

GENERAL PURPOSE STANDING COMMITTEE No. 4

Thursday 23 October 2002

Examination of proposed expenditure for the portfolio area

TRANSPORT

The Committee met at 7.30 p.m.

MEMBERS

The Hon. J. A. Gardiner (Chair)

The Hon. J. C. Burnswoods

The Hon. I. Cohen

The Hon. A. Fazio

The Hon. R. S. L. Jones

The Hon. C. J. S. Lynn

The Hon. D. E. Oldfield

The Hon. Dr P. Wong

PRESENT

The Hon. C. Scully, *Minister for Transport*

Mr Paul Forward, *Director General*

CHAIR: I declare this meeting open. I welcome you, ladies and gentlemen, to this supplementary Budget Estimates hearing of General Purpose Standing Committee No. 4. Firstly, I wish to thank the Minister and the departmental officers for attending today.

(Interjection from the public gallery)

CHAIR: Members of the audience will not interrupt in this hearing. At this meeting the Committee will examine the proposed expenditure for the portfolio area of Transport in relation to the M5 East tunnel and the Cross City Tunnel. I need to go through some procedural matters before we do that.

The Hon. AMANDA FAZIO: Madam Chair, before you do that, I would ask that media representatives who are not accredited at Parliament House be excluded from this meeting.

CHAIR: It is a matter for the Committee, but I am advised that there are no barriers. If the Committee wishes to allow such a recording, that is fine, provided that it accords with the guidelines of the standing committees, which are available in this room and which I think have been brought to the attention of the relevant persons.

Motion by the Hon. Amanda Fazio that the unaccredited media representatives be asked to leave.

The Hon. DAVID OLDFIELD: Firstly, may I ask whether there was any request that there be filming here today?

CHAIR: No formal request, but I understood there might be somebody here, yes.

The Hon. DAVID OLDFIELD: And would it be normal procedure for someone to come along and film?

CHAIR: As long as they abide by the broadcasting proceedings provisions, which are available and which I was about to read, that is okay.

The Hon. AMANDA FAZIO: Can I ask then why no advice was given to other committee members, if you were aware that this person was likely to attend, so that they could express an opinion before they were sitting here?

CHAIR: You have just expressed your opinion.

The Hon. AMANDA FAZIO: No, I did not. I asked you why no notice was given to other members of the Committee about the proposal for the media to film.

CHAIR: No formal notice was given to this committee.

The Hon. AMANDA FAZIO: You saying it is an arrangement that you have made?

CHAIR: I have not made anything. There is a motion before the Chair. Is there any further debate on that? If not, I will put the motion.

Motion negatived.

CHAIR: Broadcasting of proceedings, Part 4 of the resolution referring the Budget Estimates Committee requires evidence to be heard in public. The committee has previously resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. Copies of the guidelines for broadcasting are available from the attendants.

I point out that in accordance with the Legislative Council's guidelines for the broadcast of proceedings, only members of the committee and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs.

In reporting the proceedings of this committee the media must take responsibility for what is published or what interpretation is placed on anything that is said before the committee.

The usual provisions provide that members are not allowed to refer directly to their own staff whilst at the table. Witnesses, members and their staff are advised that any messages should be delivered through the attendants on duty or the committee clerks.

I ask that any departmental officers, for the benefit of members and Hansard, identify themselves by name, position and department or agency before answering any question referred to them.

Mr Scully, we probably will not put any further questions on notice as a result of this hearing.

I therefore declare the proposed expenditure open for examination. Are there any questions?

The Hon. IAN COHEN: I asked a question on notice, but I did not feel I got a fair reply. The question referred to energy costs. Will you tell the committee what it costs to run the ventilation system for the M5? Is it in excess of \$3 million per annum or in excess of \$3.5 million per annum?

Mr SCULLY: I would have to take that again on notice.

The Hon. IAN COHEN: You took it on notice last time.

Mr SCULLY: Yes, I will take it on notice.

The Hon. IAN COHEN: Is it not general procedure that if a committee member asks a question and you take it on notice, that we would expect to get an answer?

Mr SCULLY: I will take it on notice.

CHAIR: When will you reply?

Mr SCULLY: As I understand, in accordance with the procedures, there are a certain number of days to reply. I will comply with those requirements, as I have in the past.

CHAIR: The committee will report to the House tomorrow. Obviously, we need your answer by tomorrow.

The Hon. IAN COHEN: Are you still overventilating the tunnel by 10 per cent as required in the Residents against Polluting Stacks [RAPS] agreement?

Mr SCULLY: I understand we are complying with that agreement.

