

Mr Mark McGowan; Speaker; Dr Graham Jacobs; Ms Adele Carles; Mr David Templeman; Mr John Hyde; Mr Albert Jacob; Mr Andrew Waddell; Dr Janet Woollard; Mr Paul Papalia; Mr Chris Tallentire; Mr Rob Johnson;
Acting Speaker

WASTE AVOIDANCE AND RESOURCE RECOVERY AMENDMENT BILL 2009

Consideration in Detail

Resumed from 16 September.

Clause 7: Section 79 amended —

Debate was adjourned after the clause had been amended.

Mr M. McGOWAN: The opposition does not intend to delay consideration of clause 7. We have made our arguments about the clause and what it does; it is one of the central points of the legislation. We would prefer to move on to clause 8 soon, although I cannot guarantee that other members will not have more to say about clause 7. I will conclude on clause 7. We were supportive of the amendment standing on the notice paper in the name of the member for Fremantle, which was to ensure that clause 7 would fit the original purpose of the Waste Avoidance and Resource Recovery Act that was passed by the former government in 2007. That purpose was to ensure that the proceeds of the waste levy go to the Waste Authority for its operations. That was the purpose of the amendment put on the notice paper by the member for Fremantle. We were supportive of that amendment but, unfortunately, it did not reach a vote. We therefore had to deal with the amendment moved by the Minister for Water to his government's own legislation. We are now therefore in the position that we do not agree with clause 7.

It is interesting to note, in light of yesterday's debate, that the upper house is not sitting today and that it does not have any business to go on with. I have therefore been advised that the upper house is awaiting this legislation, using the mechanism that the Leader of the House put in place yesterday to send this legislation there. Obviously that mechanism was successful in passing the house but it was not successful in getting the legislation into the upper house yesterday. The upper house is therefore not sitting. All upper house members are off doing whatever they do when Parliament is not in session, and I assume that, as they had a day scheduled in Parliament, their diaries are now fairly empty.

The opposition's view is that this legislation should follow the proper course of events. That means that the third reading of this bill should be debated next week. However, we had a debate about that yesterday and that may or may not happen, depending on the course of events today and whether the government gags the legislation in the Assembly. However, we will not hold up clause 7 any further. We have made our points. The upper house is awaiting this legislation and we accordingly recognise that. However, we still have a number of amendments to move and a number of points to make and we will continue to make those while this legislation is being dealt with.

Clause, as amended, put and a division taken with the following result —

Ayes (28)

Mr P. Abetz	Mr V.A. Catania	Mrs L.M. Harvey	Dr M.D. Nahan
Mr F.A. Alban	Dr E. Constable	Mr A.P. Jacob	Mr C.C. Porter
Mr C.J. Barnett	Mr M.J. Cowper	Dr G.G. Jacobs	Mr D.T. Redman
Mr I.C. Blayney	Mr J.H.D. Day	Mr A. Krsticevic	Mr A.J. Simpson
Mr I.M. Britza	Mr J.M. Francis	Mr W.R. Marmion	Mr M.W. Sutherland
Mr T.R. Buswell	Mr B.J. Grylls	Mr P.T. Miles	Mr T.K. Waldron
Mr G.M. Castrilli	Dr K.D. Hames	Ms A.R. Mitchell	Mr J.E. McGrath (<i>Teller</i>)

Noes (27)

Ms L.L. Baker	Mr F.M. Logan	Mr J.R. Quigley	Mr A.J. Waddell
Ms A.S. Carles	Ms A.J.G. MacTiernan	Ms M.M. Quirk	Mr P.B. Watson
Mr A.J. Carpenter	Mr M. McGowan	Mr E.S. Ripper	Mr M.P. Whitely
Mr R.H. Cook	Mrs C.A. Martin	Mrs M.H. Roberts	Dr J.M. Woollard
Ms J.M. Freeman	Mr M.P. Murray	Ms R. Saffioti	Mr B.S. Wyatt
Mr J.N. Hyde	Mr A.P. O'Gorman	Mr T.G. Stephens	Mr D.A. Templeman (<i>Teller</i>)
Mr W.J. Johnston	Mr P. Papalia	Mr C.J. Tallentire	

Pair

Mr R.F. Johnson

Mr J.C. Kobelke

Clause, as amended, thus passed.

Clause 8: Section 80 amended —

Extract from Hansard

[ASSEMBLY - Thursday, 17 September 2009]

p7254b-7264a

Mr Mark McGowan; Speaker; Dr Graham Jacobs; Ms Adele Carles; Mr David Templeman; Mr John Hyde; Mr Albert Jacob; Mr Andrew Waddell; Dr Janet Woollard; Mr Paul Papalia; Mr Chris Tallentire; Mr Rob Johnson; Acting Speaker

Mr M. McGOWAN: This clause outlines for what the funds generated by the increase in the levy might be used. Naturally, this clause amends the existing legislation.

