

WASTE AVOIDANCE AND RESOURCE RECOVERY AMENDMENT BILL 2009

Discharge of Order and Referral to Standing Committee on Legislation

Resumed from an earlier stage of the sitting.

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [2.37 pm]: Before the lunch break I was about to conclude my comments by saying that the government will not support this motion.

The Waste Avoidance and Resource Recovery Amendment Bill is basically a bill that requires a decision. There are two points of view—the government's position and the opposition's position. We each have a different point of view. We could have 27 000 committee hearings and it would not make any difference in respect of the outcome of this. The government has made a judgement that this is what it wishes to do. The opposition has chosen to take a different point of view. In my view committee hearings would achieve nothing.

I was a little surprised at the comments Hon Ken Travers made that somehow or other a person such as me would be opposed to this house sending bills to committees. Indeed, I have been involved over many years in moving motions to send bills to committees. On many occasions I have been successful; on many other occasions unsuccessful. The sorts of bills that should go to committees are those where there is some likelihood that evidence taken by the committee could achieve some variations in the content and structure of the legislation. On this occasion I do not see that as being something that could be achieved by a committee hearing.

I also make the point, for the benefit of the member who talked about rubber stamps, that it was only yesterday that this house referred the Criminal Investigation Amendment Bill to the Legislation Committee at the request of the government. It is our intention that that may in fact provide for a better piece of legislation at the end of the day.

Hon Sue Ellery: I thought that was our fault, according to the Minister for Police.

Hon NORMAN MOORE: I am not going to get into that argument now. I am making the point that the opposition cannot say it never happens when in fact only yesterday it did happen. There may be an outcome that will come from that which will improve that legislation. But in respect of this bill, I do not see that much would be achieved in sending it to committee; certainly for two weeks at this time of the year.

The government will not support this motion. I hope that some time this day we will finally come to a conclusion in respect of this bill so that the house can adjourn and we can get on with the business of government.

HON SALLY TALBOT (South West) [2.39 pm]: I rise to speak in support of the motion moved by Hon Ken Travers to discharge the Waste Avoidance and Resource Recovery Amendment Bill 2009 and refer it to the Standing Committee on Legislation. I listened very carefully to the whole debate, as I am sure did Hon Norman Moore —

Hon Norman Moore: I listened to only three hours of your contribution and then I get bored because you kept repeating yourself.

Hon SALLY TALBOT: That is disappointing because Hon Norman Moore knows very well that I did not repeat myself.

Several members interjected.

The PRESIDENT: Order members! This is a specific motion. It is not a motion on the second reading debate on the Waste Avoidance and Resource Recovery Amendment Bill; it is a motion to refer the bill to a committee for a certain time. Members' comments must be restricted to that motion.

Hon SALLY TALBOT: We will get through this more quickly if government members contain themselves. I did not repeat myself and I give the house an undertaking that I will not do that at any stage of the debate as we progress —

The PRESIDENT: Order! The member is retracing ground that I just pulled her up on a minute ago. This is a specific motion to refer this legislation to a committee.

Hon SALLY TALBOT: I thank you, Mr President. I will restrict my remarks to why I believe this bill should be referred to the committee. We have had countless reviews, reports, scoping documents and studies into the issue of waste management in Western Australia, and members might well ask whether we need one more. There is a simple answer to that. The answer is that we do need one more. We need a committee inquiry into this bill and I am absolutely certain that the bill will come back from the committee as better legislation.

Hon Simon O'Brien: Haven't you already told us it is beyond redemption? Wasn't that the subject of your contribution to the second reading debate—that we cannot fix this bill?

The PRESIDENT: Order! We will make a lot more progress if there are no interjections and members concentrate on the subject matter of the motion. Let us proceed on that basis.

Hon SALLY TALBOT: I say that for one reason; that is, although the issue of levy rates has been raised in many of the previous reports and studies, an issue that is constantly raised is the need for more support from government. That is a recurring theme throughout all the reports that have been done. The government has got itself into a mindset whereby it thinks that it can proceed on the basis that none of those previous studies has been done. If that were not the case, the government would have suggested amendments to rectify those problems, but it has done nothing of the kind. When I first got to my feet during the second reading debate, I asked whether the government would do us the courtesy of coming to us with its proposed amendments, but I heard nothing.

Hon Simon O'Brien: We don't have any amendments.

Hon SALLY TALBOT: I am talking about the amendments that were moved by the government in the other place in response to some of the questions, queries and points that we have raised in this debate. We have not seen any amendments from the government in this place. Despite that, the stakeholders never gave up hope, and they still have not given up hope.

Hon Norman Moore: They're all hanging over the public gallery balcony listening to this debate, along with the media, who take a very big interest in this! You should know that.

The PRESIDENT: Order!

Several members interjected.

The PRESIDENT: Order! Let us concentrate on the motion, which, I repeat, is a very narrow and specific motion.

Hon SALLY TALBOT: The stakeholders have never given up hope. One of the reasons for that is that they believe they have had a sympathetic hearing from the Premier on several occasions. I will not go so far as to say that they believe they have had a sympathetic hearing from the minister, because they have heard nothing from the minister. The impression among all the stakeholders is that the minister is not very interested in what is going on here. They do not get very much from her, but certainly from the Premier —

Hon Donna Faragher: You seem to know an awful lot about what I do. You know absolutely everything.

