluoro tubes. When you think about it, when kerbside was introduced, a resident goes out to the bin with a can of paint or a fluoro tube and thinks, "Which bin do I put it in?" The way the system has evolved we have not made it that convenient. The idea by 2021 is to have 86 of these drop-off centres around the State where you can go in free of charge and drop off this material. To further that point, you talked about extended user responsibility. There is a national scheme under the product stewardship Acts for televisions and computers. We are working with the Commonwealth to roll that out to paints, used batteries, tyres and all those types of materials. This infrastructure will provide the platform across New South Wales to springboard any future product stewardship schemes.

Mr JAMIE PARKER: Can we have a debate about product stewardship schemes in a moment? It has a \$70 million subsidy to the industry.

CHAIR: You said that convenience is a big thing. I am lucky because I live five minutes from the tip and see that as a positive. That said, it services Liverpool in the north and probably Wingecarribee in the south. It could be an hour's distance either way. With those drop-off points will you give consideration to not just landfills? If I have batteries, I go five minutes and I tick convenience. If my neighbours in Wingecarribee have to drive an hour to get rid of a battery, it ends up on the side of the road. Do we consider maybe working with local government or some group where there is one in every town as a point where people can drop off so that it is not necessarily the landfill?

Mr BEAMAN: Yes. They are thinking agnostically about how to do it. There might be some instances and the one that jumps out at me is Sydney City. You might not have a fixed place drop-off centre; you might have a vehicle that goes around the city picking up material on a booking system. We are looking at some of the private sector and some retail centres like Bunnings or one of those big warehouses. If you are going up to buy paint, you can take your old paint back. They are the types of schemes we are trying to look at in terms of flexibility so we are not making people go out of their way. If you do not make it convenient, they will not get used.

Mr JAMIE PARKER: Do you have any suggestions on how to improve the Protection of the Environment Operations Act? We ask that question of all agencies. Another issue is how councils determine collection of materials in a waste storage facility and taking action. Have you any experience in that area? If so, could you tell us your experience? Do you have any suggestions about how the Act works?

Mr BEAMAN: I will let Mr McElwain jump in on this, but the Protection of the Environment Operations Act defines very specifically what is waste and what is not. There are a couple of limbs to it but the two most important limbs are that it is in such volume and quantity that it actually changes the environment; that is the first limb. The second one—and this is one that has been part of a lot of case law in New South Wales about dumping—is that it has to be surplus, unwanted, abandoned, discarded and it has to meet those tests for material. That is what defines waste. Schedule 1 of the Protection of the Environment Operations Act sets a whole range of threshold activities.

If you are a waste storage facility and you receive more than 30,000 tonnes per year or store onsite more than 2,500 tonnes or 2,500 cubic metres, whichever is the smaller, you are regulated by the Environment Protection Authority. If you are below that 30,000 tonnes per year, or the 2,500 tonnes or the 2,500 cubic metres at any one time, you are regulated by local government. The piece of legislation that fits in with this really in a gear sense and hand in glove is the planning consents. The court has found in a case called *EPA v Hart* that "unlawful waste activities" is one that does not also have development consent. So it needs planning approval

under the Protection of the Environment Operations Act either from the council or the Department of Planning if it is an authority to operate as a waste facility or not and then it has to meet these threshold targets. There is a two-step test to this about whether something is a waste facility or not. It is fairly straightforward. In terms of hoarding issues, that would come into our bailiwick, where something came in where they were storing more than 2,500 cubic metres on site, which is probably anywhere about 10 to 15 truckloads of waste. You get 15 to 20 tonnes on a truck.

Mr JAMIE PARKER: One of the issues we were looking at was 80 tonnes.

Mr BEAMAN: Yes, so that clearly would fall into the responsibility of council as the appropriate regulatory authority under the Protection of the Environment Operations Act.

CHAIR: Councils said last week, as have a number of residents, that in their belief the EPA has the ability to act but in a number of instances a council has said it is hamstrung and does not. In your expertise do you think under the Local Government Act a council has the ability to act if needed in situations of less than 2,500 cubic metres tonnes?

