

COMMITTEE REPORTS AND MINISTERIAL STATEMENTS — CONSIDERATION

Committee

The Chairman of Committees (Hon Matt Benson-Lidholm) in the chair.

*Standing Committee on Environment and Public Affairs — Sixteenth Report —
“Municipal Waste Management in Western Australia” — Motion*

Resumed from 25 March on the following motion moved by Hon Kate Doust —

That the report be noted.

Hon SALLY TALBOT: I am pleased to continue my opening remarks from last week which I will not spend very much time on. I want to note the ongoing relevance of this report. As Hon Kate Doust has already noted, it is a report of an enormous amount of substance. The house should be commending the former members of the Standing Committee on Environment and Public Affairs for the work that they did in broadening what originated from a petition about the operations of the Southern Metropolitan Regional Council at Canning Vale into what turned out to be an extremely comprehensive review of waste recycling and resource recovery in Western Australia. I want to take a couple of minutes of the chamber's time by pointing out exactly why I think this report will continue to be of value to us in our deliberations in this place and, indeed, in the wider context in the community, in considering the issues to do with waste management and resource recovery.

In my opening remarks last week I noted that although this report was tabled in May 2009 and would have been very topical at the time, it remains topical now nearly 12 months after that tabling date for the immediate and obvious reason that the government has had to resort to a measure in the Treasurer's advance authorisation legislation that is before us at the moment to make up the shortfall that went missing from the Department of Environment and Conservation's budget last year because of its failure to properly manage the measures that it put in place to do with the use of the waste levy.

The other reason for this being a very topical debate to be having at the moment is that the state's draft waste strategy, draft 2, has just been released. We need go no further than the Towards Zero Waste website to see that 1 441 submissions were received by the Waste Authority in response to the first draft of the waste strategy. That is an extraordinary response. When we read, as I have done, many of those submissions that are available publicly on the website, we see that they are very substantial and make a number of comments that will undoubtedly guide us on this topic for the next decade or so. I will refer later to one specific submission that was made as part of that 1 400-odd.

Before I do, I want to talk about a couple of specific recommendations in this report and express the disappointment of the community and the stakeholders in the waste industry sector at the government's failure to respond to these recommendations and, indeed, in some cases specifically ignore these recommendations and move in directions that are diametrically opposed to the recommendations of the committee. The first is recommendation 3, which states —

The Committee recommends that the *Waste Avoidance and Resource Recovery Act 2007* be amended to expressly limit the Department of Environment and Conservation's access to funds from the landfill levy to the offsetting of the actual administration costs of the landfill levy fund, and for other specified purposes to be set out in regulations.

Sadly, what we saw with the legislation that the government brought to this place at the end of last year was a complete trashing of not just that recommendation but one of the core principles of the Waste Avoidance and Resource Recovery Act, which was the effective ending of the hypothecation of the waste levy to the waste levy account. I again refer to the submissions that were made to the second draft of the state waste strategy. I urge members opposite to count the number of submissions that specifically talk about the ending of the hypothecation and I plea for the return of that measure. It would be a foolish government that ignored such a wave of opinion from such a vast spectrum of stakeholders who are absolutely outraged that the government is taking much-needed funds away from the Waste Authority and is using them to prop up the black hole that the government has created in the middle of Department of Environment and Conservation's budget.

It is worth drawing members' attention to a couple of the findings in the report. Finding 23 states —

The Committee finds that although an increase in the landfill levy may be appropriate, it is concerned that any increase in the levy may be absorbed as an additional revenue stream for the Department of Environment and Conservation's activities in the area of waste management.

That is a very perceptive finding. It turned out to be the case that that was what was on the government's mind. It is interesting also that the committee was able to tease out the wide basis of support for an extended producer

responsibility scheme among not only industry players, who clearly have a financial stake in seeing these producer responsibility schemes put into place, but also ordinary members of the community who are interested. Can you tell me what the clock is doing, Mr Chairman?

The CHAIRMAN: You have 20 seconds left.