The PRESIDENT: Order! Members will have to exercise some willpower and restrain themselves from interjecting, otherwise this will be a very, very long day. If Hon Sally Talbot—or any other member who is on his or her feet—addressed her remarks through the Chair, I would not interrupt and we could make some progress.

Hon SALLY TALBOT: Thank you, Mr President. On that basis, I believe that the bill should be referred to the Standing Committee on Legislation. As Hon Norman Moore said, if this motion is successful, it will be the second referral to that committee in as many days. The stop-and-search legislation, as it is colloquially known, has been referred to that same committee because when it was introduced into this place, after having been passed in the other place, government backbenchers put pressure on their leaders to not force that bill through this chamber. They want us to have a careful look at it, and that is exactly what we will do.

It is worth considering a couple of points made by Hon Norman Moore. By opposing this motion today, the Leader of the House is happy to endorse the fact that government members have all come in here with closed minds. What is the point of having a debate in this chamber if members opposite just walk in here and say that it does not matter what we do, what arguments are considered or what evidence is presented to them because they will not change their minds? If we have failed to get government members to change their minds during the lengthy debate that we have had, we will simply keep trying. Just as stakeholders have not given up hope, nor has the Labor Party given up hope that we might be able to get a significantly different outcome from the dreadful outcome that has been presented to us in the shape of this bill.

Hon Simon O'Brien: There are only about two provisions in the whole bill.

The PRESIDENT: Order!

Hon SALLY TALBOT: I know that government backbenchers have received the same correspondence that I have received because, as I have said before, all the letters that I have received have been carbon copied to them. I know that government backbenchers have seen that correspondence and that they are aware of the stakeholders' concerns. If government backbenchers have not yet brought those concerns to the attention of either the minister or the Leader of the House, they must do so jolly quickly so that we can refer this bill to the Standing Committee on Legislation.

After listening to the contributions from members on this side of the house, I have learnt a lot more about this legislation than I knew originally. I include the Greens (WA) as well as my Labor Party colleagues in that statement. What we have heard has indicated not only the breadth, but also the depth of concern that exists right across the sectors. If that has failed to impact on government members, it can only be because they were not listening. Any engagement with the material that we on this side of the house have presented would have government members seriously questioning what they are doing.

Hon Ken Travers made the point that we can only try to represent the views of the stakeholders as best we can. The referral of the bill to a committee would give the stakeholders a chance to express themselves in a more compelling way than perhaps we have been able to do. One of the stakeholders is very keen to eyeball the government on this—I should not say “eyeball the government” because that is probably a little unfair; it would like to eyeball the Parliament. The committee hearings would give stakeholders the chance to do that. Local government is very, very angry about being used as a tax collector. Earlier today there was an extraordinary situation when, by interjection, the Leader of the House conceded that the levy is a tax. The Leader of the House has not been listening either to me or to the rest of the debate in both this place and the other place. Government members have been denying that this is a tax. They have said that it is not allowed to be a tax. The government is very confused. On the one hand, it is saying that it is a tax and that it was a tax when we introduced it—I have heard that argument canvassed several times, which is nonsense—and, on the other hand, Hon Norman Moore has said that it is a tax and that the government is bringing it before the people in a public forum. As I recall that section of the debate earlier today, Hon Norman Moore took exception to Hon Ken Travers saying that the levy was being introduced in a less than transparent way. He stood in this chamber talking about it being a tax. Local government makes a very articulate point in expressing its anger about being used by this government as a tax collector. It is also angry that the money is being taken away from the Waste Authority. Local government—I will repeat myself because it is worth putting on the record again—is not known as the hero of waste management for nothing. It is at the coalface, it does the hard work and it puts in real resources and services on the ground. It needs the Waste Authority to be properly funded. The Labor government set up the Waste Authority so that it had access to the waste account.

Hon Simon O'Brien: We've already had six or seven hours of second reading debate. Why don't you at least speak to the motion or sit down?

Hon Peter Collier: If this is your speech on the second reading, you are making it again.

Hon SALLY TALBOT: No, it is not. I can show the member that this is entirely new material. My speech on the second reading is at the back —

Hon Donna Faragher: Have you got more?

Hon SALLY TALBOT: No, these are all the media reports. It is a very big pile because most of it contains media reports. At the back of this pile is my speech on the second reading. I am not referring to that; this is all new material.

Point of Order

Hon NICK GOIRAN: The honourable member has just indicated that she is referring to new material. My understanding of this motion, Mr President, as you have already indicated, is that it is very narrow and we are supposed to be debating why this bill needs to go to a committee, not raising new material, as the honourable member knows perfectly well.

Hon JON FORD: The member needs to spend a bit more time in this chamber before he thinks he has some authority and experience to fall on. Hon Sally Talbot is clearly speaking to the motion before the house. She is saying that she has new material to support that argument, not new material from her speech on the second reading.

Hon Simon O'Brien: If you were paying attention to her, you wouldn't say something as stupid as that.