The SPEAKER: Members, I would like to hear the member for Rockingham. I am sure the Hansard reporter would like to hear the member for Rockingham. Although I am not always sure that the minister wants to hear from the member for Rockingham, he should be given the opportunity. I ask members to please keep the level of their conversations down.

Mr M. McGOWAN: Mr Speaker, I am sure that the minister wants to hear from me.

I have considered the wording of this clause and I seek an explanation from the minister of its purpose and what changes to the existing legislation have been made. It looks as though it refers to the waste avoidance and resource recovery account rather than the 75 per cent that will be siphoned off to the department. It appears that this clause reflects the original purpose of the Waste Authority as outlined in the Waste Avoidance and Resource Recovery Act, which was introduced by the former government in 2007. I am seeking from the minister an explanation of the purpose of this clause and of why it is necessary to change the purpose for which the money generated for the WARR account can be used. I note that earlier in this debate changes were made to some clauses, but we could not work out why they were necessary. I think that one was about the business plan. If the minister can explain the reason for this amendment, it would be appreciated.

Dr G.G. JACOBS: I thank the member for Rockingham. Essentially, the changes pertain to proposed section 80(1)(d) and (e). It is really self-explanatory. It is to fund the services and facilities referred to in proposed section 36(1)(da). Again, proposed subsection (1)(e) is for the administrative and enforcement costs of the act. It is to ensure that Services WA will be funded by the WARR account, as is current practice. It covers all other parts funded by the WARR account.

Mr M. McGOWAN: Proposed section 36(1)(da) is what this money will be used for, which is included earlier in the Waste Avoidance and Resource Recovery Amendment Bill. On page 3 of the bill it appears that the levy will be used for the funding and maintenance of the actual authority. That begs the question: was the authority formerly funded from consolidated revenue and was the levy used more for the functions that the authority exercised, if we like? For example, it appears that the Waste Authority was supported and funded by the department, and recycling and re-use initiatives were funded by the levy. It appears that that is to change. I seek advice from the minister about that because, if that is to change, the authority will actually have less money to spend on the purposes for which it was established. That appears to be what is going on here. I seek the minister's advice for any other reason that this clause might need to be amended in this way. There does not appear to be any other reason for amending the clause.

Dr G.G. Jacobs: Proposed section 36(1)(da) essentially puts it into the business plan. In answer to your question about how it was funded, it was not funded through consolidated revenue. Proposed section 80(1)(e) refers to the administration and enforcement of this act being remunerated through the Waste Authority. Proposed paragraph (d) is about putting it into the business plan and proposed paragraph (e) is about funding for administrative and enforcement costs.

Mr M. McGOWAN: I thank the minister for his interjection, but I am not exactly sure he answered my question. On reading the clause we can see why the existing cost and remuneration of the Waste Authority are borne by something else other than the waste levy; it is not used for those purposes. It can be seen how that interpretation can be drawn, otherwise why would we need those amendments to the existing law. Perhaps "consolidated revenue" was the wrong term to use. Perhaps I should have said "funded from the ordinary budget of the Department of Environment and Conservation". I cannot recall, when I was environment minister, how it was proposed to fund the Waste Authority under the new arrangement that was coming in. But if the minister can explain how the existing Waste Authority is funded, maybe we can make a comparison of what is proposed when this legislation is enacted.

Dr G.G. Jacobs: The simple answer is: from the levy.

Mr M. McGOWAN: Currently, it is not funded that way.

Dr G.G. Jacobs: That is the simple answer.

Mr M. McGOWAN: Why then is this clause necessary?

Dr G.G. JACOBS: I am advised that the facilities for the Waste Authority are already funded out of the waste avoidance and resource recovery account, and this merely formalises that arrangement. The member said that he could not recall, when he was Minister for the Environment, how the authority was to be funded. I think the

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member will find that one of the oversights was that there did not appear to be any provision for administration and enforcement costs, and we are basically putting that where it should be.

Mr M. McGOWAN: Of course, this legislation was not in place when I was Minister for the Environment, but I was involved in its gestation, if one likes. The minister is saying that the original legislation did not have provision for the payment and administrative costs of the Waste Authority. It was informally happening from the levy. Therefore, the government is formalising the informal arrangement that is currently in place to fund the Waste Authority. That is my interpretation of what the minister has said. So it is a tidying-up mechanism, I suppose. I have the head legislation in front of me. It begs the question of whether there are any other changes to the head legislation and the terms of the original legislation. Is there any other change apart from the insertion of proposed paragraphs (d) and (e)? The minister said that earlier. However, although the minister perhaps answered that question, are there any other changes apart from the insertion of proposed paragraphs (d) and (e)? I might examine the legislation myself to see. Ordinarily, if we were going to pass an amendment such as this, we would not delete the entire section, I would have thought; we would just insert proposed paragraphs (d) and (e), rather than delete the entirety of the existing section and then reinsert the exact same words, and add in proposed paragraphs (d) and (e). It seems to be an unusual way of amending a section to do it in the way that the government has.

