

GENERAL PURPOSE STANDING COMMITTEE No. 5

Tuesday 20 June 2000

Examination of proposed expenditure for the portfolio areas

ENVIRONMENT, AND CORRECTIVE SERVICES

The Committee met at 6.30 p.m.

MEMBERS

The Hon. R. S. L. Jones (Chair)

The Hon. Jan Burnswoods
The Hon. R. D. Dyer
The Hon. J. R. Johnson

The Hon. C. J. S. Lynn
The Hon. D. E. Oldfield
The Hon. J. F. Ryan

PRESENT

Environment Protection Authority

Dr N. Shepherd, *Director-General*

Mr A. Ramsey, *Acting Executive Director, Finance and Administration*

Mr B. Watt, *Policy Review Branch*

Department of Corrective Services

Dr L. Keliher, *Commissioner*

Ms C. McComish, *Assistant Commissioner, Inmate Management*

Mr J. Nelson, *Acting Director, Indigenous Services Unit*

CHAIR: I welcome you to this public hearing of General Purpose Standing Committee No. 5. First, I thank the departmental officers for attending today. At this meeting the Committee will examine the proposed expenditure from the Consolidated Fund for the portfolio areas of Corrective Services and Environment. Before questions commence, some procedural matters need to be dealt with. As you would be aware, part 4 of the resolution referring the budget estimates to the Committee requires the Committee to hear evidence on the budget estimates in public. Under Standing Order 252 of the Legislative Council, this Committee has resolved to authorise the media to broadcast sound and video excerpts of its public proceedings held today. The Committee's resolution conforms with the guidelines governing the broadcast of proceedings adopted by the Legislative Council on 11 October 1994. The attendant on duty has copies of those guidelines. I emphasise that only members of the Committee and the witnesses before them may be filmed or recorded. People in the public gallery are not considered to be part of the proceedings and, therefore, should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee, as with reporting the proceedings of both Houses of Parliament, you must take responsibility for what you publish or what interpretation is placed on anything that is said before the Committee. While there has been provision in previous years' budget estimates resolutions for members of a Committee and substitute members to refer directly to their own staff at any time, there is no such provision in the current resolution. Members and their staff are therefore advised that any messages should be delivered through the attendant on duty or the Committee clerks.

For the benefit of members and Hansard and the effective operation of this Committee, it is very important that the departmental heads identify themselves by name, position and department or agency before answering each question. There is wide latitude allowed in the asking of questions on any of the budget estimates and related documents before the Committee. However, where a member is seeking information in relation to a particular aspect of a program or a subprogram, it will help the Minister, the Committee and Hansard if the program or subprogram is identified. The Committee has agreed to the following format for the hearings. We intend to allocate 45 minutes for Corrective Services and 45 minutes for Environment, if that is agreeable.

The Hon. JAN BURNSWOODS: Mr Chair, last night we said 30 minutes for one and an hour for the other.

CHAIR: Yes, but as you were not present we moved a motion to allocate 45 and 45.

The Hon. JAN BURNSWOODS: Okay.

CHAIR: We will not allocate specific blocks of time to individual members but will follow lines of questioning, and members may interpose at any time on that line of questioning. I will start the questioning in relation to community access to New South Wales prisons. Whoever wishes to answer may. Obviously, you can sort that out between yourselves, whatever you think suitable.

What community groups currently have security clearance to enter New South Wales correctional centres? Can you provide the Committee with a list of all community organisations and/or individuals who have approval to enter New South Wales correctional centres? If you cannot provide that list, can you provide it on notice?

Dr KELIHER: Mr Chairman, security clearance has been completed for all community groups who are accredited to enter correctional centres in New South Wales. In certain cases, such as Children of Prisoners, there are one or two individuals whose passes are yet to be finalised and delivered to them. We have to undertake particular checks—security checks, intelligence checks, and so on—to ensure that these passes are in fact given to appropriate people. The problem that arose with the passes was that people were not sure. The number just grew exponentially after a while, but the situation was that too many passes were out and about. People were using them improperly.

CHAIR: Improperly?

Dr KELIHER: Yes, we believe that people were inappropriately using their passes, and people were not sure what centres the pass entitled them to visit. Some of the staff in the centres were not sure whether people who presented a pass were entitled to be there. In consultation with the relevant community groups, it was decided to recall all passes and reissue. Now, that process has taken some time, and I would ask my Assistant Commissioner for Inmate Management, Assistant Commissioner McComish, to just elaborate a little on that process that has taken place.

Ms McCOMISH: As the commissioner has said, we have gone through a new process, and that has been in consultation with the agencies that visit the correctional centres. We basically accredit people, authorise people, who are from the community to enter correctional centres as authorised visitors. They have a signed letter to ensure their entry, which also lists the centres they are able to visit. That was something that needed to happen in order to ensure that governors of centres were clearly aware and understood that someone had been provided with authorisation to visit a specific centre.

There have been some requests to have a pass which would authorise visits to centres around the State. That obviously caused a great many problems for us in terms of the individual management of the centres. So there has been a great deal of negotiation with individual organisations but also, in some cases, with individuals who are authorised to visit. Your question was if we could provide a list of all of those organisations and individuals that are authorised to enter correctional centres. I am not able to do that now. We could take that on notice and provide you with that information.

The Hon. J. R. JOHNSON: Mr Chairman, with due respect, would provision of the list present some security problem if we published that list?

CHAIR: I do not believe the Committee would choose to publish that list.

The Hon. J. R. JOHNSON: We had better make sure that we do not.

CHAIR: I believe that list would remain confidential within the Committee. It would be a privileged document in any case. If the Committee decided it wanted to publish that list, it would have to move a motion. I do not believe it would want to do that.

The Hon. J. F. RYAN: I understand that you said that all passes were cancelled at the one time.

Ms McCOMISH: No, that was not what was said. What happened was that passes were reviewed. Existing passes were recalled. It is an ongoing process. We have people applying for authorisation to visit correctional centres on an ongoing basis. We put a new system in place so that new passes that were provided fitted with the new system. Existing passes were recalled and people were provided with a new pass. We tried to do that as smoothly as possible so as not to disrupt visits by community-based agencies and by people who had a right and authority to be visiting the prisons. In most cases we succeeded, which meant that there had to be some graduated handover of passes and reissuing of passes, and in some cases there has been some disruption to that process. Sometimes it was because there are new members of staff attached to a community agency who need to then go through a security clearance in order to be authorised, and some of it was to do with new procedures that we have put in place.

Dr KELIHER: One of the issues that causes some confusion from time to time is the fact that some of the people involved in this process are members of various organisations. A person may be involved in the Children of Prisoners and be an official visitor to another gaol, so there may be a multiplicity of passes involved and that, too, could cause confusion.

CHAIR: Did not Mr Woodham sign off on all passes previously?

Dr KELIHER: Yes, he did.

CHAIR: And does he still do that?

Ms McCOMISH: Yes, he does.

CHAIR: So every single pass has been authorised. Can you then explain how these passes could have been used improperly?

Ms McCOMISH: An example might be when a pass was issued for particular correctional centres but was actually produced at another correctional centre where the Governor was unclear, because it did not specify on the pass, whether that person had authorisation to enter that correctional centre. That caused concern for both the person seeking to enter the correctional centre and also the management of the correctional centre.

CHAIR: Are there many correctional centre-specific passes?

Ms McCOMISH: That is what we are now issuing.

CHAIR: Are they all now correctional centre-specific?

Ms McCOMISH: Yes. So it might not be one centre; it may be a number of centres that are listed.