Hon Simon O'Brien: You can have another go.

Hon SALLY TALBOT: Can I?

Hon Simon O'Brien: Yes, that is the case if there is no-one else who wants to speak on this.

Hon SALLY TALBOT: Is that true?

The CHAIRMAN: Yes. Would we advise the member otherwise?

Hon SALLY TALBOT: I note that Hon Simon O'Brien is doing everything he can to build my trust in him. It will take a little while.

Hon Simon O'Brien: "Gentleman" is the word you are looking for.

Hon SALLY TALBOT: I was not, actually. I apologise for that slight distraction.

I will turn briefly to what the levy is for. The report should be commended in particular for the very clear way that the committee has drawn out of the various stakeholders how the levy was perceived. I was the parliamentary secretary who took the legislation through this place in 2007, and it is very striking that all the stakeholders had a clear understanding that the levy was to be used for certain purposes. Just in case the Chairman has not had the opportunity to read every word in the report, I inform him that nowhere in the report is it suggested that hypothecation should be ended and that the waste levy should be used for general consolidated revenue, either within DEC or anywhere else. It is most clearly expressed on page 113 by a witness from the Western Australian Local Government Association, Ms Rebecca Brown, whose skills I have already commented on in this house. She is a very knowledgeable person in this field and the committee was fortunate to be able to call her as a witness. Ms Brown suggests that there are several reasons for setting a levy. The first is to raise revenue for strategic waste activities. That is absolutely crucial. Ms Brown states —

Part of the reason you set a levy is to fund programs and to fund things to happen. One example is the household hazardous waste program, which WALGA currently administers, which provides collection days so that people can take their paint and pesticides to a convenient location and drop them off. That is funded through the landfill levy.

I am sure that opposition members will agree that that is an excellent program. Ms Brown also states —

The other reason that you set a levy is to change behaviour by putting a price signal in place. I am not an economist, but there are certain points that you can set the levy at that will change behaviour. That will be different for the putrescible levy and for the inert levy.

In several debates in this place at the end of last year we pointed out that the signals the government is sending to the community about the change of behaviour are all wrong at the moment. The government is using the landfill levy now just as a tax on households. It is bitterly resented by not only householders, who are paying in the region of \$28 a year extra in household costs, but also local governments, who are increasingly aware that they are being used as tax collectors by this government.

The third reason Ms Brown cites is —

The other reason that you set a levy is to include the externalities that are not currently covered. The carbon pollution reduction scheme at a federal level may start to incorporate some of those externalities and put an additional price on landfill. As I say, there are lots of reasons why you set a levy and how it should be calculated.

That is a very succinct outline of what a levy should do. Sadly, it is a graphic illustration of exactly what the government is failing to do. It took a big step backwards with the amendments to the Waste Avoidance and Resource Recovery Amendment Bill at the end of last year.

In closing, I will refer to one particular submission received in response to the first draft of the state waste strategy. Although it is a letter to the Premier, it was included as one of the submissions that are publicly available on the Waste Authority's website. I stress to the house that that is where I found a copy of this submission. It is particularly relevant to the original impetus for this report by the committee that we are considering today. The letter is from Dr Mike Nahan, the member for Riverton. He talks at some length about the operations of the Southern Metropolitan Regional Council, which is why I say it is particularly relevant to this report. Dr Nahan goes through a bit of the history of the issues, which, as we all know, are to do with the

odours that seem to emanate from the SMRC at various points of the composting cycle and various fluctuations of temperature and that sort of thing. Those issues have been quite well canvassed both here and in the wider community. I found a couple of extraordinary comments in Dr Nahan's letter to the Premier, which I should tell honourable members is dated 21 January 2010. I think that Dr Nahan's role in handling this issue is pretty much on the public record. I know it was raised by the previous member for Riverton, Tony McRae, and I know it was taken into account—not Dr Nahan's position of course—by the committee in its report. Dr Nahan, after going into the issues at some length, talks about the Department of Environment and Conservation under a heading "Suggested Actions". He said —

The DEC must be much more forceful and timely in enforcing odour emissions from the SMRC. It must act independently from its objectives of promoting recycling. It is currently viewed as a patsy for the SMRC in the community and validly so. I urge the Minister for Environment to make this clear to the DEC.