The Hon. IAN COHEN: As the overventilation helps to reduce the pollution that was inside the tunnel, what will happen when you stop that overventilation?

Mr SCULLY: There are no plans to stop.

The Hon. IAN COHEN: No plans to stop the overventilation?

Mr SCULLY: No.

The Hon. IAN COHEN: It will continue that way. Mr Forward, do you have a comment on that?

Mr FORWARD: The overventilation relates to the speed at which the fans are running in the stack.

The Hon. IAN COHEN: That is what helps with the pollution inside the tunnel?

Mr FORWARD: It might have an impact on that but, it is more for the dispersion factor.

The Hon. IAN COHEN: It does not change the level of pollution inside the tunnel?

Mr FORWARD: It will have some impact.

The Hon. IAN COHEN: Can you quantify that?

Mr FORWARD: No, I am not an expert in that area. I will take that on notice.

The Hon. IAN COHEN: Do you consider that the levels within the tunnel are at all times within reasonable limits for motorists?

Mr SCULLY: It complies with the standards.

The Hon. IAN COHEN: How often do you test those standards to make sure they are complying?

Mr SCULLY: No motorist has had an exposure that breaches the exceedance level.

The Hon. IAN COHEN: Are you aware of concerns by police and other emergency authorities for workmen within the tunnel?

Mr SCULLY: There are occupational health and safety protocols for working in the tunnel. There has been one breach of the standards where some maintenance crews had an exposure in excess of 87 parts per million for carbon monoxide for a period of one and half hours. I understand that is on the record. That is once only there has been a breach of standards in the tunnel. No motorist has been exposed in such a way that would be a breach of the standards there.

The Hon. IAN COHEN: Do you consider any residents have been exposed in any way that is in breach of the standards?

Mr SCULLY: The tests done prior to the operation of the stack and after, in terms of the quality of the air, show no discernible difference between the pollution in the surrounding air shed before and the pollution in the surrounding air shed after.

The Hon. IAN COHEN: Did the Road and Traffic Authority [RTA] test the validity of Dr Donohue's evidence by referring the complainant to another doctor? There had been a complaint, which Dr Donohue supported.

Mr SCULLY: This is alleged health impact by a local resident?

The Hon. IAN COHEN: Yes.

Mr SCULLY: As you are aware, the Department of Health is addressing these concerns. We have had two complaints, so far as I am aware, in relation to alleged health concerns following the opening of the stack on the Eastern Distributor. The RTA is not aware of any health complaints in relation to stacks at the Melbourne tunnel, the Perth tunnel and the harbour tunnel. For some reason, we have an extraordinary number of complaints arising out of the opening of the M5 stack.

When the pollution levels before and after show no discernible difference, it is probably a reasonable extrapolation to say that if people are suffering those health outcomes, they are for reasons other than the opening of the stack.

The Hon. IAN COHEN: The monitoring stations measure on 24-hour averages. Would you not consider that at certain times peak outputs may have an adverse health impact on certain residents?

Mr SCULLY: I can only repeat—

The Hon. IAN COHEN: I am asking whether you are aware that the readings at the monitoring stations are based on 24-hour averages?

Mr SCULLY: What I am aware of is that studies have shown there is no discernable difference between the pollutants in that air shed before and after. There is no apparent reason why health outcomes would be worse as a result of the opening of that stack. There are no other comparable complaints from comparable stacks opened in other roads.

The Hon. IAN COHEN: If the monitoring station readings were based on 24-hour averages, would you not concede there might be a potential for people receiving higher than acceptable pollution levels in certain peak periods?

Mr SCULLY: It is not for me to determine the veracity of those complaints. I am not a medical practitioner. They are subjective complaints that have been referred to NSW Health. Medical authorities need to make the determination. All I can say is that in comparable stacks there are virtually no complaints and there is no discernible difference in the air shed surrounding that particular stack. The committee should draw its own conclusions about the veracity of the claims. It is not for me to determine.

The Hon. IAN COHEN: What would constitute adequate evidence of the stack being the cause of health problems?

Mr SCULLY: It is not for me to make those conclusions. I can only give you that information. As I have said now probably for the third time, no or almost no complaints with comparable areas in comparable stacks, no discernible difference before and after the opening of the stack. The committee should draw its conclusions. If medical practitioners make certain findings then we will have to deal with that. It is difficult though. From time to time I have heard medical practitioners say that subjective complaints by people alleging certain symptoms are difficult to determine.

The Hon. IAN COHEN: If that is the case, are you aware of the evidence by Dr Donohue and have you or your department acted on that evidence to investigate it by reference to another doctor?