The PRESIDENT: Order! As it turns out, I was listening very closely to what the member was saying at that point. I was assuming that she was getting to the point of saying that local government had not had the opportunity to put its case one way or the other. She was mounting the argument that another forum should be made available to put its case. That was an assumption on my part. I was listening to work out where the member was going with her comments. I will allow the member to continue with her comments and keep listening intently to ensure that her comments relate to why the matter needs to go before a committee. It is not a point of order in that sense but it well might be in a few minutes if the member does not structure her remarks along those lines.

Debate Resumed

Hon SALLY TALBOT: Thank you, Mr President. Your assumption was entirely right and was no doubt based on what I had just said, which was precisely that.

The third argument that I imagine local government would welcome a chance to air in front of the standing committee is the issue of illegal dumping and the fact that there are provisions in this bill that will clearly, and by the minister's own admission, lead to an increase in illegal dumping —

Hon Donna Faragher: Don't say what I am saying or whatever. I will respond to you in my reply to the second reading but please do not say what I have said or not said.

Hon SALLY TALBOT: I am simply using the material that the minister has already put on the public record. Indeed, I could quote sections of *Hansard* back at her.

Hon Simon O'Brien: Have you falsely accused her of anything in public lately?

The PRESIDENT: Order!

Hon SALLY TALBOT: If local government had a voice in this debate on the bill's referral to a standing committee, I am sure it would support the motion moved by Hon Ken Travers. We would also find that numerous members of the community would take the opportunity to explain in detail the effect of these massive cost increases that have been imposed by the government. This is just one example, as many honourable members have canvassed, of these cost slugs. I feel sure that the public would welcome the bill being referred to such an inquiry.

The third group of stakeholders who would welcome the chance of a proper inquiry into this bill would be the environment groups, which are very angry about the ending of hypothecation and the effective trashing of the main objects of the WARR act.

Based on the debate that we have had in this place, many other questions could be addressed more adequately by the standing committee than will be addressed by debate in this house. I will canvas a few of those issues. The first and perhaps most obvious one is whether this tax is legal. When a measure is brought to us that raises such serious implications, clearly, the government is aware of how serious these implications are because of how it changed the timing of how this bill was going to be introduced. It had to make its own amendments to the bill in the other place because of the adjustments it made, and it had to get legal advice. The government will not table the legal advice; we do not know what it is. My suspicion is that the government has not been able to answer all these questions to its own satisfaction. Will we be able to tease that out in debate in the house? Would it not be much more effective to take the bill to the committee, where the committee can call witnesses and hold a public hearing so that all the material is on the public record for the government to see and then we can make our decision on that basis? I think that would be a much better way to proceed.

Hon Simon O'Brien: Why didn't you move that way weeks ago?

Hon SALLY TALBOT: I will answer that interjection.

Hon Simon O'Brien: You need to because you're flagging. You have to last another 30 minutes. I am trying to help you. You're wasting time.

Hon SALLY TALBOT: I do not need any help. If I have proved one thing, it is that I do not need the help of Hon Simon O'Brien. I notice that Hon Norman Moore referred to the fact that I had already spoken on this bill for seven hours. One of the things I have noticed when one makes a long speech in this place —

Point of Order

Hon NICK GOIRAN: The member is now talking about whether Hon Norman Moore indicated that she spoke for seven hours. That is not the purpose of this motion.

The PRESIDENT: That is an obvious point. I am sure the member realises that the motion is a specific motion to refer the bill to a committee and really has nothing to do with how long anybody has spoken here, there or anywhere else.

Debate Resumed

Hon SALLY TALBOT: I apologise for that. I was tempted to respond to the interjection by Hon Simon O'Brien about whether I needed assistance. I will skip lightly over that by noting that clearly Hon Norman Moore is one of those people who always exaggerate the size of things.

Hon Ljiljanna Ravlich: Not everything.

Hon SALLY TALBOT: Oh, I suspect everything. I am referring to the fish that he catches.

The PRESIDENT: Order! Let us get back to the motion.

Hon SALLY TALBOT: I will move right along because I do want to respect the standing orders that apply to this debate.

Were this bill referred to the legislation committee, of which I am a member, another thing I would raise as a matter of priority is what aspects of the bill the minister has concerns about and what aspects she thinks might be ultra vires.

I will let Hon Simon O'Brien answer his phone.

The PRESIDENT: No, you will not. It is entirely unparliamentary to have a mobile phone turned on in the chamber.

Hon SALLY TALBOT: Clearly, that is one of the things that has troubled the Minister for Environment since she announced, in the context of the budget, that this move would be made. We really need to see that legal advice. If the government will not show it to us, which I gather is the case, we need a proper inquiry that could be carried out by the standing committee.

There are many other things we need to know. We heard the minister admit that many councils are already collecting this extra money. One of the minister's colleagues who has been assisting with this bill has already placed on the public record several times that what councils do with the money is their own business, but—this, I think, would be central to the Standing Committee on Legislation's inquiries—councils will spend the extra money they have collected on waste management. When I realised that that was the line being run by a government minister, I looked at the act and then went back to the local governments I have been talking to and asked them about that. Somebody is wrong here. It is not clear to me who is wrong, and that is exactly the sort of question that could be canvassed by the standing committee. If the government is wrong, then surely we should be putting that right before we proceed to debate the Waste Avoidance and Resource Recovery Amendment Bill 2009 further in this house. Surely, if councils are not obliged to spend the extra money on waste and recycling, that is something the government itself would want to address. If it is labouring under a misapprehension, how else can we find out what the real case is?