Mr BEAMAN: I probably cannot answer under the Local Government Act but under the Protection of the Environment Operations Act they have access to the same regulatory powers as the EPA does so they can issue investigative notices, clean-up directions, prevention notices and they also can use the same offence provisions. There are a number of offence provisions in the Act—sections 143 and 144, which is the owner of the land operating an illegal facility and someone transporting waste to an illegal waste facility. They have the same offences provisions that we do, so in essence they have the same power as the EPA.

CHAIR: That is interesting. I will certainly go back and check the *Hansard* because we had submissions from 27 or 37 councils in a roundtable of eight last week and they did not agree with that.

Mr THOMAS GEORGE: I think they just like to use that when they need to and then hide behind the EPA when they have to. As you know, the levy has been raised with us on a number of occasions and as a result of the levy a lot of waste is leaving this State; we were given examples of truckloads and trailer-loads—100 B-doubles a week are going to Queensland. Where are we up to with that?

Mr BEAMAN: This is an interesting debate. Waste is always moved between the States; it is quite common. One of the largest regional landfills in New South Wales is at Albury, which gets a lot of its waste from Victoria. That has always been the case. We also have a fairly porous border between us and the Australian Capital Territory so waste is moved around between us and the Australian Capital Territory. The issue around Queensland is we are working with our Queensland counterparts in the environment department up there because no-one has a handle specifically on how much waste is moving. We are amending the Protection of the Environment Operations (Waste) Regulation to introduce a new tracking requirement to require waste movements moving from New South Wales interstate to be reported to the EPA so that we can actually get some real data to have a discussion. We actually do not know how much material is moving, to tell you the truth. It has all been conjecture.

Mr THOMAS GEORGE: Would not a better way be to wipe the levy and see how much stays here? We are going to take another 12 months to sort this out.

Mr BEAMAN: No. We will have a draft regulation out hopefully by the end of the year for comment.

Mr THOMAS GEORGE: This year?

Mr BEAMAN: Yes, this year. I think what we have seen in the marketplace in Queensland are very cheap landfill rates. Even without a levy there are people in Queensland just filling landfills up very cheaply. Even if you took the levy off I think you would still have some of those movements, but we actually do not know the exact quantity of those movements.

Mr McELWAIN: And the Treasurer might have something to say about losing \$500 million a year.

Mr THOMAS GEORGE: But it is the cost of the levy that is creating all this?

Mr McELWAIN: Remember, the EPA does not set the gate fee for any landfill in New South Wales and if you go and look at the schedule of fees—in the example that Chris gave at the beginning about \$47 for a trailer, the EPA has no ability to control the price for any landfill and if you are looking at the cost at the gate, that is set by the landfill operator. So even if we got rid of the levy, there would still be a cost at every landfill.

Mr THOMAS GEORGE: So you do not set any of the levies?

Mr BEAMAN: No.

Mr THOMAS GEORGE: You do not set the waste levy that councils are paying?

Mr McELWAIN: We set the levy rate; we do not set the gate fee.

Mr THOMAS GEORGE: No, but it is the councils that are complaining—that resident is complaining—

CHAIR: I thought it was very good value.

Mr THOMAS GEORGE: —but generally the people who came to me over the issue are all my councils.

Mr BEAMAN: The gate fee set by a local council waste facility is set by the local council not the EPA.

Mr THOMAS GEORGE: But they are the ones that are going crook.

Mr BEAMAN: They set the gate fee.

Mr THOMAS GEORGE: They are the ones that are taking it to Queensland.

CHAIR: Not in all instances. My tip is privately owned so council does not set its gate fee, because clearly the private company that bought in, which is doing an exceptional job, set the fee, probably taking into account the levies and all the other things.

Mr THOMAS GEORGE: Lismore council set the fee but they are one of the complainants.

CHAIR: So Lismore council owns it?

Mr THOMAS GEORGE: Yes.

CHAIR: In Camden, Camden council does not.

Mr THOMAS GEORGE: We heard this morning what the fellow from the other council said.