Mr SCULLY: Local residents allege symptoms and claim they are the result of the M5 stack, and they have been referred to NSW Health. The RTA is not a health authority. So far as those complaints are concerned that is the prerogative of the Department of Health.

The Hon. IAN COHEN: How many people have taken up the 2001 property value guarantee?

Mr SCULLY: I take that question on notice.

The Hon. IAN COHEN: It is a question I asked on the last occasion.

Mr SCULLY: I take that question on notice.

The Hon. IAN COHEN: How is the RTA dealing with requests for relocation from residents around the M5 East stack?

Mr SCULLY: In accordance with the undertakings and conditions of approval, but if you want the specific number I am happy to take that on notice.

The Hon. IAN COHEN: How is it defining hardship?

Mr SCULLY: That is on a case-by-case basis. It is dealt with compassionately right across the road network. Questions of hardship are applied quite regularly.

The Hon. IAN COHEN: Why is it not allowing people with medical evidence to buy out?

Mr SCULLY: That is a matter for NSW Health. I have concerns about linking alleged symptoms in an area where there is no discernable difference between the pollution before and after the opening of the stack and next to infrastructure where in other cities there are no complaints. This

needs to be done objectively. I am not going to reflect on their medical practitioners, but I think it needs to be done objectively.

The Hon. IAN COHEN: If this subjective accusation is, in your opinion, incorrect then surely it is somewhat scurrilous and perhaps illegal on the part of people to make claims and want financial support? Is that not worthy of action by your department?

Mr SCULLY: If they are within the zone of the property guarantee they are entitled to have their home bought. If any of those people are within that, they should proceed to follow the protocols to have their home bought by the RTA.

The Hon. IAN COHEN: Given the adverse visual and pollution impacts from the stack what would you estimate the percentage loss on homes near the stack to be?

Mr SCULLY: The opening of the M5 East has resulted in a noticeable increase in property value in that surrounding area. Talk to any real estate agent, property values in fact have gone up more than the surrounding Sydney property market.

The Hon. IAN COHEN: Will the RTA offer the buy-back scheme to properties above the Cross City Tunnel within 400 metres of the Darling Harbour stack and within 400 metres of the portals?

Mr SCULLY: The PlanningNSW and the Minister for Urban Affairs and Planning has not issued the final conditions of approval.

The Hon. IAN COHEN: Earlier you compared the level of complaint on this particular tunnel as being perhaps unreasonable compared to other tunnels described in other—

Mr SCULLY: No I did not say that.

The Hon. IAN COHEN: You said there were no complaints about other tunnels, yet there were complaints about this tunnel. How can the M5 be compared with others when it is twice as long and has a high proportion of truck movements?

Mr SCULLY: The Eastern Distributor is not out of the ballpark. It has slightly fewer trucks and cars, but is not dissimilar.

The Hon. IAN COHEN: Is the M5 not the longest and largest tunnel in the Southern Hemisphere? It is a record, is it not?

Mr SCULLY: Yes, but you are not talking so much about tunnel length in terms of resident complaint. The resident complaint is about what is coming out of the stack, and what is coming out of the stack has not caused any discernable difference to the pollution in the air shed before and after the opening of the stack. It is not the length of the tunnel but what is what is coming out of it.

The Hon. IAN COHEN: Does that not have something to do with it, the length—?

[Interruption]

Mr SCULLY: Madam Chair, I believe I have one person asking me questions.

The Hon. IAN COHEN: It is my turn, then we will go on to the next person. I appreciate your answers. They are entertaining if nothing else. Do you consider it might be reasonable to actually look at installing filters on the system to assuage community concerns?

Mr SCULLY: That is an extraordinary question. We have considered it. In fact there is hardly anything in my portfolio that has been more considered than the practicality of implementing electrostatic precipitators on the M5 East stack. As I have said before—and I will say it again—I am not going to install a high-tech placebo that makes people feel good. As I have said before, in the face of very strong advice of no discernable difference—it deals with a percentage of particulates, as you

know—in the pollution levels before and after, even if it extracts a reasonable percentage of particulates, it makes no difference to the quality of the air shed. It does not deal with all the other things that come out of the exhaust of a motor vehicle. It does not deal with oxides and nitrogen, carbon dioxide or carbon monoxide. Even if it did, there is no discernable difference in the quality of the air shed. I have very strong advice, backed up by independent advice outside the RTA, that it would be a waste of public money.

I do not have this as an issue on my back. I would love this to go away and make everyone happy, but I have a responsibility to all of the taxpayers of this State to spend their money properly. At the end of the day I am the steward of their funds and I am not going to spend \$40 million, which is a complete waste of money.