Dr G.G. Jacobs: I think the member is quite correct. Previously, the funding was by administration agreement with the Waste Authority. In this way, by bringing it under the business plan, it provides transparency for the costs. That was an oversight previously; it was not in the legislation.

Mr M. McGOWAN: I thank the minister. However, my earlier question remains. The government is amending more in section 80 than just inserting proposed paragraphs (d) and (e), otherwise it would just insert proposed paragraphs (d) and (e). The government is inserting proposed new subsection (1)(a), (b) and (c). Therefore, there must be a change to those existing provisions in the head legislation, otherwise the government would not need to do it in the way that it is doing it. The minister told me before that the only change was the addition of proposed paragraphs (d) and (e). I do not think that is correct. If it were, the government would not be amending this legislation in the way that it is by inserting proposed paragraphs (a), (b) and (c) also. Therefore, I seek an explanation of what the changes are in proposed paragraphs (a), (b) and (c).

Dr G.G. JACOBS: Essentially, the change we are making is this. The existing legislation states —

Moneys held in the WARR Account may be ...

We are changing “may be” to “are to be”.

Mr M. McGowan: Which clause is that?

Dr G.G. JACOBS: It is section 80(1), which states —

Moneys held in the WARR Account may be ...

Mr M. McGowan: Right.

Dr G.G. JACOBS: That is one thing. We are obviously adding, as we have said and as the member can see, proposed paragraphs (d) and (e). We are actually taking “(2) The Waste Authority must” and putting it in schedule 2 for the functions of the Waste Authority. The main changes are the insertion of “are to be”, the addition of proposed paragraphs (d) and (e), and moving “(2) The Waste Authority must” and proposed paragraphs (a) and (b) to schedule 2 for the functions of the Waste Authority.

Mr M. McGOWAN: I do not want to labour the point, but the minister has not explained why the government has changed it from “may be” to “are to be”. The original drafting gives the Waste Authority more discretion.

Dr G.G. Jacobs: It makes it more definite, member for Rockingham.

Mr M. McGOWAN: I am saying that the original drafting gives the Waste Authority more discretion. I am interested as to why the government would want to remove that discretion from the Waste Authority and tighten it. The minister said that it will make it more definite, but does that mean that there is some sort of lack of confidence in its capacity to do what it has to do?

Dr G.G. JACOBS: It actually binds and compels the minister; surely that has to be a good thing. A lot of the discussion over the past 13 hours has been about there not being enough surety in the business function and the funding for the waste avoidance and resource recovery account. I thought that the words “are to be applied” would add surety.

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Mr M. McGOWAN: I thank the minister; that clarifies the issues that were raised. As I understand it, the member for Fremantle wants to move an amendment to this clause, and I seek to allow her to do that.

Ms A.S. CARLES: I move —

Page 5, after line 14 — To insert —

(a) to implement a comprehensive Container Deposit Scheme for Western Australia; and

The purpose of my amendment is to allow the waste avoidance and resource recovery account to be used to establish a container deposit scheme in Western Australia. This is a waste reduction strategy that has been hugely successful in South Australia, and such a scheme has immense community support in this state. South Australia recycles more than twice as much glass, three times as many aluminium cans, and four times the number of plastic containers as Western Australia does, due to its container deposit scheme. This amendment will have no budgetary impact, but it will send a message to the Western Australian community about the importance of recycling containers and reducing landfill.

A 10c returnable deposit will provide the following benefits: it will save ratepayers' money; it will raise our government revenue base; it will create hundreds of green jobs; it will decrease litter by 12 to 15 per cent; and it will increase the recycling rate of drink containers significantly by diverting them from landfill. A further benefit, of course, would be the reduction in greenhouse gas emissions and the associated improvement in air quality. This is a very good amendment for the environment and I seek the support of the house.

Mr D.A. TEMPLEMAN: The opposition will support the member for Fremantle's amendment. In supporting this amendment, I will speak very briefly about the processes that the former government undertook in an effort to reach the same end. I am a strong supporter of the container deposit scheme proposal. Whilst I was Minister for the Environment, we had been progressing, with other state and federal ministers, a proposal to have a container deposit scheme investigated as a federal and state scheme, and as Minister for the Environment I had moved that Western Australia and Queensland should co-chair the investigation into a national scheme. Since the election in September 2008, the new Minister for Environment has had carriage of that process, and I am sure the minister can provide the latest update on where that process is at the moment.