The Hon. J. F. RYAN: What sort of access does a pass give to a person? Do they simply visit the same as any other person visiting prisoners, or do they get access beyond the normal visitation areas?

Ms McCOMISH: The issue of access to correctional centres is within the delegation of the governor of the correctional centre. Usually, if it is, for example, for a community agency, it would have to make clear the purpose of its visit. If it was Children of Prisoners, then they would wish to meet with inmates who have children where they are supporting the businesses of particular centres or the partners of inmates. So the governor would approve what kind of access and where it would take place.

The Hon. J. F. RYAN: That is what is happening now. Was it normal practice, though, for these people to visit normal visiting areas or did they go into parts of the gaol that were not part of the normal visiting areas?

Dr KELIHER: Perhaps I could answer that. By arrangement with the governor, they could go into other areas of the gaol. So it would not just be restricted to the normal visits area if that was prearranged with the governor.

The Hon. J. F. RYAN: The point I am trying to ascertain is, if a pass just allows a person to visit prisoners in the normal visitation area, what is the problem? If it involves going beyond that area, I understand the need for concern. It was reported to the Committee that one person to whom this process had caused a problem was Mr Ray Jackson from the Aboriginal Deaths in Custody Support Group. If he was simply visiting indigenous people in normal visitation areas, I must say that the fact he carried a visitor's pass was probably a good identification that he was not just a member of the public coming to visit a prisoner. If he was going further, then I understand why there might be a need for better identification.

Ms McCOMISH: In most cases the authorised visitors had rights to contact outside the normal visiting hours and also the normal visiting areas.

CHAIR: Would Mr Jackson need to have a pass for each correctional centre?

Dr KELIHER: Mr Jackson is an accredited official visitor at the Metropolitan Remand and Reception Centre [MRRC] at Silverwater. Mr Jackson also holds some official positions with various community groups. The fact that he had official visitor status gave him access to all areas within the Metropolitan Remand and Reception Centre at Silverwater.

CHAIR: Only at the facility?

Dr KELIHER: Yes. As a delegate to and a member of other committees his pass would have given him access to certain inmates as arranged through the governor. Mr Jackson's position was not clear in terms of the membership of various organisations in so far as their accreditation stood.

CHAIR: Does the New South Wales Aboriginal Prisoners and Family Support Service now have adequate access, in your view, to indigenous prisoners? I understand that Mr Jackson was denied a pass for some six months and could not undertake his duty as a manager of the unit.

Dr KELIHER: Mr Jackson is not a part of that group.

CHAIR: So, does that unit have access?

Dr KELIHER: Yes, it does.

CHAIR: How many members of that unit have access?

Dr KELIHER: I will pass this over to the Acting Director of the Indigenous Services Unit, Mr Jeff Nelson. Jeff may be able to give us a bit more insight to that.

Mr NELSON: As far as I am aware, all field staff of that service have access to nominated correctional centres within a geographic area of where they are based. All staff members of that New South Wales Aboriginal Prisoner and Family Support Service do not have access to all correctional centres but they have access to correctional centres to which they are allotted. The Department of Corrective Services has established a memorandum of understanding which has been signed off with Mr Woodham, our Senior Assistant Commissioner, as well as the board members of the New South Wales Prisoner and Family Support Service. That outlines and provides boundaries of what they shall and shall not do within the correctional centre.

CHAIR: Does the Aboriginal Deaths in Custody Support Unit now have adequate access as, apparently, it did not?

Mr NELSON: I am not aware of that organisation. That name does not ring with anything that I am aware of.

CHAIR: Apparently that particular unit is run through the Sydney Aboriginal Corporation Legal Service.

Dr KELIHER: Again, this highlights one of the problems that we face and it is one that is not restricted to Corrective Services. Organisations spring up and are established by interested people, and these organisations may or may not have the accreditation and full backing of various parties. If, for example, someone wishes to establish an interest group or a concerned citizens group, they are quite entitled to do so. It does not automatically follow that they will have the entree that other more established groups may have into gaols.

CHAIR: Do you allow only one indigenous support group to have access currently?

Dr KELIHER: No, not at all.

CHAIR: Can you provide the names of those indigenous support organisations that have access?

Dr KELIHER: We certainly will take that on notice. We could provide a detailed list.

The Hon. J. F. RYAN: Can I put a slightly different angle to that question? Given that these passes are now being issued on a virtually institution-by-institution basis locally, will that mean that each institution will allow only one indigenous organisation the same level of access?

Ms McCOMISH: No. The memorandum of understanding that Jeff Nelson just described is actually for an organisation which has field officers throughout the State, and that organisation represents a number of different Aboriginal interest groups. The approval for the passes to visit correctional centres is given centrally. They are signed by the senior assistant commissioner. Therefore, it is not up to a correctional centre to decide on a case-by-case basis or an individual basis which organisations are the most appropriate to gain access to a particular population within the correctional system.

CHAIR: Returning for the moment to the unity involving Ray Jackson, the Aboriginal Deaths in Custody Support Unit, it had Aboriginal and Torres Strait Islander Commission [ATSIC] funding and apparently had accreditation but no access. Can anybody explain that?

Mr NELSON: The role and function of the group that Mr Jackson was attached to in that instance, which was loosely termed the black deaths in custody watch committee, was more or less given access in the event of a serious incident or a death in custody. From my understanding, that was what its brief was limited to in terms of access. It did not have access to correctional centres in an official visitor status or capacity and it did not have access to inmates just ad hoc for them to visit, to describe or offer assistance in other ways.

CHAIR: My advice is that the unit you are talking about is a different unit.

Mr NELSON: That is correct. The New South Wales Prisoner Aboriginal Family Support Service is the new group which has taken over from the black deaths in custody watch committee.

CHAIR: It took six months to get accreditation.

Mr NELSON: I am not sure how long it took.

CHAIR: Apparently the unit applied in January and it took until June to get accreditation.

Dr KELIHER: Is that the New South Wales Prisoner Family Support Unit?

CHAIR: Yes.

Dr KELIHER: The whole issue got tied up in the recall and reissue of passes. That is where the tardiness in allocation of passes came about.

CHAIR: Do you think a six-month delay is supportable and reasonable?

Ms McCOMISH: There was a delay in the group establishing itself and then developing a memorandum of understanding with the department which described the services they would provide and, therefore, the way in which we were able to provide them with passes for particular gaols. That was a negotiated service, and it took some time for us to negotiate with them. That was not a fault on the side of either party. During that time, if a serious incident occurred, for example, a death in custody, that group was involved and had access. So we were sure that there was cover for those kinds of events until we actually managed to develop an agreement which suited both the department and that organisation.

CHAIR: You are aware, presumably, that there were four Aboriginal deaths in custody during that six-month delay?

Ms McCOMISH: I would have to have the dates and the figures to confirm that.

CHAIR: Would you be aware of that, Mr Nelson?

Mr NELSON: I am aware that there were a number of events, serious incidents, but, again, I would need the dates as well to confirm that.

CHAIR: Neither Mr Jackson nor anybody else had access during that six-month period when those deaths occurred.

Dr KELIHER: Mr Chairman, it is not correct to say that nobody had access.

CHAIR: Apparently, none of the appropriate units had access..

Dr KELIHER: That is not correct.

CHAIR: Can you tell us who had access?

Dr KELIHER: I will tell you that Ray Jackson did not have access. Everyone else apparently did. The Indigenous Services Unit certainly did.

CHAIR: It did not. It was not accredited during that period.