The Hon. IAN COHEN: When are the fans turned off and how often? What concerns me is the monitoring of the stacks over a 24-hour period and getting averages, which means we are not getting the proper indication of the spikes, peak hours, traffic jams and situations where there may be an impact. Is there any way of remedying that so that we can monitor specific peak-hour times on stack emissions?

Mr SCULLY: I will take that question on notice.

The Hon. IAN COHEN: Mr Forward, could you indicate to the committee when fans are turned off and how often? Is the tunnel closed to traffic during those times when fans are turned off?

Mr FORWARD: I will take that question on notice.

The Hon. IAN COHEN: That is something I asked last time as well.

Mr SCULLY: I take that question on notice.

The Hon. IAN COHEN: And presumably the safety of the operators is paramount when repair work is being carried out, therefore the fan parts are turned off. What about the safety of motorists?

Mr SCULLY: That is significant as well, safety of workers and safety of motorists, but no motorist has been exposed beyond the approval conditions. I have already said that.

The Hon. IAN COHEN: We have cars and vehicles going through the tunnel at a time when repairs are being undertaken and the fans are turned off?

Mr SCULLY: I cannot answer that at this stage. I will have to take that on notice.

The Hon. IAN COHEN: If that is the case-

Mr SCULLY: I did not say that. I am not aware of it.

The Hon. IAN COHEN: You say you are not aware of the fans being turned off?

Mr SCULLY: I am not in a position to answer that question. I need to take advice. I will take that on notice.

The Hon. IAN COHEN: I thought we would have got to that one by now, after spending a lot of time discussing this matter?

Mr SCULLY: No doubt we will continue to discuss it.

The Hon. IAN COHEN: Does that mean you will not mind coming back and answering a few more questions at another time?

Mr SCULLY: As I have said on many occasions, over many years, I am available if the Upper House wishes to scrutinise me on any aspect of my portfolios. My record is clear on that.

The Hon. IAN COHEN: If you cannot answer those questions, will you find out if there is formal permission from PlanningNSW regarding condition 71 and portal emissions during emergencies? Perhaps if you can furnish the committee with that information at another time.

Mr SCULLY: Yes, I am happy to do that.

The Hon. IAN COHEN: Is there any monitoring of air quality specifically for particles CO and NO₂ at the portals?

Mr FORWARD: Yes, there is.

The Hon. IAN COHEN: There is?

Mr SCULLY: Of course.

The Hon. IAN COHEN: Could Mr Forward give an indication of what sort of monitoring that is?

Mr FORWARD: My understanding is monitoring at the portals.

The Hon. IAN COHEN: Is it averaged out over a 24-hour period?

Mr SCULLY: We will take that on notice.

The Hon. IAN COHEN: What happens if there is a fire in the tunnel when the fans are off? Is this not a highly risky situation?

Mr SCULLY: We have the most advanced deluge system of any tunnel in the world.

The Hon. CHARLES LYNN: The last time the committee met you advised that filtration technology does not work. Earlier you mentioned that you regard it as a high-tech placebo. I understand that the Japanese are using it and will continue to use it. I also understand that the Koreans are buying new fans for a number of new tunnels under construction. Are you aware of that. If it does not work, why would they do it?

Mr SCULLY: We heard for months that Norway was running all these tunnels with all these electrostatic precipitators: if only we would do what Norway did. I thought okay, let's go and find out. I sent a team there. They have probably more road tunnels than anywhere else in the world, only six of which have electrostatic precipitators or some form of filtration in them, and only one of those is actually used from time to time. The story we were given was extremely inaccurate and what I would probably call mischievous. Suddenly Norway was dropped as an example of why you would use electrostatic precipitators and now Japan is the flavour of the month. If I have to, I will send a team to Japan to find out what the facts are, because if it is anything like the Norway experience, you will probably find that they are not being used either.

The Hon. CHARLES LYNN: Why would the Koreans buy it?

Mr SCULLY: I cannot answer that but I can tell you—I can show you the clips, all the documents, all the submissions, and all the speeches that when the team went to Norway, six tunnels had them installed, with only one used. Scores of tunnels do not even have them installed.

The Hon. CHARLES LYNN: Do you have written quotes from manufacturers that guarantee removal of 95 per cent of particulates down to 0.3 of a micron?

Mr SCULLY: I will have to take that on notice.

The Hon. Richard Jones: Why do you come here?

The Hon. CHARLES LYNN: Is it not a condition of approval that electrostatic precipitators will be fitted as soon as there are any exceedances, and, if so, is that condition what one might refer to as a cynical procedure?

Mr SCULLY: There have been no exceedances.