I assume that the Minister for Environment has seen this letter; indeed, it was cc'd to her. Dr Nahan goes on —

While I do not condone it, tensions are rising in the community to the extent that people may lose their cool and act forcefully of their own accord because they believe that the regulator is ineffective.

I find that a quite extraordinary comment for a local member of Parliament to be making in a letter to the Premier. It seems to me that Dr Nahan has done more than his fair share to make sure that tensions are rising in the community, particularly when we consider that Dr Nahan is a member of the same political party as the Minister for Environment and has every opportunity to raise these issues with the minister, both publicly and privately. I find that an absolutely extraordinary thing for the member to have put on record. I would be very interested at some point to hear the Minister for Environment respond to the remarks he has made about people losing their cool and acting forcefully of their own accord. The comments I make are not divorced from the context and of course there was a major incident at the Southern Metropolitan Regional Council not so very many months ago. As I said, I find it extraordinary that a person of Dr Nahan's standing would place comments like that on the record.

Just in closing, I want to make one brief point on what we can read in this report about the way the Department of Environment and Conservation is operating. I must say that I do not agree with Dr Nahan's comments because it appears to me that DEC is increasingly happy to be seen as a regulator; DEC officers are increasingly to be seen wandering around the community with their infringement books, a bit like parking inspectors, slapping infringement notices on people's metaphorical windscreens. I asked the minister a question some months ago about the number of positions in DEC that were filled in an acting capacity. I think since I asked that question the situation has become considerably worse; we seem to have been losing people from the policy side of DEC, from the ideas side of DEC, and we seem to be bumping up the regulatory side. I think we have to be absolutely clear about what we expect from a department such as the Department of Environment and Conservation. I have had many, many discussions with the people at SMRC. I do not know whether the minister has had those discussions; if she has, she has not referred to them in this place or on any sort of public stage. However, I have had many, many discussions with people at SMRC, particularly under the old regime at SMRC before local government elections and the change of personnel, and one thing they pointed out to me over and over again was that they were getting no help from DEC in solving these problems. I do not know whether the minister—she has interjected a fair bit—wants to dispute that, but certainly to me they were clear that they were very, very disappointed with the failure of DEC to be able to help them find solutions. I think that should be very much at the forefront of this government's agenda when it thinks about what it wants a department like the Department of Environment and Conservation to do. It seems clear to me that it should be able to respond more positively and address the agendas that are being very much supported by the community to get these things up and running in an acceptable way.

Hon WENDY DUNCAN: Having been a part of the committee I also rise to address the Standing Committee on Environment and Public Affairs' sixteenth report. I came into the committee process well into the investigations into the petition that was the catalyst for the inquiry that took place; therefore, I really did not have a lot to do with the actual petition and the inquiry about the Southern Metropolitan Regional Council.

Following on from Hon Sally Talbot's remarks, one issue that came to my attention in the course of finalising the examination of the petition was the conflict that existed within the Department of Environment and Conservation in being both the regulator and also promoting new technology and advising regional councils as to the best way forward in dealing with some of these issues. I am sure that the minister has read the report, taken it on board and that responsive action is taking place. However, the main part of this inquiry and report that I had the pleasure of being involved in—although I guess "pleasure" is probably not quite the right word because there were times when we were investigating waste management facilities that were fairly challenging to the nose and to the suitcase when we went to pack the smelly clothes at the end of the day—is that I found the whole exercise

quite inspiring because there is just so much that can be done in waste management and the processing of waste to improve our record. At the time we were making this inquiry, Western Australia had a very poor diversion rate to landfill of 33 per cent, the lowest of all the mainland states. South Australia diverts 68 per cent and Victoria, 63 per cent. I think in our report we came to the conclusion that the amount of the landfill levy has some influence on the success or otherwise of waste diversion. At the time of this inquiry and the preparation of the report, Western Australia's landfill levy was only \$7 a tonne compared with Victoria's levy of \$9; South Australia's of \$24.20; and New South Wales' of \$58.80 and rising. That certainly created a very strong incentive for local governments and agencies managing landfill to ensure that it was minimised.