Dr KELIHER: The Indigenous Services Unit did have access.

CHAIR: But not the Aboriginal Prisoners Family Support Service.

Ms McCOMISH: Yes, it did. That is what I just said, that when there was a death they did have access. Even though we had not completed the memorandum of understanding and the passes had not been issued, we recognised the importance of providing support to the family and to other inmates at that time. They worked together with staff from the Indigenous Services Unit to provide that kind of support.

The Hon. J. F. RYAN: On this reissue of the passes and so on, were the holders of passes given some sort of notice, say, a couple of months in advance that this was going to happen and given also an invitation to reapply for passes to institutions which they might normally visit?

Ms McCOMISH: Yes.

CHAIR: What consultation process took place?

Ms McCOMISH: We have a regular meeting with the various community agencies that provide services to inmates and to their families. The issue of passes and what was to happen with them has been raised at those meetings over the past 12 months. Progress reports were given at each of those meetings. We actually nominated specific project officers within the department who were available to answer any questions or concerns or, indeed, help if individual staff of those community agencies or organisations were not able to get access when they needed to.

CHAIR: I return to the question of access by Mr Jackson. Are you aware, commissioner, that Mr Jackson was and still is authorised to enter a New South Wales correctional facility as an official visitor and has security clearance to that effect? Are you aware also that Mr Jackson possessed a gaol pass to enter all New South Wales correctional facilities signed by the assistant commissioner, Mr Woodham, as part of another indigenous organisation, Indigenous Social Justice Action, and that this pass was valid until 2001?

Dr KELIHER: Yes, I actually said that to you a moment ago, that Jackson was the official visitor at the Metropolitan Remand and Reception Centre.

CHAIR: Yes, and he had a pass valid until 2001.

Dr KELIHER: He had a pass that was withdrawn.

CHAIR: Why was that?

Dr KELIHER: Well, that is a question, I think, that would be best directed either to Mr Jackson or taken on notice for a response by my senior assistant commissioner. I do not have the exact answer at my fingertips.

CHAIR: So should we call your assistant commissioner before us and ask him that question?

Dr KELIHER: Well, I do not think that the answer would be vastly different from the answer that Mr Jackson would give you. Mr Jackson has a history of going beyond the bounds and responsibilities that he is required to undertake. When he has done this often enough his accreditation comes into question, which is why, as the Acting Director of the Indigenous Services Unit pointed out, the black deaths in custody watch committee that Mr Jackson was formerly associated with, has now been superseded by the Prisoners and Family Support Unit to undertake that role. Mr Jackson exceeded his brief.

CHAIR: Was it ever formally raised with you or the assistant commissioner, or any other person that you know, about him exceeding his brief?

Dr KELIHER: Yes, it was, and there was quite a bit of correspondence between the department and Mr Jackson and from the Minister to Mr Jackson regarding his role and his responsibilities. Unfortunately, Mr Jackson took the view that his brief was as wide in ambit as he wished to have it, and that was not the case. As a consequence, his pass was withdrawn.

CHAIR: Are you aware that the senior assistant commissioner, Mr Woodham, made a comment to community representatives that only one indigenous organisation at any one time will be recognised by the Department of Corrective Services as being appropriate to service indigenous prisoners in New South Wales? Of course, now you have said there is more than one but he wishes to recognise only one organisation.

Dr KELIHER: No, I am not aware that that statement was made and, frankly, I would be absolutely stunned if it was. I do not believe it would have been. I know Ron Woodham well, and he would not say something that is so patently and obviously incorrect in terms of departmental policy.

The Hon. J. F. RYAN: We probably will have to conclude this session, but are you aware that this Committee has received some correspondence and information from a group called the Getting Out and Staying Together Project, which is funded by the Department of Health and Corrective Services under the community grants program? The Community Relations Commission [CRC] has received complaints about access being obtained to the following correctional centres: Bathurst, Muswellbrook, Kirkconnell, ITC, MFTC, Mulawa, Emu Plains, John Moroney and Silverwater Works Release, and we have had complaints from a group called Children of Prisoners Support Group and Access to Families? It seems to me that either all of these groups are wrong or there is something going wrong with the access.

The Hon. JAN BURNSWOODS: Mr Chair, can I just interrupt? Mr Ryan has said this Committee has received correspondence. I have just asked if I could have a copy of this correspondence, and I have been told that we have not received any such correspondence.

The Hon. J. F. RYAN: I may be inaccurate in referring to "this Committee", but I certainly am aware that representations have been made to members of this Committee with regard to that issue and I am sure that the people who have made those representations are happy to make them but, given the constraints of time for this hearing I have abbreviated that question.

The Hon. JAN BURNSWOODS: I make the point particularly because you have already said several times, and I do not blame you, "this Committee". I have observed that you have in fact been talking about the select committee on prisons, and I think there has probably been a lot of confusion.

The Hon. J. F. RYAN: No, I am not confused.

The Hon. JAN BURNSWOODS: But certainly there is no correspondence that has come to this Committee of the nature you are talking about.

CHAIR: That is correct.

The Hon. J. F. RYAN: I am trying to abbreviate my questions for the sake of time. For example, apparently as late as last Friday arrangements were made by a worker from the CRC Justice Support agency to see a prisoner client. Evidently they were questioned by officers at MRRC, delayed for an hour before they could see their client, were refused permission to leave the client an envelope and accused of trafficking because they wanted to leave an envelope. I do not know whether it is common to have complaints like this. I suppose it would be one of the reasons—

The Hon. JAN BURNSWOODS: Look, I am sorry, but I really believe I need to take a point of order.

CHAIR: What is your point of order?

The Hon. JAN BURNSWOODS: The select committee on prisons is currently deliberating. Any correspondence received by that committee is the kind you are talking about.

The Hon. J. F. RYAN: No, it has nothing to do with that.

The Hon. JAN BURNSWOODS: It has not yet become public property.

The Hon. J. F. RYAN: It has nothing to do with that committee.

CHAIR: There is no point of order.

The Hon. JAN BURNSWOODS: You said "this Committee".

The Hon. J. F. RYAN: No, I am not saying "this Committee".

The Hon. JAN BURNSWOODS: Well, any committee. My point is that that correspondence is not public.

The Hon. J. F. RYAN: Look, if it helps the honourable member, I am not referring to any correspondence which has been given to the select committee.

The Hon. JAN BURNSWOODS: But you are reading from something.

The Hon. J. F. RYAN: I am reading from a question sheet that I have prepared.

The Hon. JAN BURNSWOODS: In that case, we are even more interested.

The Hon. J. F. RYAN: I am happy to hand them over to the honourable member at any time.

CHAIR: There is no point of order. Would the Hon. J. F. Ryan please proceed with his line of questioning, otherwise we might have to meet again.

The Hon. J. F. RYAN: I would like to basically draw to a conclusion. Dr Keliher, a number of honourable members here have a list of complaints from various organisations about passes. Are we able to convey those complaints to you for some sort of response so that we can get an accurate estimation about whether the issuing of passes is a real problem?

Dr KELIHER: Mr Chairman, at the start I addressed the issue. I took an example of the Children of Prisoners. The Children of Prisoners, I believe, has something like 12 or 14 people for whom they have sought accreditation. All of them have received their passes except for one or two. Now, we would hope that those final couple of passes would be available to be delivered within the week.

As for the other groups, as I explained earlier, all the passes were withdrawn and all the passes have been reissued. They have only been reissued in recent times, in recent weeks. Because of the duration, the gap in the period of time between when they were withdrawn and their current reissue, there would be new officers on duty who have never seen one of these passes and who would be unaware of what the procedures were.