The Hon. CHARLES LYNN: But is it a condition that they would be fitted if there were exceedances?

Mr SCULLY: In relation to the emissions from the stack, my advice is that there have been no exceedances.

The Hon. CHARLES LYNN: But is it a condition that if there were exceedances they would be fitted?

Mr SCULLY: I believe so, but there have been no exceedances. I will be absolutely clear, no exceedances.

The Hon. CHARLES LYNN: Over a 24-hour period?

Mr SCULLY: In relation to the emissions from the stack, full compliance with the conditions of approval.

The Hon. CHARLES LYNN: I understand that PlanningNSW is about to approve the Cross City Tunnel on the basis that suitable filtration equipment will be fitted if air quality goals are exceeded. Is the RTA legally able to proceed with the Cross City Tunnel while maintaining that such equipment does not work or does not exist?

Mr SCULLY: We have not been given the planning conditions for the Cross City Tunnel.

The Hon. CHARLES LYNN: Earlier you said that, if the filtration technology worked, it would provide only an eye-dropper of clean air in a room this large. Could you expand on that comment?

Mr SCULLY: That follows on from what I said earlier. If an air shed has a certain level of pollution before the opening and no discernible difference after the opening and you clean what is allegedly going into it, then it is effectively an eye-dropper of pure air in a room full of polluted air shed.

As you know, the air shed gets polluted from a whole variety of causes and the stack, according to the expert advice that has been given to the RTA and passed on to me, has made no discernible difference. Much as people might not want to hear that, that is the advice I have been given.

The Hon. CHARLES LYNN: I put it to you that this probably refers to regional air quality, when what the residents have been worried about is the impact on people as close as 100 metres from the stack.

Mr SCULLY: No, not correct. It is within the environment of the stack.

The Hon. CHARLES LYNN: Within 100 metres of the stack?

Mr SCULLY: Broader than that. I can take on notice the exact distances, but it is broadly within the region of the environment around the stack.

The Hon. CHARLES LYNN: Are you satisfied with the traffic management system that means that lanes are closed daily, which means that the \$800 million tunnel is not able to be fully utilised?

Mr SCULLY: Are you talking about your concerns about pollution or traffic management?

The Hon. CHARLES LYNN: No, just traffic management.

Mr FORWARD: When there is a breakdown in the tunnel, and that happens daily, a lane has to be closed to get the vehicle out.

The Hon. CHARLES LYNN: I have been through the tunnel on a number of occasions when the speed limit has been reduced to 40 kilometres an hour. It crawls along. I have found barriers put out and nobody working there, then it goes back up to 80.

Mr SCULLY: WorkCover requires that a work site be protected. It has happened to me from time to time, and I have made inquiries of the Transport Management Centre. The advice generally has been that work crews are coming and going during various periods of the night. The site is set up, they do the work, they might move off site and come back on site. It is pretty inefficient if they have to close down the whole work site and then open it again half an hour later. That is generally the explanation.

The Hon. CHARLES LYNN: You can understand the frustration of having to crawl for that distance.

Mr SCULLY: I do, but the safety of workers is paramount. Many communities along the route of the M5 East are absolutely delighted with the opening of that infrastructure.

The Hon. RICHARD JONES: Are you not aware that lanes are closed every, day twice a day to meet condition 70?

Mr SCULLY: I would have to take that on notice.

The Hon. RICHARD JONES: You gave us some documents. Did you read them before you sent them to us?

Mr SCULLY: I would have to take the question on notice.

The Hon. RICHARD JONES: How come you know nothing about this?

Mr SCULLY: I know a lot about it.

The Hon. RICHARD JONES: You should come here properly briefed.

Mr SCULLY: I am.

The Hon. CHARLES LYNN: I refer to a briefing note stating that the operation of the tunnel ventilation system exceeded design expectations. Do you think that is justified? The tunnel does not seem to cope. I raised this at the previous meeting, particularly for motorcyclists. Since then I have been on a motorcycle and I have been stranded in that tunnel. It just does not feel right to me. I am a former asthmatic.

The Hon. Amanda Fazio: That is very scientific.

The Hon. CHARLES LYNN: It may not be scientific. Motorcyclists travel in the tunnel with cars that have the air-conditioning system on and they breathe that air. Can you give an assurance—

Mr SCULLY: Not one motorist has suffered an exposure that breaches the conditions of approval.

The Hon. IAN COHEN: Who gives you or your department the air quality advice? Can you indicate to the committee how objective it is? Earlier you were very keen to say there was a lot of subjective advice.

Mr SCULLY: As I have said on a number of occasions, we do not give the planning approval, we do not set the health standards, they are set for us. The RTA is a road builder; it is not a health authority.