I guess from my own point of view and my particular interest in rural areas, I found the inquiry very worthwhile for analysing the situation in regional areas. One of the biggest issues is that the quantity of waste generated in regional areas is probably insufficient to make it economical to conduct recycling or even waste processing. Mr Bruce Bowman, who was state president of the Waste Management Association of Australia, notes as follows —

It is more difficult in the country areas because of the tyranny of distance. In some cases in the Gascoyne region, there are 300 kilometres between towns, so it is very hard to put a materials recovery facility up there when you have to transport materials 300 kilometres and there are only 20 000 tonnes of waste in the whole area. It does not work.

That is where the issue of extended producer responsibility comes into play. The way we can deal with waste as it gets disbursed through this vast state of ours is to perhaps require that companies producing goods for regional areas take some responsibility for their disposal and recycling at the end of their useful life.

The other interesting thing for me was to understand some of the items that make our waste stream so difficult to manage. This is where extended producer responsibility comes into play. It is important that people understand that electronic waste and other wastes such as glass, plastic containers, light bulbs, batteries, tyres, mattresses—believe it or not, fabric and mattresses are incredibly difficult to deal with in the waste stream—paint and used motor oils are products for which the producers need to take more responsibility in their final disposal.

The other issue for me is the existence in regional Western Australia of many unregistered landfill sites. There are many sites on farms, pastoral properties and the outskirts of towns that are not managed. I am guilty. On the station where I was brought up, we would dig a hole with the bulldozer, take the trailer load down and heave everything in. When it was full, we would push the dirt over and dig another hole somewhere else. Even worse I think, which I discovered when we moved to other farming areas, was that the most popular method of disposing of waste from the farm was to dig a hole in the middle of the nearest swamp and put it there, because that is not good land for cropping or grazing sheep and so farmers stick their waste in there! Actually, it is probably the worst possible place to dispose of rubbish. I commend the Shire of Esperance, which is where I am now located, for doing runs well out into the rural areas and picking up waste from farms to try to prevent the dumping of rubbish into unmanaged landfill sites. There is now an understanding in local governments in regional areas that they need to identify these sites, manage them and provide the opportunity for people living in more isolated areas or in farm areas to responsibly manage their waste.

This report has been very well covered by my colleagues on this committee, and the report contains some very good recommendations that I am sure the government and the minister will take note of in time. One of the things that concerned committee members that came to our attention in the course of this inquiry was the amount of commercial, industrial and demolition waste that is not getting any attention at all. Over 50 per cent of the state's waste stream falls into that category. That is an area on which we need to focus. These are the concrete blocks—the large partitions out of buildings and building waste. This product is very difficult to dispose of and that is probably the next area we need to turn our attention to. Overall, I was quite inspired by the opportunities that exist to process waste to produce energy, to produce compost and to reduce the waste stream, given investment and commitment. I trust that this report will inspire those who are able to implement it.

Hon ROBIN CHAPPLE: In dealing with the report, it is important to commend the members of the committee: Hon Sheila Mills, Hon Wendy Duncan, Hon Bruce Donaldson, an old colleague of mine; Hon Paul Llewellyn, a former Greens (WA) member; and Hon Kate Doust and Hon Robyn McSweeney. The elements of the report are to be commended. The report arose out of a petition presented by Hon Simon Brien. After reviewing the petition, which is in essence about smells and airborne pollution associated with landfills sites, the committee resolved to inquire into petition 59. I think it is important to remind members what this petition was specifically about. Petition 59 reads —

We the undersigned residents of Western Australia are opposed to the continued operation of the Regional Resource Recovery Centre's Waste Composting Facility in Canning Vale. This facility creates a noxious odour, affecting the health and lifestyle of the residents in surrounding suburbs.