Mr BEAMAN: Where it is a council-run facility the council sets the fee and charges it in the annual domestic waste charges, which are in your rates, and the Chair is right, if it is a privately-run facility, the private operator sets the gate fee for their operating cost profit and the levy included. We generate 17 million tonnes of waste a year and what we do not know is how much of that material we get from interstate and we send interstate. That is what we are still working out.

CHAIR: Obviously, it is not as simple as just cutting it, and I do not think you can cut the waste levy but without putting too fine a point on it, what part do you gentlemen believe the waste levy impacts on going north or illegal dumping?

Mr BEAMAN: I think the benefits of the waste levy are that we have seen such dramatic increases in resource recovery and recycling. My opening statement talked about, say for household recycling, that it has gone from 26 per cent in 2000 to 52 per cent. We have had that doubling in the space of 10 years and that has been a pretty impressive increase in resource recovery, not solely attributable to the levy but the levy has set that pricing signal that has corrected that market failure where you are making recycling more cost competitive against landfill. I think the issue with Queensland is the very cheap landfilling. What you hear from industry

around Queensland is they are not going to have a very vibrant, prosperous recycling industry in Queensland because landfilling is so cheap.

To give you some numbers about some of the benefits you get from increased recycling, there was an independent report done as part of a national waste report that for every 10,000 tonnes recycled you generate about nine jobs and for that same 10,000 tonnes of landfill you generate 2.8 jobs so there is a significant increase in employment opportunities, particularly in regional areas, and of that \$465.7 million, \$250 million is going towards waste and recycling infrastructure, and that money is available for local government to look at having investment into these new waste processing facilities. One of the selection criteria or eligibility for that investment will be if you take your waste interstate for disposal you will not have that funding available to you.

Mr THOMAS GEORGE: Would not a survey of councils indicate to you fairly quickly what is going?

Mr BEAMAN: The councils have been a little bit sort of coy about telling us exactly what they are sending to Queensland and what they are not.

CHAIR: With illegal dumping, which has been a huge issue, middle of the night stuff, and then local government is left to clean it up, do you think the fines are a big enough deterrent for illegal dumping? I am not necessarily talking of your habitual offender who clearly has the ability to be given a jail term but somebody who drops off a mattress and it really impacts on the amenity of an area, and clearly they know they are doing the wrong thing in the middle of the night. If they can be prosecuted and fined, do you think that is a big enough deterrent for illegal dumpers, from the mum and dad illegal dumpers all the way through?

Mr BEAMAN: The EPA is of the opinion that the current framework, which empowers and compels clean-up of illegally dumped waste on private lands, is effective, so there is a combination of this. Using clean-up notices—and we can do it together with local council as we each have access to that power—it is quite powerful to make someone go back and clean that material up because it is quite costly to do it the second time; you are almost double-handling it again. Under the Protection of the Environment Operations Act there are three tiers of fines. Tier one is on-the-spot fines of up to \$1,500 with a maximum of \$5,000—so \$5,000 for an on-the-spot fine is a fairly substantial penalty.

CHAIR: What is the determinant? Is it up to the individual whether it is \$1,500 or \$5,000 or is there a criterion that X amount triggers?

Mr BEAMAN: X amount triggers, so it is more than two tonnes of waste or anything that contains asbestos can have the \$5,000 fine attached to it. The court-imposed fines range between \$250,000 and \$1 million as a maximum so they are quite substantial. They are for our tier two offences, then our tier three offences, which are the ones that the EPA conducts and they are the ones that have to have a wilful or negligent component to it, the maximum is seven years jail and \$5 million for a corporation as the maximum. The Government recently passed legislation that commenced on 1 October that if you are a repeat waste offender where you have been caught more than twice in five years, the courts can sentence you to a custodial sentence of up to two years.

We have had a fairly significant increase in the penalties for environmental offences, particularly illegal dumping, and if you do an analysis of the other States around the other jurisdictions we would have the highest penalties for illegal dumping offences across Australia.

CHAIR: And only time will tell, as the new legislation was only introduced in October, but it will be interesting to sit here in 12 months or 24 months time, when that knowledge filters out to the wider community, to see if it has had a positive impact on the reduction of illegal dumping.