However, I think this scheme has very strong community support. The member for Fremantle highlighted that there have been a number of public consultations and polls over a long period about the community's view and about whether it would have the stomach, if one likes, to support a container deposit scheme. It seems, from my memory of the polling, that there has consistently been 80 to 85 per cent support for such a scheme. To be totally honest, I think the best scheme would be a national one, which would deal with any potential cross-border concerns. The argument has always been put up by the beverage container lobby that it subsidises South Australia. That is one of the arguments that was put to me as minister, but I do not think it is a very good argument against introducing a scheme of this nature. We have to get the beverage container industry to take greater responsibility for the waste that, in other states, is going into landfill or not being recycled. Part of that responsibility is offering an incentive for people to return containers for a deposit, and that process will then create new jobs.

When I was Minister for the Environment, I visited a couple of depots in Adelaide, and spoke to some of the people who were turning up to these stations. I looked at a couple of areas of South Australia. I talked to the people who operated the depots as well as the community members who came in to deposit their collectibles and redeem the deposit. Any threat to take away the scheme in South Australia would cause a massive public outcry. It has recently increased the container deposit to 10c. The scheme has almost universal support in South Australia, and is actually now supported by the beverage industry there as well. I might need some extra time to continue my remarks.

Mr C.J. TALLENTIRE: I would like to hear more from the member for Mandurah.

Mr D.A. TEMPLEMAN: The scheme in South Australia is very widely supported. I spoke to a number of people who came to return containers. They told me that it is now an almost innate part of the nature of people in South Australia to collect containers. Some of them have different rituals. Some go to the container deposit centre once a week and others save it all up for once a month. It is great for kids and sporting groups. I talked to a couple of people who were associated with some of the football clubs. The families associated with the clubs save all their containers; there is a monthly collection time and all the proceeds are delivered back to the sporting club or community organisation. Some very formal and informal collection methods have been put together over a long period. South Australia has had this scheme in place since the 1970s.

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In my view, the best scheme would be a national one. That would deal with all the cross-border issues. However, I have grave doubts about the possibility of success of a national scheme, because there are so many vested interests out there. Companies threaten massive campaigns. When I was debating this scheme, a campaign was mounted by a particular organisation, promoting inaccurate information. That will happen. I think any government that is bold enough to take this on will actually get massive support. Even though this legislation in general is a dog—or a cat—of a bill, this could be the part that makes it come up smelling like roses. If the government is bold enough to take this on as a measure, I think the government will get huge support. I honestly believe that. I think the government would find that the community would embrace a decision to have a container deposit scheme in Western Australia. I think that if Western Australia took it on, it would add support to South Australia. I believe that if Western Australia decides to go out on its own, if we like, or join South Australia in a container deposit scheme, a domino effect would be created: all the other states would fall in behind us. I know that Tasmania has looked at it very closely; Tasmania has already done some great things with plastic bags et cetera. I think we would find that Victoria would be much more willing to take it on. New South Wales, despite the interesting circumstances occurring over there at the moment, would fall in. I know that Queensland is very interested in a container deposit scheme because it has co-chaired the process. This even presents an opportunity to deflect what the opposition has been hounding the government about over the past weeks. It is a chance to create a deflection. By saying that Western Australia will have a container deposit scheme, I reckon all the stuff that has been going on with the waste bill would be almost blown away by a page; the minister would be forgiven.

Dr G.G. Jacobs: I would be forgiven, would I?

Mr D.A. TEMPLEMAN: The minister would be a hero! Here is the opportunity.

I know that some other members want to speak to this amendment and to congratulate the member for Fremantle for putting forward this amendment. This is a real chance to implement a container deposit scheme and I hope the Minister for Environment seizes the opportunity. I encourage the backbench of the Liberal Party, who are listening intently, to support a container deposit scheme for Western Australia. I will go to their electorates and say well done—I offer that. No-one will know me of course, but that does not matter; I will still come out and say hello.

Mr J.N. HYDE: I likewise support this amendment. I suggest that the minister could actually fast-track this legislation by announcing when the Barnett government will introduce a container deposit scheme. Can the minister confirm for us today, hopefully, that a CDS will be introduced on 1 January 2010? I know that if the Labor government had been re-elected, that would have very much been a possibility because the enabling legislation has passed through both houses of Parliament. Therefore, to actually begin a CDS in Western Australia, all we need is for the government to give a starting date in the *Government Gazette*. I think it would, as other members have intimated, be of huge benefit to the government. The minister, if he were seen in the Assembly as the person who spearheaded a container deposit system in Western Australia, would appear to be greener than even Hon Norman Moore! Again, the most recent opinion poll of more than 4 000 people had 93 per cent support for this. Politically it makes sense and for environmental sustainability it makes sense. Under four different environment ministers, I chaired the working group that held a very thorough inquiry into this issue and made recommendations that —

Dr G.G. Jacobs: The minister is considering your report very seriously. We thank you for the report.