The Hon. IAN COHEN: Who gives the air quality advice?

Mr SCULLY: The PlanningNSW works with the Environmental Protection Authority and the Department of Health to come up with those standards.

The Hon. IAN COHEN: Who gives the advice?

Mr SCULLY: They are conditions of approval.

The Hon. IAN COHEN: What organisation? Surely you know who assesses and gives the advice on air quality?

Mr SCULLY: You would have to direct those questions to the Minister for Urban Affairs and Planning.

The Hon. IAN COHEN: You have no idea who actually does the monitoring?

Mr SCULLY: It is not for me to set that. You would have to ask the Minister for Urban Affairs and Planning how he determined those conditions of approval.

The Hon. IAN COHEN: You said before there was a lot of subjective concerns about this matter. Do you think the audience is somewhat deluded?

Mr SCULLY: I am here to answer your questions, not the audience.

The Hon. IAN COHEN: Do you think this audience is deluded?

Mr SCULLY: I did not say that. I think it would be offensive to say that.

The Hon. DAVID OLDFIELD: At our last opportunity to talk to you regarding the M5 East I asked about the impact of the buyback of wood and coal-burning heaters. Is it correct that as at 7 October only three people had taken up the proposition of buyback?

Mr SCULLY: I would have to take on notice the exact number, but it would not surprise me if not many did. I think a lot of folks like their wood burners but they do impact on the environment, as you probably know.

The Hon. DAVID OLDFIELD: I understand \$200,000 per annum was allocated for the scheme. Is there any projection as to how much of the \$200,000 is expected to be spent on the buyback?

Mr SCULLY: At that rate, not much.

The Hon. DAVID OLDFIELD: As the heaters perhaps are only utilised for three or four months of the year, would you consider this is measure to be cost effective? What will happen to what is left of the \$200,000 if the rate of take-up stays the same?

Mr SCULLY: If anyone in the community is complaining about pollution from the M5 East and has a wood-burning stove, I would say that is an inconsistent position.

The Hon. DAVID OLDFIELD: You would encourage them to take up the option?

Mr SCULLY: I certainly would if they wish to put consistent positions to members of Parliament. If they burn wood during winter, then hold the view that the M5 East is an overly polluting infrastructure, they should participate in that buy-back program.

The Hon. DAVID OLDFIELD: Would either you or Mr Forward know roughly how many heaters would the \$200,000 would equate to if you had a maximum take up of the option?

Mr FORWARD: One of the conditions is that we have to spend half a million dollars per year on improvements to the air quality of the area and that fits within that scheme. If we do not spend that amount on the buy-back scheme we could spend it on other initiatives.

The Hon. DAVID OLDFIELD: Roughly how many buy-back propositions individually does \$200,000 equate to?

Mr SCULLY: It is \$200—

The Hon. DAVID OLDFIELD: A thousand per year?

Mr SCULLY: Yes.

The Hon. IAN COHEN: You said there was only one exceedance, but PlanningNSW have released a document, "PlanningNSW Major Infrastructure Assessment Branch Report on In-Tunnel Air Quality" relating to the operation of the M5 East, September 2002, which clearly states that since the tunnel opened:

In December 2000 there have been eight occasions where CO levels have been recorded above 87 ppm.

I have the dates of the eight occasions.

Mr SCULLY: This is not the first time tonight you have misquoted me. I did not say one exceedance; I said one breach. There is a big difference.

The Hon. IAN COHEN: Can you tell me the difference?

Mr SCULLY: I have already told you, a breach of the condition of approval for carbon monoxide levels is 87 parts per million with an exposure of less than 15 minutes. There has been one occasion when three maintenance workers were exposed for an hour and a half to carbon monoxide levels in excess 87 parts per million. That is one breach of the condition. There have been approximately eight or nine exceedances, but only one breach.

The Hon. CHARLES LYNN: The recommendations to that report cast doubt on the method of measuring the time they are in the tunnel to measure that fifteen-minute period that you are talking about:

From a health perspective there is needed more accurate and quantitative recording of time spent inside the tunnel. It is recommended the RTA install traffic appropriate devices inside the tunnel to monitor the time spent inside.

Mr SCULLY: They now have hand-held equipment to monitor CO levels.

The Hon. CHARLIE LYNN: Is it possible there could have been more than one breach?

Mr SCULLY: I do not believe so, no.

The Hon. IAN COHEN: In terms of CO levels above 87 ppm recorded for 1.5 hours on 5 March 2002, is that a breach or an exceedance?

Mr SCULLY: That is a breach.