Mr BEAMAN: Absolutely.

CHAIR: You mentioned more money has been allocated. How do you see the Environmental Protection Agency working with local governments to educate the community?

Mr BEAMAN: We will launch a new illegal dumping strategy by the end of the year. That contains six key tactics. We have put it out for consultation and had feedback from local government. We have looked at allied jurisdictions in Australia and overseas to see their success stories to combat illegal dumping. The first

tactic is building partnerships with local communities. Local communities, particularly local government, will be critical in this. We are building community engagement, so communities tell us where illegal dumping is occurring and that is a valuable intelligence-gathering exercise. That means we can put prevention programs in place, including surveillance, to stamp this out. The second is building an evidence base through better data collection and analysis.

CHAIR: The graffiti model.

Mr BEAMAN: Third is strategic enforcement, ramping up our waste compliance and enforcement work. Part of that journey is building a more connected relationship with local governments, so they know which tools to use in what circumstances. It is about how we can provide better information, which is capacity building to help build expertise. The law in New South Wales is criminal law, so the evidentiary standard is beyond reasonable doubt. We need to do more work building local government capacity to collect evidence. The next is education and spreading the word, getting messages into the local communities through local government about illegal dumping in our area being unacceptable, having risks and costing the community in clean-up costs. We need to do better on education.

CHAIR: Schools are a great avenue for education. Get them young, get them to go home and get them to sell the message. Could that be part of the strategy?

Mr BEAMAN: Yes. We need to get the message into the broader community and we are looking at things like social media to explain the impacts of illegal dumping. With household kerb-side waste people think if they take out their waste someone will pick it up, and that will be local government. We need to change the culture on how people handle material they do not want. For us, it is an integrated strategy. There is money for enforcement and education, but we need to provide infrastructure for people to drop off unwanted material. If you make it easier for people, you are removing the excuse.

Finally, community engagement is a big one. We are looking at how to motivate the community to do the right thing, report and come up with local programs. For us, that is where local government is the key. In the Waste Less, Recycle More package we are giving local government additional funding and resources to develop regional waste plans. In those plans they will have to look at their illegal dumping programs—the illegal dumping programs in their regions—and how they should deliver those programs. Councils are often best placed because they are embedded in their communities. They understand communities and we are giving them the tools, information and funding to deliver these programs.

CHAIR: Will that funding be available to the 152 councils—regional, bush, city?

Mr BEAMAN: Yes.

CHAIR: Will they automatically get it or do they need to apply for it?

Mr BEAMAN: A couple of programs have been rolled out. We have given all the councils access to funding for regional strategies. From their regional strategies they will come up with what actions are needed. Once we see them, we will fund the actions. They need to work out their game plan.

CHAIR: You expect them to work with you in a productive way, not just get a handout.

Mr BEAMAN: Yes. A successful initiative we have not touched on is the regional illegal dumping squads, the RID squads. We have a Western Sydney regional illegal dumping squad. We have a model and the Western Sydney one has been in place since the early 2000s. We co-fund with local government a separate squad of specialised waste inspectors who assess, detect and try to prosecute illegal dumping. These squads operate across council borders. Ten or 12 years ago the more organised networks were dumping, and as soon as a council shut that down in one area those networks would move to the next council. In the RID squad model, the six or seven officers have cross-jurisdictional authorisation. They are hosted by Penrith City Council and funded half by us and half by the local councils. They work across the region, so they are not constrained by council areas. They have a visible, on-the-ground field presence. They are very effective in clamping down on illegal dumping in their areas.

We have just launched a second regional illegal dumping squad in the Southern Councils Group, from Wollongong to Bega. We are looking at establishing a second one in Sydney, running through the central band of Sydney east of Parramatta. We hope to have that one up by the end of the year.

CHAIR: Was the western Sydney RID squad the only operational squad before the Wollongong-based one and the second Sydney one?

Mr BEAMAN: Yes, that has been in place for 10 or 12 years. The regional Environmental Protection Authority has a very good relationship with the regional illegal dumping squad. One was set up on the South Coast two or three years ago and it stopped at the end of its contract. There was about a year without a squad, but they have re-signed this year for another three-year program.