Mr J.N. HYDE: It was not so much a committee report as a broad stakeholder report. The report deals with some of the trotted-out furrphies coming from the United States, where vested financial interests have been trying to stop the different US states from introducing a container deposit scheme. In meetings with a number of beverage company representatives in Western Australia, it appears that they accept that eventually there will be CDS here, and perhaps in Australia. I think that is very workable.

One of the important aspects of a CDS came out of the Massachusetts study that showed the huge decline in presentations at hospitals from broken glass injuries after the introduction of a CDS. That is clear empirical evidence that placing a deposit on glass and other containers will ensure there are fewer of those containers around for drunks and other ne'er-do-wells to misuse. There are not only clear health benefits but also cost benefits to a government through fewer presentations at public hospitals. In the context of amendments to the Waste Avoidance and Resource Recovery Amendment Bill, discussion on this amendment could be closed down if the Barnett government were to agree to a 1 January CDS start-up date.

South Australia has doubled the deposit to 10c. Even those Yakult yoghurt drinks in those tiny, tiny plastic bottles have a 10c deposit on them. Even something small that would normally be discarded is correctly given a value. A container deposit scheme puts an empirical value on a container so that when people are thinking of

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discarding a container, they are conscious of the life-cycle responsibility for waste, and particularly containers. A CDS has a number of benefits. In the absence of a commitment from the government, we truly have no other option but to support this amendment and to keep trying to convince the minister and his fellow government members how good such a move would be. Huge benefits would accrue for Western Australia to be the second state in Australia to embrace, on parity with South Australia, a 10c deposit on containers. I am delighted that the minister is aware of the report of the committee that I chaired and the valuable input from stakeholders in Western Australia on the benefits of a CDS.

Mr A.P. JACOB: I support the intent of the member for Mandurah, which is about finding ways for the beverage container industry to take greater responsibility for waste and waste recycling. Today's discussion may enable us to take away some creative ideas for further discussion. However, the idea of a container deposit system is well past its time and is contrary to the recycling culture in Western Australia, as developed in recent years. A CDS was introduced in South Australia in 1977. It was a great idea then, but it was introduced at a different time. To consider bringing it in today would be a massive retrograde step for recycling in Western Australia. The modern recycling mentality in WA households is completely different from the situation back then. People have well and truly got the recycling message. Quite frankly, the debate has moved into a new area completely.

When I first went on to the Joondalup council in 2006, councillors pushed through a policy for a compulsory recycling bin for every household. Since then, just about every metropolitan council has implemented that policy. Effectively that meant an extra \$70 on each householder's rates. I was surprised at the time when I did not get a single complaint from residents when we gave them the recycling bin—and made them pay for it! The only complaint I get is that the recycling bin collection is fortnightly, not weekly! The mentality of Western Australians towards recycling is completely onside. Western Australians understand the need for recycling. Most of our recycling centres have reached capacity volumes. The introduction of a container deposit system —

Mr D.A. Templeman: Western Australia has the lowest recycling rate in Australia.

Mr A.P. JACOB: I am saying that the recycling culture in Western Australia is moving in one direction. It was only in recent years that we brought in compulsory recycling bins, and nearly every local government council has done that. The recycling culture is moving in one direction and the container deposit system will result in a 180-degree turn in the other direction.

Mr D.A. Templeman: How?

Mr A.P. JACOB: What do we do with a yellow-top bin in our households for which we have all paid, say, an extra \$70? Do we only half fill it with newspapers and other items we cannot pick up with a collection deposit system? What do we then do? Do we store bottles at the side of our garage and then, at some time, perhaps in a month, take them to some unspecified collection deposit system area and get a reimbursement? Maybe that is the way. But this is legislation on the hop.

Mr D.A. Templeman: Some people will be lazy and will not recycle. Those items will then become redeemable by whoever collects them, which in this case will be the councils, and the councils will actually be able to redeem the containers.

Mr A.P. JACOB: I can only speak from the experience that I have had in our area. In fact, when the yellow-top bins were introduced in the City of Wanneroo, it tripled the recycling rate in the space of 12 months. That was across the lake from us. It absolutely tripled.

Mr P. Papalia: Do you have the figures?