You would also be aware that the Department of Corrective Services is undertaking a massive recruitment campaign, and something like 500 new officers have joined the service in the past 18 months, so we are putting new people on posts all the time. It would not come as a surprise to me to learn that some of them are not aware of all of the subtleties of the pass process. But I can assure you that we are in the end phase of issuing all of the passes to all of the accredited agencies.

As the assistant commissioner, Ms McComish, pointed out, we have regular meetings with all of these groups—Children of Prisoners, CRC Justice Support—and people who do such a great job, and we support them. We support them financially and we are very committed to that ongoing community consultation. We are not in the business of trying to lock these people out of gaols. We know what a good job they do. We would be sunk without their support.

It is not in our interests at all to put impediments in the way, but from time to time incidents will occur. There are rules about leaving envelopes or parcels for people. There are procedures that have to be followed. So, if the person was delayed, I regret that, but I am sure that once everyone gets used to the new passes, the new system that is being put in place, the whole process will settle down and I am sure will operate a lot more smoothly because, as I said, we appreciate the work of Children of Prisoners, CRC Justice Support and other agencies.

The Hon. J. F. RYAN: Given that you have conceded that there might be ample causes for confusion with regard to the use of these passes, would it not be helpful to have a sort of contact person with which these things can be sorted out quickly, because there appears to be a fair level of confusion? My concern is that some of these organisations are government funded, and it is inefficient to have people hanging around not performing the service for which they are funded, fiddling around with paperwork when they should be getting on and doing the job they are funded to do. If there is a way they can efficiently and quickly contact a person of appropriate seniority, but not so inappropriate that he cannot make decisions, can I suggest that as a way forward, because it appears that there are a large number of complaints with regard to these passes?

CHAIR: I do not know if you are aware, but it took Assistant Commissioner McComish's intervention to actually get access to Bathurst for the Children of Prisoners Support Group after 12 months of trying. Thank you for doing that; otherwise they would still be waiting to get access, apparently.

Ms McCOMISH: The case I intervened in was when Children of Prisoners had received a grant in part from ATSIC to provide a child-care service for children of families who were visiting partners in Bathurst correctional centre. It took a long time to establish the premises for that, which actually were provided by the officers. It was not to do with getting access to the centre; it was establishing a facility outside the walls of the centre. We had some problems with the kind of facility and where it could be placed in the grounds of the centre. It was a good example of working together in the end, and was certainly strongly supported by the centre management and the regional commander.

Dr KELIHER: Children of Prisoners always had access to Bathurst. I find it a little mystifying. Some of these questions that are being asked or some of the proposals that are being put forward are furrphies. The truth of the matter is that Children of Prisoners, CRC Justice Support and these agencies have had a good working relationship with my department for many, many years. We continue to have a good working relationship. There has been a snag in recent months with passes being withdrawn and reissued but I do not see that there has been any great breakdown in the relationship that exists there.

CHAIR: No doubt you are aware of the Access to Families project, which is run jointly through the Department of Community Services and the Department of Corrective Services?

Dr KELIHER: Yes.

CHAIR: Apparently the Children of Prisoners Support Group never received notification of this project. Was there a breakdown in communication in relation to that project?

Ms McCOMISH: Are you saying that the Children of Prisoners Support Group would expect to be involved in that partnership?

CHAIR: I understand that was the case.

Ms McCOMISH: In regard to that program, if you have a specific question about consultation with Children of Prisoners, I would need to take that on notice and look at where the process is up to and who has been involved.

CHAIR: Finally, can you assure the Committee that all passes will be issued promptly from now on and all those who legitimately wish to gain access can gain access?

Dr KELIHER: I can assure you that all of the passes that are appropriate to be issued will be issued in the near future. We will continue to liaise closely with all of the accredited bodies and ensure that all of the passes that are appropriate are issued.

The Hon. C. J. S. LYNN: Dr Keliher, which gaols have had security systems installed, and what is the individual cost of each of these systems?

Dr KELIHER: All gaols in the State have security systems.

The Hon. C. J. S. LYNN: Have any security systems been installed in the last financial year?

Dr KELIHER: Yes, there have been new security systems installed in many of our correctional centres in the past five to 10 years.

The Hon. C. J. S. LYNN: Can you advise the Committee of the prisons and the cost of systems installed by a company called Advance Security Systems?

Dr KELIHER: Certainly I would have to take that question on notice. I cannot provide that information here and now.

The Hon. C. J. S. LYNN: I appreciate that. Can you advise who is responsible for authorising the contracts for these security systems?

Dr KELIHER: I will take that on notice and provide that information.

The Hon. C. J. S. LYNN: Is it a fact that David Owens has been suspended from his normal duties?

Dr KELIHER: No, that is completely incorrect.

The Hon. C. J. S. LYNN: He has not been suspended?

Dr KELIHER: Mr Owens is currently assigned other duties. He is not suspended.

The Hon. C. J. S. LYNN: At our last estimates hearing it was revealed that the firm with the contract to install these security systems was Advance Security Systems. Did this company pay money to David Owens as a kickback as a result of his contracts? If so, what was the value of the kickbacks?

Dr KELIHER: I find that question quite out of order. I believe that there is no point in even trying to answer that question.

The Hon. C. J. S. LYNN: Did Mr Owens receive a trip to Singapore from Advance Security Systems?

Dr KELIHER: Mr Chairman, I think the questions being put are highly inappropriate. I believe that the full investigation that is currently being undertaken within the department will reveal all of the answers to questions that need to be asked in due course. I think it is appalling that a person such as Commander David Owens is being traduced in such a way. I find it disgusting.

CHAIR: One final question that you may need to take on notice, I think.

The Hon. D. E. OLDFIELD: Do you mean one final question from you or one final question from us?

CHAIR: From me.

The Hon. D. E. OLDFIELD: Good.

The Hon. J. R. JOHNSON: I thought that—

CHAIR: Yes, I know, but we have only one minute, or we actually have minus one minute. How many asylum seekers and how many—

The Hon. JAN BURNSWOODS: Mr Chair, you carry on about setting exact times and then you ignore the times.

The Hon. J. R. JOHNSON: And you dominate the proceedings.

The Hon. C. J. S. LYNN: There have been some interruptions during the process.

The Hon. JAN BURNSWOODS: And you also attack other people for spending one minute saying something.

CHAIR: Sorry, Commissioner, for these internecine struggles.

The Hon. JAN BURNSWOODS: Are you going to enforce the time or are you not?

CHAIR: We were here a quarter of an hour early to have a deliberative meeting and nobody arrived until 6.30 p.m.

The Hon. JAN BURNSWOODS: The House is still sitting and you know perfectly well that this Committee decided to sit in the dinner break. So do not give us that garbage.

CHAIR: Sorry about this, Commissioner.

The Hon. JAN BURNSWOODS: You set a time for this to finish.

CHAIR: I do apologise for the rude interruptions. How many asylum seekers—

The Hon. JAN BURNSWOODS: You set a time limit. We had a discussion about it. We actually passed a resolution.

CHAIR: Will the Hon. Jan Burnswoods come to order?

The Hon. JAN BURNSWOODS: No, I will not. We had this argument yesterday. We had it two weeks ago.

CHAIR: We may have to call you back again.

The Hon. J. R. JOHNSON: I will not serve with you in future, Richard.

The Hon. JAN BURNSWOODS: We have it over and over again. You carry on in the most draconian way.

CHAIR: The Hon. Jan Burnswoods is so rude, and I do apologise for her rudeness, Commissioner.