CHAIR: All the feedback from local government last week was the Western Sydney regional illegal dumping squad does an exceptional job. We have not heard anything about how well the others are going, but they said they were a bit quiet. Perhaps it would be good to let local government know what is available.

Mr BEAMAN: The Western Sydney regional illegal dumping squad was established in 1999. The Environmental Protection Authority supports its members, which are Bankstown, Fairfield, Holroyd, Liverpool, Penrith, Parramatta and The Hills. It has good coverage across Western Sydney. We provide funding of \$406,000 each year. We have provided that funding for more than 10 years and it is matched by the councils with a contribution of about \$50,000 each. The Southern Councils Group program was established in early 2013. It is in partnership with the Environmental Protection Authority and Wollongong, Wingecarribee, Shellharbour, Kiama, Shoalhaven, Eurobodalla and Bega. The Environmental Protection Authority has committed \$900,000 to the Southern Councils Group over three years. The RID squads have a visible presence in those communities. They drive around in marked cars, have uniforms and the communities know who to report to. They have been a very good presence.

CHAIR: Do not forget outer regions, including the growth centre around Macarthur and those types of areas.

Mr BEAMAN: We would be happy to work with any council. We are working very hard to establish the next Sydney one and with the Central Coast and Hunter councils to get one in the Lower Hunter.

CHAIR: The mayor who appeared before the Committee today said in his area it was looking good. Make sure you engage the mayor of Port Stephens.

Mr BEAMAN: They are doing some interesting work.

Mr THOMAS GEORGE: Support you are offering councils to combat illegal dumping and other matters should be forfeited if they transport their waste to Queensland.

Mr BEAMAN: We will look into that. I raise an administrative matter, so you know where our support for legal dumping has gone. We have reorganised internally and for the first time have established a stand-alone illegal dumping unit with a new illegal dumping coordinator. That will be an access point for local government, with the coordinator being the key person to resolve issues or give advice on capacity building. We are trying to offer a much more open service, particularly to local governments and to have one dedicated person they can contact.

CHAIR: Illegal dumping costs local ratepayers millions each year. It is a whole-of-government issue. It is fantastic that the Environmental Protection Authority is working with local governments and the communities to phase it out through education. It is not unlike graffiti in that it costs local communities tens of millions per year.

Mr BEAMAN: Mr Parker said he thought some of the regulatory requirements were stopping local councils from recycling. We also noticed one of the councils raised that issue before the Committee. The regulatory framework has been designed specifically to encourage recycling. If something is a waste, a surplus, unwanted, discarded or abandoned, the Environmental Protection Authority can issue regulatory instruments called resource recovery exemptions. The idea is that these exemptions set standards for that material to be recycled. These exemptions set chemical, physical or contaminants levels, sampling requirements and requirements for the end user. We have a flexible framework for issuing these exemptions. We have currently

issued 32 general ones, which are published on our website. There are in excess of 150 specific exemptions for people coming to us wanting to reuse waste material to fill land, as a fertiliser or as a fuel. We have a system to allow that to happen. We are trying to set the right regulatory framework to ensure that where a material is used, human health and the environment have been protected in such a way that there will be no adverse impacts.

CHAIR: The mayor of Port Stephens said he believes that what we consider to be waste is not necessarily waste; it could be clean fill and reused. We were not sure that a body existed to enable that to occur. It might be good to get that message out to the wider community. Your offering that facility would take that waste out of landfill and put it to use.

Mr BEAMAN: Often what people describe as clean fill is not clean fill. It can contain contaminants. The material being reused could contain asbestos or hydrocarbons from a service station upgrade. We capture that in our regulatory framework and say if it meets the thresholds for physical or chemical contaminants then it can be reused. It is a safety net.

CHAIR: Thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to any further questions?

Mr HOGAN: Yes.

Mr BEAMAN: Yes.

Mr McELWAIN: Yes.

(The witnesses withdrew)

The Committee adjourned at 3.28 p.m.