Mr A.P. JACOB: I do have the figures here—I would not make that claim without them—but I do not have a lot of time to speak on it. Our local recycling collection facility went into meltdown. The recycling went so far through the roof with those yellow-top bins that it had to be upgraded. We attracted some significant, negative media attention at the time because all the recycling facilities were above capacity and some of the material ended up having to go to landfill, but people were doing the right thing and already recycling. I think the message that people need to recycle has clearly got out there to the average household. I did not get one single complaint out of a ward of 18 000 electors when we charged them an extra \$70 on their rates for this collection. I think people are onside. They agree that we need to recycle.

A container deposit system will complicate household recycling. It will be a tax. It is said that there are no budgetary impacts, but dealing with containers will probably add an extra \$100 a year, say, to an average household. It will complicate how people go about recycling, rather than the fantastic system that we have started developing in Western Australia by which people have one bin that they can put everything in, which can

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be taken to one site where it is processed and moved on from there. People will have to ask whether a bottle comes under the container deposit system, and, if it does, put it aside to get their 10c worth. As I said, we have not yet discussed where those places would be at which people could redeem or how people could get containers to them. Our current system is the most convenient system for Western Australian families. It is working very well. If we are going to take this debate further, we should be looking at new ways.

Mr A.J. WADDELL: With due respect to the member for Ocean Reef, he was probably a bit young when we had glass bottles for soft drinks. He has probably lived through the PET plastic container era.

Mr R.F. Johnson: You can still get glass bottles for soft drinks.

Mr A.J. WADDELL: Back in the 1970s when I was a child, we would often collect the soft-drink bottles and take them to our local store to redeem the 5c deposit. There was quite an economy in my area of kids my age who did it, and some local sporting groups used to do it as well. In fact, having that deposit system available gave people an incentive to become the scavengers, essentially, that we needed to do the clean-up. That is what this is about. It is about putting an economic value on refuse and then allowing people, if they want to, to either send it through standard recycling and allow corporate or local government entities to redeem the value or, alternatively, allow other economies to spring up. It is an idea that is tried, true and tested. It works well in South Australia and I think would be universally accepted in our community. What a lot of people might not understand is that although we talk about glass and plastic, aluminium is a particularly interesting topic. The cost of producing a kilogram of aluminium is reduced by 95 per cent when it is recycled. It is one of the few substances that can be completely recycled and reused again in its initial form.

Mr A.P. Jacob: But we have deposit system with aluminium through Lions clubs.

Mr A.J. WADDELL: We do, but this creates an environment in which people will pre-sort and remove aluminium from recycling bins.

I will speak about the yellow bin experience in my area. We have the yellow bin and we have the green bin. We have a fortnightly takeaway of our yellow bins and we have a weekly takeaway of our green bins for general refuse. In our household, when we get to the point at which our yellow bin is full, our normal procedure—I suspect this applies to an awful lot of other households—is to start putting recyclable material in the green bin simply because we do not want it stacking up around the house. We do not have a great incentive to recycle. We will do it when it is convenient and easy. If I knew that the local scouts group was going to knock on my door and say, “Mr Waddell, have you got any aluminium for us, because we are collecting so we can go away?” I would happily crush the cans and leave them to the side so the scouts could use them. It would be an opportunity for me to give to charity without there being any cost to me. It would encourage recycling. This is just a good idea. I really do not see why we need to involve ourselves in partisan politics on this issue. This is one of the few chances we get to say to the community, “Occasionally we get it right.” Let us get this one right. Let us not vote down a good idea merely because we have to stick our egos on this particular bill.

Dr J.M. WOOLLARD: The minister has not said whether he is going to support this amendment. I wonder whether he will, by interjection, let me know.

Dr G.G. Jacobs: I will not be supporting it, but I will make some comments in due course.

Dr J.M. WOOLLARD: Mr Acting Speaker, if the minister is not willing to accept the way it is currently worded, can I foreshadow that under clause 8(1)(a) we could have —

to fund programmes relating to the management, reduction, reuse, recycling, monitoring or measurement of waste, including a container deposit scheme

In the amendment that the member for Fremantle has put forward, it is made compulsory. What I have foreshadowed leaves the door open for this to be done at a later date.

Dr G.G. Jacobs: It is already covered in part 5. There are some existing arrangements in the bill.

Dr J.M. WOOLLARD: Am I able to do that, Mr Acting Speaker?

The ACTING SPEAKER (Mr P.B. Watson): You can move it.

Dr J.M. WOOLLARD: I foreshadow that amendment. I will be supporting the member for Fremantle’s amendment.

The ACTING SPEAKER: Member, you can move any amendment, but it has to be after line 14.

Dr J.M. WOOLLARD: That is fine. That will be line 17.