The Hon. JAN BURNSWOODS: Then you absolutely refuse to implement the time limit until it suits you. It does not matter what other people want to do; it is only what you want to do.

CHAIR: I apologise for the rudeness of the Hon. Jan Burnswoods.

The Hon. J. F. RYAN: Is the member canvassing the Chairman's ruling?

The Hon. JAN BURNSWOODS: Never. Has he given a ruling?

CHAIR: We may have to clear the room to have a deliberative meeting if this continues.

The Hon. R. D. DYER: We seem to be out of time, Mr Chairman.

The Hon. J. R. JOHNSON: Mr Chairman, at what stage are you going to look at the clock? We have had the same circus at every meeting.

CHAIR: You arrived 10 minutes late for the meeting. Government members were 10 minutes late. We tried to have a deliberative meeting but Government members did not turn up.

The Hon. JAN BURNSWOODS: The meeting was set down for 6.30 p.m.

The Hon. J. R. JOHNSON: The House is sitting, and you know it.

The Hon. D. E. OLDFIELD: Mr Chairman, regardless of the fight between you and the Labor Party, I have some questions. You have dominated the entire meeting and asked everything that you have wanted to ask. I have three or four pages of written questions. I am not really concerned about your clock or their clock.

CHAIR: You may ask questions and we will go on for a further five minutes afterwards.

The Hon. J. R. JOHNSON: Here we go again!

The Hon. JAN BURNSWOODS: So the resolutions we carry have no standing. In future any resolutions we carry will have no standing.

CHAIR: We may have to ask the Commissioner to come back again if you keep interrupting.

The Hon. J. R. JOHNSON: For goodness sake!

The Hon. JAN BURNSWOODS: So it our fault, not your fault.

The Hon. J. R. JOHNSON: It is not your province. It is the province of the Committee.

CHAIR: The Committee may decide to do that.

Motion by the Hon. J. F. Ryan agreed to:

That questions for the Department of Corrective Services be extended by a further five minutes.

The Hon. D. E. OLDFIELD: Dr Keliher, I ask first a question on behalf of the Hon. M. I. Jones, for whom I am filling in. Given the security you have in the prison system, what are the particulars, in brief, that are impeding your ability to keep drugs out of gaols?

Dr KELIHER: We currently have a major process in place to ensure that the issue of drugs in prison is properly addressed. We have two major thrusts to our activity: to reduce the supply of drugs going into gaol and to reduce the demand for drugs in gaol. At least 70 per cent of inmates in prison are there for alcohol or drug-related crime, so we address these. We have two strategic approaches, one to reduce demand, and one to stop supply. Steps are being taken regarding both these strategies. In 1999 the department seized almost two kilograms of cannabis, approximately 145 grams of heroin, 67 grams of amphetamines, three steroid vials and 760 prescribed tablets. We also confiscated 547 syringes and 384 other drug implements.

In 1999, the department found drugs on the following people: inmates, 257; visitors, 233; and periodic detainees, 119. That gave us a total of 609 for the year. We are committed to cutting the supply of drugs in gaol.

We cut this supply by searching visitors to correctional centres, requiring them to turn out their pockets, bags and so on. We deploy drug dog detector teams to identify visitors attempting to bring drugs into correctional centres. Currently we have 26 drug dog detector teams and another seven are graduating this week, so that will bring our team up to full strength. We use intelligence gathering to target people suspected of bringing drugs into a correctional centre, and that is done through our State investigations and intelligence group.

We exclude visitors who have attempted to bring drugs into correctional centres. In 1999 the department imposed statewide bans or restrictions on 235 visitors. Most of these visitors had attempted to bring drugs into correctional centres. We monitor visits via video cameras. We open and inspect inmates' mail, and we have in fact found LSD tablets stuck behind stamps on mail sent into gaol. People have Christmas cards and birthday cards sent to them containing heroin, so we open and inspect inmate mail. We conduct random urine tests on 5 per cent of the inmate population every month, and we have targeted urine samples taken from inmates who we suspect are taking drugs. We conduct exhaustive searches and lock down each correctional centre at least once a month and search the entire centre.

With respect to reducing demand for drugs, we provide alcohol and other drug programs to inmates. We have drug education, relapse prevention, drink driving prevention, peer education and other harm minimisation programs. We have the 12 steps abstinence programs such as Narcotics Anonymous and Alcoholics Anonymous. We work closely with the Corrections Health Service to provide detoxification services to inmates. We work closely with Corrections Health to run methadone programs for inmates who have heroin addictions. We provide intensive residential programs such as the healthy lifestyle, drug-free wings and health promotion programs. All of these things are done with the focus on reducing the amount of drugs that are getting into gaol and reducing the demand for drugs in gaol.

CHAIR: Thank you very much, Commissioner. The time has expired.

The Hon. D. E. OLDFIELD: Hang on.

CHAIR: Please put your questions on notice, because the time has expired.

The Hon. JAN BURNSWOODS: One rule for the rich and another rule for the poor.

The Hon. J. R. JOHNSON: No, one rule for Richard.

The Hon. D. E. OLDFIELD: We will have to make sure that that does not happen during environment questions.

The Hon. J. R. JOHNSON: It will.

The Hon. JAN BURNSWOODS: It always does. It has never failed yet.

CHAIR: I did not really have any questions. Members could have interposed at any time.

The Hon. C. J. S. LYNN: What tablets did you take?

CHAIR: You could have interposed at any time you wanted to.

The Hon. J. R. JOHNSON: You are atrocious, with due respect. You do not keep to times.

CHAIR: You were 10 minutes late getting here.

The Hon. J. R. JOHNSON: I was in the chair in the Chamber, and my first duty is to the Chamber.

The Hon. JAN BURNSWOODS: Mr Chair, nobody informed Government members of the deliberative meeting at 6.30 p.m. In your head you may have known of this. We take a very dim view of you sitting here carrying resolutions prior to the time set down for the start of the meeting.

CHAIR: It was not prior to the time, I can assure you. You were actually late getting here.

The Hon. R. D. DYER: You and Mr Carr know very well that the meeting notice said 6.30 p.m. Mr Johnson was in the chair in the House. I was in the House.

The Hon. JAN BURNSWOODS: And I was watching the monitor and came immediately the House ceased sitting.

CHAIR: Can we discuss this later, because it is very unsettling for others?

The Hon. JAN BURNSWOODS: No, it is unsettling for you.

CHAIR: It is not unsettling to me. I just think it is rude.

The Hon. J. R. JOHNSON: You are not adhering to the times. You do it at every hearing.

CHAIR: We will clear the room.

The Hon. C. J. S. LYNN: Were you a former union representative?

The Hon. J. R. JOHNSON: Yes, and very proud of it.

CHAIR: Order!

The Hon. C. J. S. LYNN: It is still showing.

CHAIR: The Committee will now deal with the environment portfolio area.

The Hon. JAN BURNSWOODS: I would like to clarify with the Clerk that the meeting notice said 6.30 p.m.

CHAIR: We will have a deliberative afterwards and discuss it then. I do apologise for this wrangling, Dr Shepherd.

The Hon. JAN BURNSWOODS: Mr Chair, if you chaired this meeting properly, we could probably get through some business.

The Hon. J. R. JOHNSON: Are you going to ask 90 per cent of the questions this time?

CHAIR: Dr Shepherd, thank you for coming. I do apologise for this wrangling that has taken place around your head.

The Hon. J. R. JOHNSON: Do not take any notice of the peasant.