Another question I think needs to be looked at very carefully is the impact of the delay on the Department of Environment and Conservation's budget; again, I do not know if we will be able to obtain that information during debate in this house. On the issue of any further delay being caused by a referral to the committee—I have had discussions with Hon Ken Travers about this—I note that Hon Ken Travers' motion refers to a report back to the house in mid-December. I further note that he has even taken account of school holidays. In fact, we could have all this done, in a much better way, before the school holidays start. That means we would not get in the way of the minister's timetable for plugging the black hole in the Department of Environment and Conservation budget.

Several members interjected.

Hon SALLY TALBOT: I do have a little difficulty here, Mr President. Perhaps, through you, I could remind the minister that she will get a chance to respond at some point.

The PRESIDENT: In return, we can do a deal. If you direct your comments through the Chair, whether I am in the chair or somebody else is in the chair, not at the minister, I am sure that I will not interject, and the minister will then have no reason to interject.

Hon SALLY TALBOT: Absolutely. Mr President, you have given me that undertaking, and it is one that you keep your word on; I do see that.

The minister was asking—it is part of this debate—why we did not move the motion earlier in this debate. I think I have already addressed that, but just in case honourable members opposite did not hear, we did not move it earlier because we wanted to get to the end of the second reading debate and see whether we got any amendments from the government, which would have demonstrated to us that some of the things we had said had been listened to. That did not happen; therefore, what other course was open to us other than to refer the bill to the committee? And that is exactly what we are doing now.

Something else that the committee inquiry would be able to look into is whether the budget announcement was premature, which I suspect it was. I think the government wanted to go down a certain path, which may even have been a direction that the Labor Party would have supported—I have never ruled that out. I have certainly never ruled out the fact that we might support an increase in the waste levy, and, indeed, I have pointed out that we had our own mechanisms in place for doing that. But an important part of this referral would be to look at whether the government got the timing and sequence of the Waste Avoidance and Resource Recovery Amendment Bill 2009 in the right order; I suspect the answer would be that it did not.

There are further things that a committee inquiry would test. The minister has claimed, and put on the public record in the *Hansard* of 19 May, that —

We believe that an increase in the levies ... will provide a significant opportunity for industries to recycle.

What we have heard argued so far in the second reading debate is that levies do not provide opportunities. Of course levies are an important part of controlling the amount of waste that goes to landfill, but can levies be used as leverage to create opportunities? I really cannot think of a way that that would work, and neither can any of the stakeholders I have spoken to. But because the Standing Committee on Legislation has representatives from all parties in the Parliament, undoubtedly we would hear evidence from people who would support the government's position that levies do provide opportunities. I have not been able to find that information, but a referral to the committee would give us the chance to look into that and consider it properly.

There are two other gaping holes in what the government is proposing whereby I think, under any other circumstance that I can think of other than this mismanaged bungling of the government's program, the referral would have been supported by Hon Norman Moore and Hon Donna Faragher, because it would have given them the chance to have more material to consider on two particular aspects. The first is the economic modelling that presumably underlies this bill, about which I, and many of my colleagues on this side of the house, asked during the second reading debate. It was put very succinctly by Hon Ken Travers—who, as members of the government know, is our spokesperson on budget issues and things to do with Treasury—when he asked where the economic modelling was and how it was done. The minister has not tabled any documents that explain how the model is supposed to work. When she was asked during estimates week, for example, why there was no decrease in income from the waste levy in the out years, she brushed the question aside. That is just not good enough.

We have ended up, towards the end of November, at the end of the second reading debate, with the only move left open to us, other than referral, being to go into the Committee of the Whole stage without any proper explanation about why there is no decrease in the out years and why the dollar numbers associated with the out years in the budget papers specifically contradict the narrative in the budget papers about this bill. It is just not good enough. Of course we will pursue this matter in committee, if that is the only opportunity the government gives us to do it, but, my goodness me, how much more effectively and how much more efficiently could we have done this if it had been referred to a committee? I do not know how members of the government feel about committees and about referrals of this kind. They seemed happy to accept the referral of the stop-and-search legislation. This legislation, in its own way, is as contentious amongst the stakeholders in the waste industry as that other legislation is amongst the community of Western Australia. I constantly explain to my constituents in the south west that about half—if not more—of the work of a member of the Legislative Council is done in committees. I constantly explain that, because obviously it is done behind closed doors. People who are particularly interested in these things can log on to websites to see what various inquiries we are doing, but the general public does not know this. I take great pride in explaining to people in my electorate what goes on in committees, and people are impressed when they hear that. They are impressed by the powers we have in committees and they support the committee system. I do not know whether government members have a different view; if they do, I guess we will see it come out in the review of standing orders being undertaken at the moment, but they have given me no indication of that. They must surely be feeling uneasy about the statement of their leader in this place that they are not going to support this motion.

I have talked about the economic modelling. The other part of the government's modelling, which presumably exists in a filing cabinet somewhere, or maybe it is in the minister's files that she is surrounded by now, is about the price elasticity. This is a related point to the economic modelling. The central assumption in the bill that the government has put before us is to do with the price elasticity and the way that the levy is used, and the effect that increases will have on the overall amount of waste going to landfill.