Your petitioners therefore respectfully request the Legislative Council to support residents and others affected by this Waste Composting Facility and recommend to the Government that the South Metropolitan Regional Council relocate the facility away from any residential areas.

In Western Australia, landfill facilities, resource recovery centres and waste composting facilities were originally quite isolated. However, one of the problems that we face in dealing with waste and recycling is the fact that, as the urban sprawl grows, we do not seem to have a strategic plan for how we do not allow urban sprawl to get near to an area that we have in the past designated for these facilities. I think that both the state government and local government need to understand that there should be some strategic plan in the way we approach recycling waste, including hazardous waste. On that point, I was a consultant during the period of what we refer to as the CCC—that is, the core consultative committee that was looking at major waste facilities around Western Australia. One of the things that that committee struggled with was trying to find areas where we could put hazardous waste, and, indeed, noxious waste, in a manner that was isolated from the community, whether it be in the Kalgoorlie region, in the Pilbara or in the metropolitan or south west regions.

One of the things that came out of this committee hearing was the issue of residences slowly encroaching upon or becoming closer to these sorts of facilities. Indeed, as the facilities get larger, handle more material and do their best to establish waste composting to enhance recycling, there needs to be more control over the management of odours and noxious fumes. It is quite clear from the report that at the time of the report, the committee found that there were some improvements in the management of odours emanating from the RRC at Canning Vale, but the committee made it clear that in no way had these odours come to be managed. I am hopeful that by now the situation might have improved. In fact, I visited the facility with a number of my colleagues shortly after I was elected. We found that although odours were certainly still there, the councils operating that facility were going through a process of trying to further manage the generation of methane associated with the breakdown and degradation of some of the putrescible waste that they were turning into compost. Therefore, the committee went to some lengths to try to resolve some of those problems. I am not sure that they are completely resolvable, but I suggest that the situation is getting better.

Having said that, I still come back to the key issue that if we are to develop resource recovery centres, whether they be at Canning Vale or anywhere else, we need to be mindful at both a state and local government level that we should place them following a strategic evaluation of where town planning and expansion of residential areas will be in the future. We should not limit those thoughts or those parameters to our current thinking. In this regard I refer to Port Hedland, which has a landfill site that at one stage was miles away from Port Hedland. South Hedland was then built, and it was closer to the area. With the expansion of Koombana, which is another suburb, there is residential development closer to the site, and now some of the land areas that are identified for the expansion, hopefully, of the Pilbara are closer to the waste facility. I really think there needs to be some statewide—if not, local government—strategic thinking about where landfill sites and resource recovery centres should be situated.

The Standing Committee on Environment and Public Affairs resolved to consider the issues and to also broaden the scope of its inquiry to encompass all aspects of municipal waste management and the use of alternative waste technologies in Western Australia. The committee reported on many of the good aspects of how waste is being managed, and the way forward for waste management. The problem is that, although the committee's resolutions and recommendations are really good, it will take a progressive and committed government to follow the recommendations in the executive summary findings and recommendations. The eighth point of the executive summary states —

The Western Australian Landfill Levy has been so low as to make it virtually unfeasible to achieve high levels of resource recovery.

I will talk about the arguments around that shortly. That point is true, but if we wish to charge a decent landfill levy, we need to make sure that the levy is used to achieve a high level of resource recovery. The positions of the Greens (WA) and the government differ on that somewhat, as emerged during the debate on the Waste Avoidance and Resource Recovery Amendment Bill 2009. The Greens would have liked that money to be allocated specifically for those purposes.

One of the findings of the executive summary states —

The Waste Management Authority appears to be marginalised, without adequate resourcing or powers.

That is certainly in opposition to the way other states and nations are handling the issue of waste management. That was seen to be a failing, and I hope that the minister, and indeed the government, will heed those words.