The Hon. JAN BURNSWOODS: He does not know what he is doing, so there is no point in taking any notice.

The Hon. J. F. RYAN: Why do you not call them to order?

CHAIR: They are out of control.

The Hon. JAN BURNSWOODS: The Chair of the Committee is out of order.

CHAIR: Order! Can we have order please? Otherwise we will have to clear the room. Dr Shepherd, do you support an upper limit to be received annually of tonnes of waste to the proposed Woodlawn megatip?

Dr SHEPHERD: Could you repeat the question?

CHAIR: Do you support an upper limit to be received annually of tonnes of waste to the proposed Woodlawn megatip?

Dr SHEPHERD: We would not necessarily propose an upper limit of waste to be received at the Woodlawn facility. What we would be seeking to do is to encourage a decrease in waste going to landfill generally.

The Hon. C. J. S. LYNN: Will members opposite stop squawking?

CHAIR: Order!

The Hon. JAN BURNSWOODS: We sit here and get abused by this idiot.

The Hon. C. J. S. LYNN: I beg your pardon!

CHAIR: This is completely out of order.

The Hon. JAN BURNSWOOD: You are completely out of order.

CHAIR: I apologise to Dr Shepherd. This is a disgraceful situation..

The Hon. J. R. JOHNSON: The behaviour of members of these committees is a matter for the House.

The Hon. J. H. RYAN: The behaviour of some members opposite is not very good.

CHAIR: It is disgraceful behaviour.

The Hon. JAN BURNSWOODS: You have not had to put up with what we have been putting up with for the last—

The Hon. J. H. RYAN: That might be the case, but I have put up with plenty. I think we can endure it patiently in front of the public and have our brawls—

The Hon. JAN BURNSWOODS: You may be able to, but you are not the subject of the abuse.

CHAIR: I ask the Committee members to come to order.

The Hon. R. D. DYER: There are five of these committees and none of them is conducted in this irregular fashion.

The Hon. J. F. RYAN: There is some truth in that.

CHAIR: Can we have order please? The members are not so rude in their behaviour towards witnesses.

The Hon. JAN BURNSWOODS: You are the rude one.

The Hon. J. R. JOHNSON: We are provoked, Mr Chairman.

The Hon. JAN BURNSWOODS: The trouble is that you have no idea how to run a meeting.

CHAIR: Dr Shepherd, are you aware of the Waste Minimisation and Management Act 1995?

Dr SHEPHERD: Yes, I am.

CHAIR: Are you aware that the principles and objects of that Act state:

The underlying principles of this Act are to achieve by the end of 2000 a 60 per cent reduction in the amount of waste disposed of in New South Wales, being a per capita reduction based on 1990 disposal rates.

Dr SHEPHERD: Yes, I am.

CHAIR: Will you achieve that by the end of 2000?

Dr SHEPHERD: It will not be the Environment Protection Authority that achieves a 60 per cent reduction in waste going to landfill by the end of 2000. It is not the Environment Protection Authority that places the waste in landfills; it is the community of New South Wales that places the waste in landfills. The fact is that the target of a 60 per cent reduction in waste going to landfill by the end of 2000 will not be achieved. However, that position has been made abundantly clear by the Minister for the Environment in several statements made earlier this year.

What we have managed to achieve is a very significant reduction in waste going to landfill from two of the three major sectors. From the municipal waste stream there has been approximately a 30 per cent reduction. In the commercial and industrial waste stream there has been somewhere between a 25 and 30 per cent reduction in waste going to landfill. The problem has occurred in the construction and demolition waste [C and D] sector, where there has in fact been an increase in waste going to landfill over the 1990 figures.

The reason there has been an increase in waste going to landfill from the construction and demolition waste sector is threefold. Basically, there has been a substantial increase in construction activity as a result of the Olympics and a number of other major activities. The second reason is that we have changed the regulatory framework for construction and demolition waste, and in changing the regulatory framework we have brought a lot more construction and demolition waste into the regulated sector, where it is measured, from the unregulated sector, where it was not measured, so in fact what you are seeing is an artificial increase as well as a real increase associated with the increases in construction activity.

The third thing that has changed with construction and demolition waste is the way we actually measure it. So the 1990 base line, as it was, cannot be compared directly with the 2000 figures because the numbers are collected in a different way, so we are not actually comparing apples with apples. But when you clean all that mess up and sort the data out for increases in construction activity and so on, there has not been a significant reduction in construction and demolition waste. Very good performance in the other two sectors, but not in C and D.

CHAIR: Do you still agree with the Government's 60 per cent diversion from landfill targeted in the Waste Minimisation and Management Act?

Dr SHEPHERD: The Environment Protection Authority and the Government certainly believe that the 60 per cent target was the right thing to do at the time in order to focus the community and the operators on achieving a very significant reduction in waste going to landfill. It was, from an EPA point of view, a target that was always going to be exceedingly difficult to achieve but one that was worth striving for. It will, of course, be the subject of review when the Waste Minimisation and Management Act is reviewed at the end of this year. It will be one of the issues, presumably, that the community will wish to comment on in the review of that legislation.

CHAIR: Are you anticipating that there may be a revision of that 60 per cent diversion?

Dr SHEPHERD: I cannot speak for the community's view or for the Government's view at this time. All I can tell you is that we have not achieved a 60 per cent reduction, although we have done exceptionally well in two of the three major waste sectors, and there are very clear reasons why construction and demolition waste has not performed as well as the other two. There are, of course, many programs in place now to improve the performance of the building industry in dealing with construction and demolition waste, including the industry waste reduction plan that was entered into either late last year or early this year.

CHAIR: Do you anticipate that once the metropolitan Sydney landfill capacity is exhausted the proposed Woodlawn megatip will be available to take significant amounts of this waste?

Dr SHEPHERD: I am not in a position to answer that question because it is not the Environment Protection Authority that will approve or not approve of the establishment of the Woodlawn facility. As you would be aware, there was a commission of inquiry into the Woodlawn facility. The recommendations of the commission of inquiry are currently before the Minister for Urban Affairs and Planning and, as far as I am aware, no decision has yet been made to either approve or not approve of the Woodlawn facility.

CHAIR: But you have been given support, I believe, for the megatip over the last two years, have you not?

Dr SHEPHERD: There are a number of strands to the answer to that question. The first is that we have fulfilled our statutory requirement, which is to certify that there is justifiable demand for a facility that would take the sorts of tonnages that Woodlawn would take. We have also advised the commission of inquiry that if a landfill were to be constructed on the Woodlawn site, subject to certain conditions it would be an acceptable landfill proposal. Obviously, the submission to the commission of inquiry is publicly available, and you can read the detail of the EPA's submission, if you wish, or I can sit here and read it to you, if you wish.

The third strand to the answer is that if you are going to have a requirement to landfill the residue of waste that is not avoided, recycled, reused, or whatever, then it is probably preferable to have a single, well-

controlled and properly operated landfill rather than a plethora of small and not well run landfills scattered around the countryside. It is far easier to control the leachate, to control the amounts of waste and the types of waste going into a single facility than it is to try to supervise a vast number of smaller and less well run landfills.

CHAIR: But surely nowhere in the Alternative Waste Management Technologies and Practices Inquiry Report, which came down the other day, does it recommend support of megatips. The recommendations made in that report truly conflict with the concept of a megatip.

Dr SHEPHERD: My reading of that inquiry report and your reading of that inquiry report are obviously somewhat different.

CHAIR: But there is no recommendation for a megatip. Out of the 14 recommendations there is no recommendation for increasing landfill.