Earlier this year the Standing Committee on Environment and Public Affairs conducted an inquiry into municipal waste. That produced the sixteenth report, which has been referred to several times, entitled "Municipal Waste Management in Western Australia". As a member of the legislation committee, I would have the chance to have some input if the bill were referred to the committee. If this motion were to be successful, one of the first things that I would do—I am foreshadowing another item that would be at the top of my agenda when I walk into that first committee meeting—would be to recall Councillor Doug Thompson to hear again the evidence that he gave to the Standing Committee on Environment and Public Affairs' inquiry. It was an open hearing—it was a public hearing. This is all on the record if members want to look at the record. Mr Thompson talked specifically about the price elasticity of waste management and about the reprocessing costs. According to Councillor Thompson, reprocessing costs about \$130 a tonne. This material has not been talked about previously in this debate. This material is directly germane to the question about what a referral to a standing committee could achieve. The point that Mr Thompson was making was that the cost of reprocessing is about \$130 a tonne

and that it currently costs about half that to send the waste to landfill. If the government has made assumptions about price elasticity, I am suggesting that it may be wrong. Where can we test these assumptions, Mr President? The committee system in the Legislative Council is set up in such a way that it is precisely these kinds of detailed, technical and complex questions that can be addressed in a thorough and efficient way in the context of a committee hearing.

Yet another issue is connected to the question of whether this tax can legally be imposed. That is a question to which I believe there are at least two answers—one being yes, it can and the other being no, it cannot. I have already suggested that if the government will not table its legal advice, the committee would be in a position to get its own legal advice on that question. But there is a related question here. It seems to me that the government has created a situation without precedent in which, to the best of my knowledge—if anybody opposite can correct me, I would be pleased to stand corrected on this—we will be making provisions that will allow the act to be used for purposes totally outside the originally stated objects of the act. If the government is not expecting a legal challenge on that, it is not doing its job as a government.

Hon Ken Travers: Is it an excise?

Hon SALLY TALBOT: Exactly; is it an excise?

What are the implications for this state of provisions that will allow the act to be used for purposes outside its originally stated objects?

I do not want to repeat the point already made during the second reading debate, but the objects of the act are clearly set out in section 5 of the WARR act. Section 5 is very short; it will take the minister only 30 seconds to read it. I ask the minister to read the objects of the WARR act and then tell me that these amendments are consistent with the original objects of the act. I want to hear those arguments because so far they have not been publicly canvassed. I shall certainly be asking the minister during the committee stage of the bill to address those points, but how much more effectively could they be addressed in a committee hearing?

I notice a cross-reference in section 5 of the WARR act. These are complicated matters, Mr President, and that is why I think that they would be more effectively considered by a parliamentary committee than they would be during the second reading debate in this place. Section 5, “Objects of this Act”, refers to the Environmental Protection Act. Section 5(2) states —

The principles set out in the EP Act section 4A apply in relation to the objects of this Act.

It troubles me, and I am sure that the committee would look into this in some detail, that there is no equivalent cross-reference in the EP act. We are taking money that has been collected using the provisions of the WARR act and the WARR levy act and putting it into a consolidated account to be used to fund the general activities of the Department of Environment and Conservation. Surely we must at least have a cross-reference to the WARR act in the EP act, because presumably some of the provisions of the EP act will be funded using money raised by the WARR levy. We cannot have two sets of objects in two different, not mutually encompassing acts and have money used from one act to fund activities covered by the other. These are complicated points, but one does not have to be interested in rocket science to work out that there is a problem.

Hon Donna Faragher: You are certainly not a rocket scientist.

Hon SALLY TALBOT: I am certainly not a rocket scientist—no, absolutely not! I have never claimed to be. I would have quite liked to have been in another life, but that is a subject for another time. However, they are just a few of the problems that we on this side of the house have identified.

There are lots of other questions Mr President, one of which is about the proposal in this bill to set up a new account. A new account will surely add a whole new layer of bureaucracy in DEC.

The PRESIDENT: Order! I think that the member is straying into a repeat of the general principles associated with the second reading debate. I have said before that the motion is quite specific and to the point and that members’ remarks need to be directed towards the motion.

Hon SALLY TALBOT: Thank you, Mr President, for reminding me of that. I must say that this is an act about which I feel very strongly, and the temptation to go into longer explanations is one that I must learn to resist. I recognise that we are debating the referral to the standing committee and I have already said that the time lines do not interfere at all with what the government is proposing to do. I am speaking in support of this referral, but I do want to put on the record the number of questions that I believe can be more adequately addressed by a standing committee than can be addressed during the second reading debate or in the Committee of the Whole House. One of those questions is about how this new account will to be managed and whether a new layer of

bureaucracy will be needed—a new bureaucratic layer that, on the basis of what we have heard during this debate, the Department of Environment and Conservation can ill afford to put in place.

The bill is desperately scant when it comes to details about these sorts of things. During my six years on the legislation committee I have learnt that the committee is one such place where members can ask questions about whether each clause and each proposed section of a bill will comply with not just the letter but also the spirit of the law and whether the bill will put in practice that which we are trying to achieve. We are talking about the spirit and the letter of the law and the intent of the government. I certainly would not foreshadow the recommendations of the standing committee because it would be entirely inappropriate for me to do so. I will not foreshadow the committee's recommendations or the outcome of a referral because I genuinely do not know them. I would not ask these questions unless I believed that the committee would establish answers to my questions that would either affirm my arguments or show them to be based on false premises—I am open to either being the case.