The Hon. IAN COHEN: CO levels above 87 ppm recorded for 1.7 hours on 6 March, is that a breach or an exceedance?

Mr SCULLY: The condition is that no person should be exposed for more than 15 minutes to CO in excess of 87 parts per million—

The Hon. IAN COHEN: Is 1.75 hours a breach or an exceedance?

Mr SCULLY: I am advised that on only one occasion was there such an exposure.

The Hon. IAN COHEN: I have here PlanningNSW on Wednesday 6 March 1.75 hours between 4.45 and 7.00 p.m. above 87 ppm for CO levels, is that a breach or an exceedance?

Mr SCULLY: That is an exceedance.

The Hon. IAN COHEN: It is an exceedance for 1.75 hours, but it is a breach for the first one of 1.5 hours? Could you explain why one is a breach and the other is an exceedance?

Mr SCULLY: I am happy to do that again, for the third time. A breach is where a person is exposed for longer than 15 minutes to that exceedance.

The Hon. IAN COHEN: That is 1.5 hours; you agreed that is a breach?

Mr SCULLY: That breached the conditions.

The Hon. IAN COHEN: What is the 1.75 hours? If I read that correctly, that is longer.

Mr SCULLY: That has exceeded the standard set, which is 87 parts per million.

The Hon. IAN COHEN: That is the same as the first time; you said the first one was a breach?

Mr SCULLY: There was no exposure. No-one was exposed for more than 15 minutes. Therefore, there was no breach of conditions, although there was an exceedance of the standard.

The Hon. IAN COHEN: In 1.75 hours how do you have confidence no-one is exposed for more than 15 minutes?

Mr SCULLY: Because motorists are driving through the tunnel. They are there for only a matter of moments.

The Hon. IAN COHEN: Between 4.45 and 7.00 p.m.; and the other was between 6.00 and 6.15 p.m. which, you said was clearly a breach?

Mr SCULLY: The advice I have received is that no motorist was in that situation for longer than 15 minutes, therefore—

The Hon. IAN COHEN: It is simple mathematics. I do not understand why you would call one a breach and the other an exceedance?

Mr SCULLY: You need to understand, even for the whole length of the tunnel it is only a small portion of the tunnel where the exceedance would occur.

The Hon. IAN COHEN: Is that where the measurement takes place? Do you measure the entirety of the tunnel to prove the entirety of the tunnel is not exceeding or is it just one spot your officers are measuring? How do you know—

Mr SCULLY: I will take that detail on notice.

The Hon. IAN COHEN: Can you see the logic of it?

Mr SCULLY: I see the logic of a difference between an exceedance and a breach; they are fundamentally different.

The Hon. IAN COHEN: I am not clear, 1.5 hours is a breach?

The Hon. David Oldfield: Even I am seeing this. He is saying only at one time people were actually exposed. You are arguing about people driving being exposed. He is talking about workmen who were exposed. He is quite correct, people are not driving through the tunnel and taking more than 15 minutes.

The Hon. Richard Jones: There are hundreds of breakdowns every year.

The Hon. IAN COHEN: This is traffic flow, not workers.

The Hon. David Oldfield: He is talking about breaches being—

The Hon. RICHARD JONES: Do you know how many breakdowns there are every month?

Mr SCULLY: I take that on notice.

The Hon. RICHARD JONES: You gave us the documents.

Mr SCULLY: I read an enormous amount.

The Hon. RICHARD JONES: You have no idea what is in the documents you gave us? You have put everything on notice that is in those documents.

Mr SCULLY: You have been given boxes and boxes of documents. Of the 40 or 50 boxes of documents I do not think I have read every page.

The Hon. RICHARD JONES: You have no idea what is going on with the M5 East tunnel?

Mr SCULLY: I know a great deal of what is going on there.

The Hon. RICHARD JONES: You have no idea what is going on in there. You are taking everything on notice.

Mr SCULLY: Is that a question or a statement?

The Hon. CHARLES LYNN: Will you give us an idea of how many complaints have been received by the RTA, EPA and NSW Health about conditions in the tunnel?

Mr SCULLY: I will take that on notice.

The Hon. CHARLES LYNN: Will you confirm, if it is true, that emergency services personnel, police, tow truck operators and bus operators have expressed concern about the smell and fumes in the tunnel? How is the RTA providing a safe workplace for these people who often spend hours in the tunnel?

Mr SCULLY: I am aware there have been some complaints about the condition of the tunnel and smells that emanate from the vicinity of the tunnel, but not necessarily emanate from it. The RTA is considering those.

The Hon. CHARLES LYNN: Will you give us an idea of how many complaints have been received by the RTA, the EPA and the Department of Health about conditions outside the tunnel?

