

WASTE AVOIDANCE AND RESOURCE RECOVERY LEVY ACT 2007 — AMENDMENTS

**651. Hon SALLY TALBOT to the Minister for Environment:**

- (1) When did the minister receive legal advice that the immediate massive increase in the landfill levy must be cancelled?
- (2) Will the minister table that advice?
- (3) Will the minister now explain where the government will find the additional \$20 million to fund the daily operation of the Department of Environment and Conservation?

**Hon DONNA FARAGHER replied:**

I thank the honourable member for her question.

- (1)-(3) The government received advice from the Department of Environment and Conservation, the Department of Treasury and Finance, the Parliamentary Counsel and the State Solicitor's Office during the usual course of drafting the legislation. Having received that legal advice, the government is very confident that the legislation is valid. This is an issue that has previously been raised through the Western Australian Local Government Association, as the member will be aware. However, having received further legal advice, the government decided that it would be appropriate to not increase the levy until such time as the legislation had passed.

**Hon Sally Talbot:** When?

**Hon DONNA FARAGHER:** Advice has been provided recently. However, I will not table that legal advice. As the member would know, the government does not provide to the opposition legal advice that has been provided to the government. Given the advice provided, the government has made a decision to not increase the levy until after the legislation has passed, or has gone through the normal parliamentary processes. To provide certainty to local governments, we will increase the levy on 1 January 2010. I spoke to the president of the Western Australian Local Government Association today to advise him of that. As I indicated in my ministerial statement, the department will continue with all its programs based on the existing appropriation. The Treasurer has been quite clear that any funding matters will be dealt with as part of the midyear review process. I also said in my ministerial statement that the environment portfolio will not be compromised by this move. The Premier has reiterated that to me, and it will be dealt with as part of the normal midyear review process.