Dr SHEPHERD: My reading of that report is that the Alternative Waste Technologies and Practices Inquiry believes that landfill is a viable alternative for end disposal of residual waste, that a landfill properly conducted compares favourably, and in fact more favourably, than some of the other end disposal options and, furthermore, that the inquiry believed that there would be a shortfall in residual waste disposal capacity in New South Wales in the short to medium term.

CHAIR: In recommendation 9 the report says:

The waste inquiry recommends that the Government reassert its commitment to material recycling in the strongest terms to provide community confidence and encourage increased participation by participants and citizens.

But surely this megatip does exactly the opposite of that.

Dr SHEPHERD: It does not do that. The other activities can run perfectly well in conjunction with any of the disposal options for the residual waste. You will find that New South Wales is one of the best performing States. In fact, it is the best performing State in terms of kerbside recycling and some of the other waste avoidance and reuse initiatives, and that is in conjunction with suitable mechanisms for end disposal of waste. If you look wider on the international scene, you will find that a couple of the most advanced of the US States in terms of recycling and materials recovery in fact operate long-haul operation to landfills for residual waste.

CHAIR: We are not emulating those, though, are we?

Dr SHEPHERD: I am just saying to you that the two things are not incompatible, that you can have the very best recycling performance either in Australia or in the US and still utilise a landfill as the end disposal option for residual waste rather than one of the other technologies. The assumption you are making is that by using recycling and avoidance and other strategies then you can ultimately get to zero waste.

CHAIR: Ninety-five per cent waste.

Dr SHEPHERD: In a perfect world that may be the case but for the foreseeable future in New South Wales we are going to be dealing with a residue of waste, and that residue of waste will need to be disposed of in a safe and environmentally sound manner. There are a number technologies that can be used in order to do that, and one of those is landfill.

Our concern is that whatever technology is used for the final disposal of that waste it should be the best and most environmentally sound technology. If it is to be a landfill, then that landfill must be properly supervised, properly constructed, properly operated and must have proper leachate collection systems and, ideally, would then operate to recover methane and other things in order to feed better environmental performance in other areas, such as energy.

CHAIR: The charts on pages 114 to 122 show that of the current amount of waste being disposed of, diverted, 25 per cent currently of municipal waste and 75 per cent is not being diverted. Under the C and I its current disposal is 24 per cent being diverted and with the C and D, currently 60 per cent is being diverted, which is quite a good figure. But they talk about aggressive treatment of waste. You can get to a disposal of 66 per cent of municipal, 63 per cent of C and I and up to 76 per cent of C and D. So, will the Environment

Protection Authority be putting up suggestions of aggressive recycling and reuse programs to reach those target figures?

Dr SHEPHERD: We will certainly be providing advice to government during the Waste Act review and in relation to a couple of the other reviews as to how those sorts of targets might be achieved. At the end of the day, the EPA is concerned to try to minimise waste to the maximum extent possible, but we need to do that in an environmentally responsible way that does not cause additional problems from an environment protection or a community protection point of view.

We were strongly supportive of the inquiry. In fact, the chairman of the inquiry is the Deputy Chairman of the Environment Protection Authority board. We made substantial submissions to that inquiry and we are, as an environment protection authority, quite comfortable with the findings of the inquiry.

CHAIR: You do not feel there is a conflict in your position of supporting the megatip with the findings of this report then?

Dr SHEPHERD: We believe that the Alternative Waste Technologies and Practices Inquiry makes it abundantly clear that there will be a requirement in the short to medium term for additional end disposal capacity for Sydney's waste. If you read the inquiry report, as I have, you cannot come to another conclusion, I would argue.

The question then is, how should that end disposal of waste be dealt with. If the solution on the table at the moment, which is when we need the solution, is a landfill, then that landfill needs to be the best possible landfill available from a long-term environment protection point of view.

If that can be achieved by a single landfill rather than multiple landfills, then that is a better environmental outcome. Now, no landfill is a good option, but at the end of the day, if you have got to get rid of waste, then that is probably the best way to do it in the short term.

CHAIR: The Hon. David Oldfield?

The Hon. D. E. OLDFIELD: Thank you. I was starting to wonder whether this was Sale of the Century and you were Glen Ridge.

The Hon. JAN BURNSWOODS: We have a few questions too, actually, Mr Chair.

The Hon. D. E. OLDFIELD: What sort of position does the EPA take on container deposits?

Dr SHEPHERD: Historically, we have believed, and the advice that we have provided is, that container deposit legislation deals with a very small fraction of the waste stream. It deals with beverage containers essentially, and as a waste management tool it is probably both economically and operationally inefficient. Those beverage containers make up a substantial proportion of the litter stream, so as a litter control mechanism, which is the way it is essentially used in South Australia, it may be a very effective litter control mechanism.

If you are going to deal with it from a waste management point of view, which is traditionally the way we have looked at it, then it is probably not satisfactory. If you are going to look at it from an alternative perspective, then it may have a different application. Our recommendation to the Government will be that it is an issue that should be looked at when the Waste Act is reviewed.

The Hon. D. E. OLDFIELD: It is indicated to me that there are various community consultation committees that the EPA perhaps is not enamoured with. Do you have any funds in your budget that would improve any public participation processes or consultation processes?

Dr SHEPHERD: We have a very large array of public participation and consultation processes. I would argue that the Environment Protection Authority probably has the most comprehensive set of public participation processes within government, but perhaps I am a little biased, although I have run a number of other agencies whose public consultation processes were no where near as developed as ours.

Starting with the Environment Protection Authority board, there is obviously an amount of money set aside to operate the board of the Environment Protection Authority. We are running two of the community consultation fora, the Illawarra and the Hunter, which are the two main regional fora.

We then have a whole raft of formal processes where I meet regularly with peak organisations of councils on a quarterly basis, with peak environment groups on a quarterly basis and with peak industry groups on a quarterly basis.

We also have issue-specific consultation on all the major regulatory changes that will come forward, such as load base licensing and whatever the others are that come forward, water reforms, and each of those has a specific allocation within the project budget for the community consultation that needs to be undertaken.

We also have reasonably sophisticated, although hopefully far more sophisticated in the next 12 months, Internet access for the community so that the community can instantly get information from the Environment Protection Authority on a regular basis through the Internet and, of course, we run Pollution Line, which is a major access point for the community into the Environment Protection Authority. Pollution Line fields roughly 100,000 calls per annum on average.

The Hon. D. E. OLDFIELD: That is great. Looking at Sydney Water, what would be the EPA's view of its actions regarding stormwater induced sewage overflows, particularly on the north line from Hornsby to Manly?

Dr SHEPHERD: The issue of sewer overflow control has been on the agenda for a very long period of time.

The Hon. D. E. OLDFIELD: I note that.

Dr SHEPHERD: We have been negotiating with Sydney Water for a number of years in order to get sewer overflows within the environment protection licensing systems so that pollution reduction programs could be applied to them and there would be a comprehensive set of controls and improvements on sewer overflows.

In the negotiating process, we agreed that a number of things would need to be done no matter what the final outcome was of the total program, and one of those things, of course, was to establish the Northside Tunnel in order to act as a reservoir, to prevent major overflows in storm events into the harbour.

We issued the licences a couple of weeks ago to Sydney Water. We would hope that in the longer term those licences will provide the framework for significant reductions in sewer overflows, not only on the north side but throughout the whole of Sydney Water's area of operations.

The Hon. D. E. OLDFIELD: Does the EPA support the principle of all of Sydney Water's sewage being taken to full tertiary treatment?