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I listened to the member for Ocean Reef. I think there is some confusion in the house about the container deposit scheme, because it will not negate the yellow recycling bins. Had the member for Ocean Reef been on his feet a little longer, I believe that he would have encouraged the minister to look at having recycling bins emptied weekly rather than fortnightly to ensure that the waste from those bins actually goes to recycling rather than to waste, which I think is what happens with a lot of councils.

The amendment that the member for Fremantle put forward means that people could put their recycling items in the yellow bins, or they could choose. I have already had discussions with local businesspeople within my area about having, within shopping centres, machines into which aluminium cans can be put to help with recycling. This amendment would allow for people to take their recycling items, such as aluminium cans, to a local shop to get their 10c back, or whatever the deposit is; and it would allow local councils to separate items at recycling plants and get money for them. Currently, they are not getting as much money back from recycling initiatives as this amendment would allow them to get. This amendment is supported by local councils. One of my major concerns about this bill is that this levy will impose an additional cost on people in the community. I am particularly concerned about pensioners. Someone pointed out to me today that just in my electorate alone, since 2006-07, the rubbish removal charges for pensioners have increased from \$147 a year to \$305 a year—they have more than doubled. The levy that is proposed in this bill will be a big impost on those people. I hope that when the government introduces these changes, they are not applied across the board and that exemptions will be provided for pensioners. I appreciate the comments made by the member for Ocean Reef. However, I think that he has misinterpreted how this scheme will be introduced. As I have said, this amendment will allow individuals to get their deposit money back, and it will also allow councils to separate their recycling waste and get back money from that waste that can go into the pockets of those councils.

Dr G.G. JACOBS: We will not be supporting the amendment moved by the member for Fremantle. I understand the sentiments expressed by the member for Fremantle. I also thank the member for Mandurah for his comments. I understand that there is some community support for a container deposit scheme. The member for Mandurah gave the house a bit of the history from when he was the Minister for the Environment in the Labor government and outlined some of the complexities in trying to introduce a container deposit scheme for Western Australia. The member for Mandurah was working on such a scheme when he was the Minister for the Environment, but it did not come to fruition. I therefore acknowledge the sentiments expressed by the former minister, and his support for such a scheme. We recognise, of course, that the Environment Protection and Heritage Council is working nationally with all ministers in Australia to try to set up a container deposit scheme. The Minister for Environment in the other place, who has primary carriage of this bill, is still working in that same forum. The minister has also taken on board the member for Perth's very useful input into the concept of container deposit schemes.

The act that we are amending, the Waste Avoidance and Resource Recovery Act 2007, deals in part 5 with product stewardship. Therefore, the act is not silent on product stewardship. It also provides some flexibility for the future consideration of this matter. This issue is dealt with in the act that we are amending, and it will continue to be in that act. Section 46 of the act provides that before regulations are made for the purpose of implementing and operating an extended producer responsibility scheme, the minister must have regard to the nature of the product proposed to be dealt with under the proposed scheme, and to whether there is an effective approved product stewardship plan in place. These sorts of prescriptive issues will need to be in place before we can bring in such a scheme. I do not think this is the appropriate time to bring in such a scheme. The member must also understand that this is not my bill, so I obviously cannot make a decision about such a scheme. I have carriage of the bill as I am directed and as it has been put before this house. I still understand the concept, and it is a good concept, but this is not the time or place. As members know, the waste strategy was released yesterday and that paper is available for comment for the next 12 weeks. I encourage all interested members to make appropriate submissions to the public comment process for the waste strategy in Western Australia.

Mr P. PAPALIA: I rise to support the member for Fremantle's amendment, which recommends the implementation of a comprehensive container deposit scheme for Western Australia. Having listened to the minister and the member for Ocean Reef espouse reasons for not undertaking such a scheme in Western Australia—albeit in terms of reasonable acceptance of the principle behind container deposit schemes—I am reminded of Paul Keating's description of the types of people who populate the Liberal Party as "old fogeys and fogeys". It is ludicrous to suggest that a container deposit scheme will somehow undermine Western Australia's "fantastic" recycling strategy, which has resulted in the lowest rate of recycling of any state in Australia. Somehow, based on the experience of a councillor from the City of Wanneroo at the time of the introduction of recycling bins, the minister and the member for Ocean Reef have concluded that a container deposit scheme will

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undermine the success of the recycling strategy. That is just bizarre. I cannot understand what could motivate someone to make the leap to draw that conclusion.

Mr A.P. Jacob interjected.