The CHAIRMAN: Order, member. Your time has expired. You will need to resume your seat and seek to take the floor again.

Hon ROBIN CHAPPLE: I am sorry; I suddenly realised that I had been rambling on for hours!

Several members interjected.

Hon ROBIN CHAPPLE: I hope it was not that much of a ramble, especially on the subject of waste!

Finding 6 of the report states —

The Committee finds that the issue of prohibitive transport costs in rural and regional areas with respect to recyclable waste could be resolved by appropriate extended producer responsibility schemes, such as container deposit legislation.

As an aside to that recommendation, in 1998 I started a waste recycling community development in Port Hedland. In rural areas we had a lot of backloading, or empty trucks going back to Perth, especially from the State Energy Commission of Western Australia, which used to take a lot of materials up to the Pilbara or to the regions. By going to the authority, we were able to put bales of recycled paper from the major mining corporations onto the trucks and return them to Perth. In 1998, the government gave instructions to departments to backload recycled waste. I hope that the government will listen to that and think about that as a process of how to move forward with waste management in regional and rural areas.

Finding 14 of the report states —

The Committee finds that Western Australia has extensive and detailed waste management legislation, but lacks adequate regulations and administrative arrangements to drive waste management programs at the State level.

Again, what we need is for the organisation that underpins the waste avoidance and resource recovery legislation to be given considerably greater funding and considerably greater powers to enable it to take on board the job that it is entrusted with.

Finding 15 states —

The Committee finds that there is a lack of detailed public information regarding the expenditure of funds raised from the landfill levy.

We have had a long debate about the landfill levy. Therefore, I think the community is now much more aware that those funds are not being put into waste avoidance. Those funds are in fact hypothecated to general revenue and used to prop up the funding of the Department of Environment and Conservation.

Finding 16 states —

The Committee finds that there is an urgent need for the establishment of product stewardship programs for electronic and other problematic wastes, such as glass and plastic containers, incandescent light bulbs, batteries, tyres, mattresses, paint and used motor oil.

Just on that point, members will find that if they go to Germany and want to buy a new battery, they will have to hand in the old one. In Germany, batteries cannot be put into landfill. People cannot get anything for their old battery, but they cannot get a new one until they hand in the old one.

Hon Donna Faragher: We are looking at a number of initiatives for battery recycling, and also for the recycling of mattresses. There is a very good program at the EMRC, with very good success. That is just for your benefit.

Hon ROBIN CHAPPLE: I am talking about the little AAA batteries and those sorts of things.

Hon Donna Faragher: It is for those as well.

Hon ROBIN CHAPPLE: Yes.

Findings 19 and 20, and recommendations 9 and 10, basically mirror the findings of the Forum of Regional Councils. Those findings and recommendations are extremely important, and we wish the government had been willing to accept them.

Recommendation 9 states —

The Committee recommends that the *Waste Avoidance and Resource Recovery Act 2007* be amended to give the Waste Authority a greater role in strategic planning for large-scale resource recovery infrastructure projects in Western Australia.

Recommendation 10 states —

The Committee recommends that the Government give consideration to the development of essential services legislation, and to incorporate waste collection and management in any definition of “essential services” included within such legislation.

Finding 23 is quite important. It states —

The Committee finds that although an increase in the landfill levy may be appropriate, it is concerned that any increase in the levy may be absorbed as an additional revenue stream for the Department of Environment and Conservation’s activities in the area of waste management.

It is our view as a result of the debate around the WARR account that that money should be used for waste recovery.

I turn now to the government’s response. The response at point 3.6 states, under the heading “Solutions proposed by the committee” —

The Government agrees with the need to progress product stewardship schemes. These schemes are often most effective at a national level through the Environment Protection and Heritage Council. The draft Waste Strategy identifies seven priority products for product stewardship schemes, and the Government will be working with industry associations and manufacturers to develop schemes, in addition to working at the national level.

That is a pretty appalling response from the government. It is basically kicking the relevant findings 6, 7, 16 and 19 into the proverbial black hole.