[Quorum formed.]

Hon SALLY TALBOT: I was just making the point that I am not in any way foreshadowing the outcome of the Standing Committee on Legislation's inquiry. Indeed, I remain, as I hope every member of this house does, open to persuasion that the government is adopting the right course, but, sadly, that is not clear to me at the moment. It is obviously not clear to Hon Ken Travers either, which is why he moved his motion to refer the Waste Avoidance and Resource Recovery Amendment Bill to the committee.

In the time available to me I will refer to a couple of other things in connection with this referral motion. As well as the economic modelling and the modelling on price elasticity in relation to the waste levy, I think there are also questions about whether the appropriate economic impact studies have been done. Has the economic impact study been done? Assuming the answer is yes—we do not know because we have not seen anything yet, but the standing committee might be able to get that answer from the minister—it would be up to the standing committee to consider whether that economic impact study had been done properly and whether its conclusions had been correctly interpreted and, therefore, that the bill would not have an adverse economic impact on, for example, the many small businesses that are associated with the waste industry, such as people who operate mini bins and skips. Certainly, the evidence that they will be severely impacted on has been presented to opposition members. My feeling is that these small business owners would welcome the opportunity to take part in a public hearing. That would give them the chance to satisfy themselves about whether their needs have been taken into account and it would certainly give them the feeling that they have been heard. I think that is the crux of the matter. One of the main purposes of making a referral, particularly to the Standing Committee on Legislation, which has the role of scrutinising legislation clause by clause and section by section, is that people can feel that they have been heard and that their concerns are being taken seriously by this Parliament, and nobody is left at the end of the process feeling as though they have been banging their head against a brick wall or just shouting into the void and that all their energies have been wasted. I know that honourable members sometimes have that feeling themselves, particularly when somebody like Hon Norman Moore comes into this place and says that he is not even listening to the debate because it is boring him!

Hon Norman Moore: I said I listened to the first three hours and then it got boring because you said the same thing all over again.

Hon SALLY TALBOT: In the context of a committee hearing, that does not happen. I have seen members demonstrate that they have remarkably long concentration spans in committees.

Several members interjected.

Hon SALLY TALBOT: If Hon Michael Mischin thinks that nobody's evidence will take three hours, he really needs to familiarise himself with some of the history of this place because there have been some very significant breakthroughs arising from the work of parliamentary committees. As the chair of a parliamentary committee, the member needs to take this very, very seriously. Look at some of the previous inquiries that we have had! I do not need to stray outside the terms of this debate on the bill's referral to the legislation committee to make my point. If honourable members opposite are labouring under the impression that parliamentary inquiries never produce results that change the direction of the discussion, they are sadly mistaken. I urge Hon Michael Mischin, who is the chair of the legislation committee and who is really seriously alarming me, and, I am sure, other members even on his own side of the house, with his comments about what a standing committee does, to, in the short time that is available to us in this debate, familiarise himself with what a referral of this kind might achieve. The short answer is that a committee inquiry can achieve an enormous amount. I am happy to give Hon Norman Moore and Hon Donna Faragher my assurance that we will come back with a better bill. There is no question about that.

Hon Ljiljanna Ravlich: It cannot be any worse!

Hon SALLY TALBOT: As Hon Ljiljana Ravlich said, it cannot be any worse! What does the government have to lose by this referral? I will tell government members what they have to lose—that is, a bit of their pride. What we are hearing in this debate and what we have heard since this debate started—of course, I am talking about the debate on the referral of this bill to the Standing Committee on Legislation—is a lethal combination of arrogance and inexperience on the part of this government.

Several members interjected.

The PRESIDENT: Order, members! If you want to get up and make a speech, there is opportunity for that in the debate. Do not interrupt the member, who I am sure is trying to wind up her remarks.

Hon SALLY TALBOT: Thank you, Mr President. I will conclude in the few minutes that are left to me. I was just saying that if honourable members opposite vote against this motion because they believe there is no point in sending the bill to the legislation committee, I urge them in the short time that is available before they have to commit themselves on this to do a bit of homework. I am a proud member of the Standing Committee on Legislation, and I always put my hand up to be on that committee because I believe that the work it does is very interesting. I am sure that view is shared by everyone who has ever been on that committee. In the time that I have served on the committee, since 2005, we have done some very significant things. I am not blowing my own trumpet; it is teamwork. We have changed legislation and we have brought things before members of this house that honourable members could not have been aware of without the committee's inquiry. Before my time, the legislation committee conducted the inquiry into electoral reform, a topic that I would have thought would have been very close to Hon Michael Mischin's heart. The legislation committee held the inquiry into the anti-fortification legislation and, again, some significant changes were made.