Dr SHEPHERD: The question needs to be broken up, I guess, into short and very long term. Our view is that, in the foreseeable future, in other words the short to medium term, there is really no requirement to go to tertiary treatment for the offshore ocean outfalls. That would be a waste of public funds in the foreseeable future, but for plants that discharge to estuaries or near shore or to the inland waterways, such as the Hawkesbury-Nepean, then there is a constant requirement to upgrade and improve the performance of those plants, and they may need to go beyond tertiary in some cases in order to reach a satisfactory water quality level in those rivers and estuaries.

A lot of it is connected with the amount of tidal flushing or the amount of water flow within the catchment, the changes in population pressures within the catchment. You know what the increases have been, say, in the Hawkesbury-Nepean catchment. They have been dramatic over the last two decades, yet we have managed to maintain, by continuing pressure on Sydney Water sewage treatment plants, the water quality in the Hawkesbury-Nepean River.

So I guess a complex answer to what is really a complex question: no need to upgrade offshore ocean outfalls at this stage. The focus in improving the operations of the plants should be on the near shore discharging plants but also particularly any of the discharge to estuaries or discharge to fresh water.

The Hon. D. E. OLDFIELD: Are you currently doing or do you have any plans to do any public promotion regarding pets and their damage to the environment, in particular, the waterways based on stormwater?

Dr SHEPHERD: Pets certainly will come up in any long-term publicity that we put out about contamination of stormwater because dog faeces, cat faeces and so on are significant contaminants in stormwater. Anything that people can do to decrease the amount of that material that reaches stormwater will

obviously improve the quality of the first flush run-off. First flush run-off of stormwater from urban areas is just about at the same standard as raw sewage. So anything you can do to decrease the contaminant levels in there is worth while. Certainly in the past and in the future we will know that pets are potentially a problem.

CHAIR: The Hon. John Ryan has the call.

The Hon. R. D. DYER: On a point of order. Could I ask whether you intend to invite Government members to ask questions?

CHAIR: Yes, I do.

The Hon. J. R. JOHNSON: When - tomorrow week?

The Hon. J. F. RYAN: Could you explain to the Committee whether the metropolitan air quality study that was mentioned in last year's budget at a cost of \$5 million was completed? If so, who did it? What were its recommendations? Is there likely to be some sort of published report?

Dr SHEPHERD: The metropolitan air quality study is an ongoing project that has run essentially since about 1992 - that would be my rough recollection - designed to improve the quality of air monitoring in the Sydney, Illawarra and Newcastle areas, primarily initially focusing on Sydney and the Illawarra to do sophisticated research that was intended to provide us with models of how pollutants moved around the Sydney and Illawarra airsheds in response to particular kinds of weather patterns and particular kinds of pollution days. The modelling from that work is still going on and further research for that work is still going on, particularly the work related to modelling or bringing into the model the upper atmospheric data.

The Hon. J. F. RYAN: Given there was \$5 million mentioned last year, and we have not been able to find another reference to it in this year's budget, was that a special effort for last year or is it continuing at the same rate this year?

Dr SHEPHERD: I will take it on notice, probably, but I expect that that was mostly capital. I expect that last year was mostly capital in order to refurbish and upgrade some of the monitoring equipment and also to do the initial part of the upper atmospheric work. Unfortunately, last summer was not a typical Sydney summer and so we will need to redo some of the upper atmospheric work this year in order to complete the model.

Your question also asked were there papers or was there a report. There will be scientific papers to come out of that. Of course, you do get, as a result of the metropolitan air quality study, the regional pollution forecasts each day and you get the long-term data in relation to the trends in air quality monitoring on a quarterly basis.

The Hon. J. F. RYAN: There was also last year a reference to an air toxic study for about half a million dollars. Is that in the same category? Is that ongoing work or was that a special effort last year and was there some outcome of that work?

Dr SHEPHERD: The air toxic study is ongoing work. I did see the preliminary findings of that study not long ago. In very general terms, the levels of air toxics in Sydney and the Illawarra are at or below best levels in other parts of the world. Only a couple of the air toxics were above the limit of detection in some places. The ones that we are particularly focusing on are benzene, toluene and a couple of the others. One of the buta-diones is of concern. But, basically, the levels in Sydney and the Illawarra are well below the international benchmarks.

The Hon. J. F. RYAN: When will that sort of information be published in terms of a report to the public?

Dr SHEPHERD: I am not sure that there is not an interim report already available, so I cannot answer you directly. What I do know is that the final report is intended to be read towards the end of 2001, which is when we will have the next series of data to put into the models, but the preliminary means that Sydney looks pretty clean.

The Hon. J. F. RYAN: Mr Chairman, I have other questions I could put on the notice paper. If the Government members have questions, I would be happy to defer that.

The Hon. R. D. DYER: I do have a question relating to air quality. Dr Shepherd, there is a widespread perception that air quality in Sydney is in decline. Is this the case? What programs are in place to address what may be described as this perceived problem?

Dr SHEPHERD: The air quality in Sydney for almost all parameters has improved significantly over the last two decades. It has improved dramatically in relation to lead and in relation to a number of the other primary pollutants. The only pollutant of concern, because it is now at the bottom of its curve, is nitrous oxide. The Government has in place proposals to deal with any potential increase in nitrous oxide.

The main action for controlling air quality in New South Wales comes from the Government's program called Action for Air, and that aims to integrate air quality goals and urban transport planning; it aims to reduce private car use and to increase public transport use through the construction of new public transport facilities such as the Chatswood-Parramatta rail link and also through the creation of bus transit lanes and generally improving the operations of the public transport system.

It is pushing very hard with the Commonwealth on cleaner fuels and cleaner vehicle specifications and it will also introduce in due course an inspection and maintenance program for in-service vehicles. There is a substantial program to reduce industrial emissions and commercial and domestic emissions of the various pollutants. We have also managed open burning to the point where open burning, apart from hazard reduction burning, is no longer a pollution concern for Sydney.

We certainly have put a lot of pressure on the domestic wood heating industry to improve the performance of domestic wood heaters, but they start to become a significant source of fine particle pollution in winter. Of course, underpinning all of this program is the metropolitan air quality study and the monitoring network, which is world class, that sits underneath it.

The Hon. C. J. S. LYNN: Mr Chairman, in view of the fact that we have a couple more questions to ask, I move:

That this meeting be extended for 15 minutes until a quarter past eight.

CHAIR: Mr Lynn has moved that we extend the Committee hearing until a quarter past eight. All those in favour?

The Hon. JAN BURNSWOODS: I would like to oppose that motion, Mr Chair.

CHAIR: All those in favour?

The Hon. JAN BURNSWOODS: Are you going to ask for any speakers to it or are you just going to put it?

CHAIR: I am just going to put the motion.

The Hon. JAN BURNSWOODS: Well, I would like to oppose it before you put it.

CHAIR: Do you wish to clear the room and deliberate and come back and ask questions?

The Hon. JAN BURNSWOODS: No, I just wanted it noted that I wanted to oppose the motion before you put it. It just seemed courteous to me to see if any other members wished to speak to the motion before you put it.

CHAIR: Does anybody else wish to speak to it?

The Hon. J. R. JOHNSON: Yes, Mr Chairman. Our first duty is to the House. This Committee is subservient to the House. The House is in session, and I believe that is where members are required.

CHAIR: All those in favour of the motion? The motion failed. Thank you very much, Dr Shepherd, Mr Ramsey and Mr Watt.

The Committee proceeded to deliberate.