Paragraph 3.6, dealing with the solutions proposed by the committee, states —

The draft Waste Strategy includes a strategy to collaborate with the Department of Planning, and other relevant agencies, to develop a State-wide planning framework for the provision and siting of waste infrastructure.

Again, I think that is inherently good and needs to be at the forefront of the government’s thinking on waste, but it needs to be long term and it needs to be strategic.

Moving on to paragraph 3.7, “OPERATIONAL FRAMEWORK REVIEW”, the government’s response was predictable when it stated —

The Government has introduced into Parliament an amendment bill to the WARR Act to allow for a wider use of the levy revenue.

The committee certainly did not support the position. The response did not in any way, shape or form reflect the committee’s finding but merely gave an indication that the government would put waste avoidance and resource recovery account funds into the Department of Environment and Conservation budget, which was in direct contradiction to finding 23. The government made no excuse for that, so I think that the government’s response was very light on that ground.

The government responded again in direct contradiction to recommendation 3 of the committee —

Sections 79 and 80 of the WARR Act already provide for levy funds to be paid into the WARR Account and prescribe the purposes for which moneys in the WARR Account maybe applied. Legislation has been introduced to the Parliament to enable the levy revenue to be split into two streams, one to the WARR Account expressly for the purpose of the WARR Act, and the other to DEC for conservation and environment programs.

Comments were made earlier on regulators and people being in the same body as those who established the rules and provided the regulation. I am reminded that this debacle stems from way before the current government and right back to the time when we amalgamated the regulatory bodies. May I seek an extension?

The CHAIRMAN: Order, members! The committee is dealing with the sixteenth report of the Standing Committee on Environment and Public Affairs, and given that we have only one hour, I think I will give the call to the Minister for Environment. However, having said that, after dinner we do have an extra four minutes. If that is enough, Hon Robin Chapple may give consideration to that. I will give the call, though, to the Minister for Environment.

HON DONNA FARAGHER: Thank you, Mr Chairman. Just for the member’s reference, I intend to speak for only a couple of minutes, so he will have another opportunity. I do not intend to speak long on this committee report because, as has been noted, a government response was provided last year. I do though want to reflect for a moment on some of the comments that have been made, the findings in the report and also the comments made last week by Hon Kate Doust specifically in respect of the Southern Metropolitan Regional Council, which of

course was the reason for the petition in the first place. May I just say as minister, that for those in this place who have had to deal with the SMRC—whether it has been through this committee process or as a local member—there have clearly been issues with odour, and quite significant issues that have impacted on members of the community. It is certainly a matter that takes a considerable period of the department's time in working through the issues that are presented through the SMRC. There are clearly ongoing issues that remain at the SMRC, but I will say as minister that although some improvements have been made, they are not there yet. I recently visited the SMRC with Hon Nick Goiran; the member for Riverton, Dr Mike Nahan; and the member for Southern River, Peter Abetz. That visit provided us with the opportunity to see what work had been done. It also provided us with an opportunity to speak quite frankly with representatives from the Southern Metropolitan Regional Council. It is fair to say—Hon Kate Doust referred to this in her comments and it certainly has been referred to in the committee's report—that some of the previous actions taken by the SMRC, including the YouTube incident, have been completely unacceptable. The committee noted that and it is fair to say that the current members of the SMRC advised that they agree that the YouTube incident was completely unacceptable. Those sorts of things do not help when community members have significant concerns.

I advise the house that the department is spending a good deal of time with the SMRC ensuring that the improvements that it says are being made, are being made. An environmental protection notice has been served on the SMRC. In addition, the department is currently conducting a review of the SMRC's licence. A draft amended licence containing conditions relating to the minimisation and management of odour was made available for public submissions. The public submissions period commenced on 1 March and closed last week. The important change to the proposed licence will include special and specific conditions relating to odour that previously had not been included in the licence. These conditions should make the licence more enforceable. They will put an additional onus on SMRC to continue to reduce the odour impacts. It is important that those odour impacts are minimised as much as possible.