Mr SCULLY: I will take that on notice.

The Hon. RICHARD JONES: Did you not get any briefing at all before you came here?

Mr SCULLY: I have been briefed more times on this issue than any others.

The Hon. RICHARD JONES: Then how come you cannot answer any questions?

Mr SCULLY: You may be here for a circus, but I am not.

The Hon. RICHARD JONES: People's health is not a circus as far as I am concerned.

The Hon. IAN COHEN: In your own briefing notes, the Roads and Traffic Authority briefing notes, you say:

Lane closures to maintain air quality goals are becoming increasingly common, almost daily events for periods of 15 to 20 minutes during both a.m. and p.m. peaks. Such lane closures have a substantial impact on network efficiency and road user costs.

Does that not lead to any conclusion that there is a possible problem with the whole system when you have to close those lanes to reduce the amount of traffic going through?

Mr SCULLY: If there is an incident in or around the tunnel, then you have to manage the traffic flow into the tunnel for the reasons set out in the briefing note. Every tunnel around the world has its traffic flow managed if there is an incident.

The Hon. IAN COHEN: I repeat what your department said. It is the Roads and Traffic Authority, no-one else:

Lane closures to maintain air quality goals are becoming an increasingly common, almost daily event, for periods of 15 to 30 minutes.

Surely, that points towards a breakdown of appropriate efficiency of this system, does it not?

Mr SCULLY: It emphasises that we treat very seriously the conditions of approval as they relate to air quality. I think it highlights congratulations for the RTA.

The Hon. IAN COHEN: If, at this early stage of its operations, a system requires regular lane closures in an attempt to maintain a sufficiently high level of air quality, does that not mean that the system is just not working?

Mr SCULLY: I am happy to take on notice how often that is required, but obviously management of traffic into the tunnel to ensure we comply with those environmental standards is important. What would you expect us to do, not do that?

The Hon. IAN COHEN: I would expect a system that was working that did not necessitate lane closures to the point that there was a recognition --

Mr SCULLY: There is obviously a balance between building infrastructure for motorists and ensuring that we comply with important environmental standards for the surrounding community.

The Hon. IAN COHEN: Is it not rather peculiar that at this early stage of development such an expensive undertaking by your department and major road builders requires lane closures to maintain air quality conditions?

Mr SCULLY: I do not believe so. It is part of managing the system. But as I say, I am happy to take on notice how often it takes place.

The Hon. CHARLES LYNN: Will you give an idea of how many complaints you get from motorists about traffic flow?

Mr SCULLY: I have been overwhelmed with the praise of the RTA and the Government for building the M5 East. People in Bexley, Arncliffe and Kogarah are almost in a state of elation at the opening of the M5 East. People in Bowral, Macarthur, Campbelltown and south-west Sydney have seen their property values rise, they have seen their travel times fall, they have seen their community brought much closer to the Sydney CBD. They are spending more time with their families as a result of the opening of the M5 East. It may be that some ridicule that. It is a fact that travel times for a substantial number of people have fallen noticeably. Their lives have improved as a result of the M5 East. I have had far more compliments about that infrastructure than I have had negative comments.

The Hon. CHARLES LYNN: My question was rather towards the frustration of the changes in speed limits and so forth from the traffic management--

Mr SCULLY: It is a very popular road. A lot of people use it. From time to time I have had some complaints about the level of congestion, but when I ask the people in Bexley and those that live along Stoney Creek Road and Forest Road, they tell me they love. The other day I took the opportunity of driving along those roads to see what it was like, It is an unbelievable difference, It is no wonder they love the opening of this road.

The Hon. IAN COHEN: What does condition 71 relating to CO emissions require? Does it not require no exceedance at any point, at any time and no exposure?

Mr SCULLY: There has been no exceedance so far as the operation of the stack is concerned.

The Hon. IAN COHEN: At any point?

Mr SCULLY: So far as I have been advised.

The Hon. IAN COHEN: At the portals?

Mr SCULLY: I would have to take that on notice.

CHAIR: As I pointed out at the beginning of this hearing, we will report tomorrow. If you can provide any information on the questions on notice that have already been asked and have been asked again tonight-

Mr SCULLY: I will not be in a position to answer those tomorrow. If you want considered responses, it takes a reasonable period to have them research the answers.

CHAIR: That is why we gave you notice of this hearing.

Mr SCULLY: I cannot second-guess what your questions are going to be. I have heard them this evening. I have answered some and taken others on notice, and I will answer them.

CHAIR: We will obviously report to the Parliament taking that into account. Thank you for your attendance.

(The Committee proceeded to deliberate.)