I am not being a partisan in making these comments; those two pieces of legislation referred to the committee were put up by the Labor government. People who were on this side of the house were in the process of producing those reports and able to make significant changes. That is what the legislation committee is for. We would come back with a better piece of legislation and we would come back with legislation that brought the community with it. I can guarantee that! If honourable members opposite do not know that one of the main complaints that the three sets of stakeholders—local government, the community and the environmental groups—have is that the government will not listen to them, government members simply have not been doing their job. I can guarantee that when the committee comes back with a better piece of legislation, it will also come back with the support of significant people from those three stakeholder groups, such as members of the community, specialist waste providers, industry representatives and environmental groups. These stakeholders are desperate because they have not been listened to. They have made some extremely well-informed, erudite points about the shortcomings of this legislation and they have not been listened to. Put them in front of the Standing Committee on Legislation, let us listen to what they have to say, let us analyse the merits of those arguments and let us make the changes that we feel are requisite on the basis of that evidence. Let the committee come back to this place with a piece of legislation that will not have government members going out to face complete antagonism from people who feel that this government is behaving like a tired, sad, worn-out mob of people whose opposition to this motion is based only on their arrogance and inexperience.

HON ED DERMER (North Metropolitan) [3.29 pm]: I wish to start my comments by explaining my own assessment of the arguments put forward by Hon Ken Travers. From the word go I thought the referral to the Standing Committee on Legislation was appropriate. Having heard his very erudite comments, I am now even more convinced. I suggest to members of the house that it would be a better use of their time to listen to the wise and convincing arguments of our colleagues, such as Hon Sally Talbot and Hon Ken Travers, rather than counting minutes or seconds or otherwise moaning or interjecting and behaving in the most disorderly fashion that I have seen by members opposite this afternoon. Hon Sally Talbot's speech was particularly interesting—one I believe I have learnt a great deal from. I recommend to all my colleagues in this chamber to listen carefully to her words. It is very important that the bill be referred to the Standing Committee on Legislation, as moved by Hon Ken Travers, because I have a great deal of respect for the committees of this chamber and the powerful work they show time and again that they are capable of doing.

I noted with interest earlier this afternoon Hon Norman Moore's suggestion that there was no need for this bill to be referred to the legislation committee because the members of the opposition had presented all the possible arguments, evidence and facts that should be considered. I have paraphrased him a little, but that was the gist of what he said. I thank him for his confidence in our ability to summarise our argument and to draw together the threads of the evidence that need to be considered. However, I do not believe it is possible in debate in this chamber to draw together all the evidence that needs to be considered before we make final decisions on this bill. That is the work that can be performed by the committees of the Legislative Council because they succeed in that work time and again, not least because they are aided so effectively by the very competent staff employed by the Legislative Council committee office. I have every confidence that the Standing Committee on Legislation will

do a very effective job in drawing together the very wide range of evidence that I believe will be presented by the large number of Western Australians and institutions that are very concerned about this bill. The committee will draw all the evidence together and present it in a logical and orderly fashion to demonstrate the significance of that evidence and recommendations that will arise from the committee's work. I think we will all learn a great deal from the work of the legislation committee if the house chooses to give it the opportunity to examine this bill. I am hoping that the government will also learn from the work of the committee and come to realise just how flawed this bill is.

In explaining why it is important that the committee have an opportunity to examine this evidence and bring its recommendations into the house, I would like to refer to my own experience. Since the bill was first brought to the attention of me and my colleagues, I have taken steps to consult the local government authorities—the people who are doing the real work to achieve resource recovery and waste avoidance in our society. As we explained during the second reading debate, Hon Ken Travers and I wrote to each of the local government authorities and the regional councils in our North Metropolitan Region electorate to seek their view. Discussions followed. Mr Ron Norris, the chairman of the Western Metropolitan Regional Council and the Mayor of the Town of Mosman Park, comes to mind as a person from whom I have learnt a great deal about the whole process of waste avoidance and resource recovery. I believe that if people like Mr Norris were given an opportunity to present evidence to a committee, given the normal excellence of Legislative Council committees, and the legislation committee was able to draw that evidence together from the range of people who might take up that opportunity, that would be a much more persuasive argument than I believe it is possible for all of us in the chamber to provide. The opportunity through the committee will be very effective. I am very pleased to say from talking to people like Mr Norris that I have learnt a great deal. It is essential we all share in that knowledge.

This government obviously needs to be persuaded away from this dreadful bill. I am hoping that by giving all the people who would be so affected by this bill, if it becomes an act, an opportunity to present the evidence. They will be able to persuade the government away from persisting with this very deleterious bill. I have learnt a great deal. Government members in this house particularly need to learn a great deal because they are going down a very unfortunate course of action to have this bill enacted. Their need to learn is desperate. I am hoping that referral to the legislation committee will have the effect of consolidating evidence.

When I spoke on the second reading debate I endeavoured to share with the house the wisdom I had gained from people responding to the requests from Hon Ken Travers and me to the various local government authorities and regional councils in our electorate to comment on this bill. If I had had more time in the second reading debate, I would have read from this letter I received from the Mayor of the City of Joondalup. I think this letter is particularly relevant to whether we should refer the bill to the legislation committee. This letter is almost like the tip of the iceberg. It gives a little sample of wisdom that is held by the local government authorities in this state. It is wisdom that I would like to see the legislation committee harness by listening carefully, gathering evidence and presenting it in a professional and logical fashion, as committees of this chamber so often do. I would like to cite Mr Pickard's letter as one example, because it indicates the wisdom that comes from local government authorities on the issues of waste avoidance and resource recovery. Why is it that these local government authorities have this wisdom? It is because they are out there doing the work. There are various types of wisdom in the world, but my general assessment of life is that the wisdom that comes from experience, particularly the instructive experience of doing the work, is often the most sound. This bill should be referred to the legislation committee to enable the informed experience, and the evidence based on that informed experience, to be considered by the committee and brought to the attention of the house in the very clear and logical fashion that our committees have an excellent professional reputation for achieving.