After I visited the SMRC, I met with a number of concerned members of the community and we had a very good discussion for more than an hour. Their concerns are real. We must ensure that these improvements are made. The addition of these conditions to the licence is important. Now that the public submission period has closed, the department is looking at them. As soon as all the submissions have been considered, an amended licence, which will be open to appeal, will be issued. In that regard I refer members to finding 11 in the report, which states —

The Committee finds that the Department of Environment and Conservation's enforcement powers achieved a positive result with respect to addressing the odour issues at the Regional Resource Recovery Centre in Canning Vale.

I will reflect on that finding for a moment in light of the comments made by Hon Sally Talbot in her contribution. I find it extraordinary that Hon Sally Talbot would make reference to the fact that the Department of Environment and Conservation focuses too much on regulation. Goodness me, if the department was not taking its regulatory role seriously, the first person to come into this place and jump up and down and carry on would be Hon Sally Talbot! I find it incredible that Hon Sally Talbot can say in this place that the department is being too regulatory in that regard. I am quite sure that members of the community who are concerned, irrespective of whether their concern relates to the SMRC or any other organisation that might not be doing the right thing, would want the department to check to ensure that it is doing the right thing. I will remember Hon Sally Talbot's contribution today, because I find it incredible that she would come into this place and say that DEC is being too regulatory. DEC's role is to protect the environment and the community. I believe that when enforcement action is required, and it has certainly been acknowledged in the committee's report, that is what should be done.

Hon ROBIN CHAPPLE: I will be very brief. I will follow on from the minister's comments on regulation. Her comments were really good.

Sitting suspended from 6.00 to 7.30 pm

The CHAIRMAN: Members, we are considering the sixteenth report of the Standing Committee on Environment and Public Affairs. The question is that the report be noted. Before members speak, there are four minutes remaining.

Hon ROBIN CHAPPLE: Three and a half minutes.

The CHAIRMAN: We will give the member four minutes.

Hon ROBIN CHAPPLE: Thank you, Mr Chairman.

As I was saying before the dinner break, operating agencies in which regulation and assessment operate in close proximity has been detrimental in the case of both the Department of Environment and Conservation and, as was acknowledged by the minister, the amalgamation of the original Department of Minerals and Energy and the

Department of State Development. Now, thankfully, they have been segregated and I hope that the minister at some stage will look at the idea of getting regulation and assessment out of their relationships, as it does not provide a good outcome.

Having said that, the most important aspect we need to remember from the recommendations that were made by the committee, and indeed the responses by government, is that the government quite literally read the report, acknowledged the intent of the recommendations and then did exactly the opposite in many cases. That aspect will remain for a very long time embedded in local government psyche and in the Western Australian Local Government Association, the Federation of Regional Councils, the South Metropolitan Regional Council and all the organisations that have to deal with waste.

What I really want to address at one level is the whole intent of where we are going with waste. The theory is that we should be generating an industry out of waste by making it recyclable and turning it into other materials, when the fundamental premise behind waste as far as we in the Greens (WA) are concerned is that we should be minimising waste. Most of the committee's excellent work was in dealing with the end product; that is, waste and how to manage it. What we really need is a strategic, across-government approach to the minimisation of waste before we even consider developing waste streams or indeed facilities to manage them. In that respect I hope that this sixteenth report of the Standing Committee on Environment and Public Affairs will prompt thought within government and within others to start looking at the major problem that we face across the country with landfill tips in the Pilbara, the South West and the metropolitan area, and with recycling centres. We should actually start looking at the issue of minimising waste. We should be doing that through the waste avoidance recovery process. Rather than just looking at the whole recovery issue, we should be looking at the strategic proposal to minimise waste. That might not be necessarily in the interests of some of the recycling corporations or the waste organisations, but it would be of real benefit to the state and to our responsibility to reduce waste over time.

Progress reported and leave granted to sit again, pursuant to temporary orders.