I turn for a moment to the letter I received from Mr Troy Pickard, the mayor of Joondalup. As I explained earlier, the letter was responding to a letter that Hon Ken Travers and I sent to each of the mayors in the North Metropolitan Region at an earlier time.

Hon Sally Talbot: He is not a well-known supporter of yours.

Hon ED DERMER: That is interesting. I must confess that I voted for another candidate when it came to the recent elections for the mayor of Joondalup. I voted for the other candidate based on my enthusiasm for him rather than any lack of enthusiasm for Mr Pickard; I think he does his job well.

The PRESIDENT: Order! The council elections of Joondalup have absolutely nothing to do with this motion. I direct your comments specifically to this motion.

Hon ED DERMER: Thank you, Mr President; I will do that.

The strength of the Mayor of the City of Joondalup, whom I totally respect although I voted for Mr Corr, comes from the excellent work that he and his council do and the wisdom that comes from their experience of doing the work that I think would be potentially impeded in a serious way if this bill were to become an act. I will read a bit of his letter because it gives an idea of the type of work that the council does that would provide a small

sample of the body of important evidence that should be considered by the Standing Committee on Legislation and brought to logical recommendation by that committee for this house to consider. Mr Pickard wrote a letter on 5 November. I will not read all of his letter, but it has some important substance. In one part the letter states —

In 2005 the City approved its Waste Management Strategy and a copy is provided in Attachment 1. The overall outcome of the Strategy is to divert over 50% of the domestic waste stream from being disposed to landfill.

I think it would be very important for the standing committee to learn about the detail of how that will be achieved. If a report of the standing committee were presented to this house, it would give this house, the government and all Western Australians the opportunity to learn from the wisdom and experience of the City of Joondalup and other local government authorities. The letter continues —

The City introduced the following initiatives to achieve the objectives of this strategy:

- Provision of a recycling service utilising the yellow top recycling bin where all City residents received the service.
- The upgrade of the Materials Recovery Facility at ... Wangara in partnership with the City of Wanneroo and the City of Swan to ensure the collected recyclables are sorted and then sold into the commodities market.

It is excellent to see the cooperative spirit demonstrated by these various local government authorities working together. Mr Pickard's letter continues —

- The development of the Resource Recovery Facility (RRF) located in the Neerabup Industrial area. The RRF was commissioned earlier this year and started accepting waste in July. This RRF is designed to process 100,000 tonnes per year and divert approximately 70,000 tonnes of waste from landfill.

As capable as my colleague Hon Sally Talbot is in presenting these arguments, I think the legislation committee needs to be given an opportunity to consider more evidence. This letter from Mr Pickard is a small illustrative example of the evidence that our hardworking local government authorities could usefully present to the legislation committee. Mr Pickard's letter continues —

It is anticipated that the City will achieve the 50% diversion rate proposed in the 2005 Strategy in the year 2010.

It should be noted these initiatives have been at considerable expense to the City's residents with the current annual waste charge set at \$264.80.

The original negotiations on the WARR legislation included an agreement with the State Government, Local Government and Industry that any levy funds raised from the introduction of the legislation would be hypothecated and the funds used for waste avoidance and waste minimisation projects.

It is a very sad reflection that this bill seeks to change the rules under which the work has been undertaken to date, especially as a great deal of success has been achieved under the act. Mr Pickard's letter continues —

There are many existing programs that are currently under funded and other programs that need to be introduced and funded on a regular basis.

I think it is very important that the legislation committee have an opportunity to hear about the programs that are currently in place, because I am sure that committee members would reach the same conclusion that I have reached that the local government authorities that have done this important work have a degree of predictability with their investment decisions. I would like the legislation committee to hear more detail about the investment decisions, the initiatives and the progress being made by local government authorities with a view to making it very clear to the Legislative Council what would be the likely disruptive effect of imposing this tax at a time when these local government authorities need to be supported and encouraged rather than to have the impediment of a further tax. However, I divert. I return to Mr Pickard's letter —

An example, of the existing programs is the Household Hazardous Waste program where collection days for these chemicals are arranged and the disposal fee is paid out of the levy fund. The Waste Authority has indicated that funding for this proposal is to be limited and is looking for a way forward to reduce costs when the current budget of \$1million does not accommodate one collection per year at each Local Government.

Extract from *Hansard*
[COUNCIL - Friday, 27 November 2009]
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Hon Norman Moore; Hon Dr Sally Talbot; Hon Nick Goiran; Hon Jon Ford; President; Hon Ed Dermer

It is clear—I am sure that the committee would probably find further evidence to support this—that there are many useful ways in which the money to be gathered through the levy could be spent. Unfortunately, that is not the intention of this government. Mr Pickard’s letter continues —

Previously the State Government provided a recycling rebate scheme which was funded from the Levy and distributed on the tonnage of waste recycled by each Local Government.

Debate interrupted.

[See below.]

Sitting suspended from 3.45 to 4.00 pm