Mr P. PAPALIA: It is an interesting leap, but it does not withstand any degree of scrutiny of fact or evidence that the conclusion is somehow supported by the experience of local governments. In fact, as the member for Alfred Cove quite rightly indicated, there is resounding support from local governments in Western Australia for the introduction of a container deposit scheme. In my capacity as shadow local government spokesperson, I regularly talk to local government representatives and the association that represents local governments around the state. I can guarantee members that local governments vehemently advocate the introduction of a container deposit scheme. They recognise that such a scheme has overwhelming support in the community and that the evidence of the experience in South Australia is that the scheme has increased incredibly the rate of recycling. They also recognise that a container deposit scheme has the potential to create a new recycling industry in Western Australia. Initially, such a scheme could not fund itself; that is self-evident. It would initially require some degree of government support to entice operators who are already recycling efficiently in South Australia to set up a similar operation in Western Australia. There have been indications of support from private enterprise, but there needs to be certainty for them to engage in that sort of risk. There is clear evidence that, in time, such a scheme very quickly becomes self-funding. Local governments support these schemes, because they are self-funding and they also generate income for councils. Councils end up accruing the approximately 20 per cent of non-refunded recyclable material, thereby ensuring that the large quantities of rubbish that are currently strewn around our streets or going into landfill are actually recycled for the benefit of all of our society. It is undeniable that that is a benefit.

The minister referred to the strategy that was promulgated yesterday. I have gone to the Department of Environment and Conservation website; I was going to mention this, and I am glad that the minister has mentioned it. The minister referred to the fact that the strategy is not silent on product stewardship.

Dr G.G. Jacobs: I didn't say that. I said "the bill".

Mr C.J. TALLENTIRE: I would like to hear further from the member for Warnbro.

Mr P. PAPALIA: I thank the member for Gosnells.

Point of Order

Mr R.F. JOHNSON: Mr Acting Speaker, the member for Warnbro had not actually sat down before the member for Gosnells stood up. He was still on his feet and I rose at the same time as the member for Gosnells did.

Mr P. Papalia: Come on!

Mr R.F. JOHNSON: That is a fact; I promise you, Mr Acting Speaker.

The ACTING SPEAKER (Mr P.B. Watson): I have made that decision, member for Hillarys.

Debate Resumed

Mr P. PAPALIA: Thank you, Mr Acting Speaker. The minister referred to the bill not being silent on product stewardship—I am sorry, I concede the minister did say "the bill".

Dr G.G. Jacobs: I said the Waste Avoidance Resource and Recovery Act 2007 as it exists now that we are actually amending.

Mr P. PAPALIA: I agree. I can also say, having looked at the draft strategy, that it is not silent either. It uses exactly the same words that the minister referred to. It speaks of product stewardship. The minister says that extended product responsibility schemes are referred to and under consideration. Perhaps the minister's adviser could correct me if I am wrong, but nowhere in this strategy does it refer to a container deposit scheme being under consideration. Am I wrong? I am continuing to stand so that the minister's adviser may correct me if I am wrong. I would love to be wrong on this issue, but nowhere that I can see does —

Dr G.G. Jacobs: It leaves the options there, though. It's not specific.

Mr P. PAPALIA: I understand what the minister is saying, so I am correct. The minister's adviser has confirmed that I am quite right. Nowhere in this strategy—this document that is the headline or flagship of the future waste management strategy for Western Australia presented by this government and by the minister whom the Minister for Water is representing in this place—do the words "container deposit scheme" exist. Nowhere in

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the draft strategy—it is for all Western Australians to look at and consider the strategy, and contribute to the development of a strategy for the future—are the three words “container deposit scheme”.

I asked the minister a pretty simple question: if the minister is open to the possibility of perhaps some time in the future—within our life span, hopefully—considering whether we should introduce a container deposit scheme, how am I to be reassured of that if the government cannot even bring itself to engage in the not-very-challenging task of including the three words “container deposit scheme” in the draft strategy?

Dr G.G. Jacobs: The motion that has been put before us is for a specific scheme.

Mr P. PAPALIA: Yes, a container deposit scheme.

Dr G.G. Jacobs: I have to tell the member for Warnbro that the Minister for Environment currently has this under consideration nationally through that body that I talked to the member for Warnbro about: the Environment Protection and Heritage Council. That process goes exactly the same way as it did when the member for Mandurah was the Minister for the Environment before further consideration is given to a state scheme. Do you want me to be prescriptive? All I was saying from the extended provisions —

Mr P. PAPALIA: I am sorry; the minister is burning up my time. I understood his point. I concede that, but my concern is that, like previous ministers, our minister may be currently overwhelmed by the lobbying that goes on extensively around the country. When we are engaged in a nationwide discussion and we are relying upon other states to make a move —

Dr G.G. Jacobs: That’s politics, member for Warnbro.

Mr P. PAPALIA: When we are relying upon other states to make a move, I suggest that some of those other states might be a little more vulnerable to the lobbying than we are here in Western Australia. I am standing here today to thank the member for Fremantle for introducing this amendment and to encourage the current Minister for Environment and the government to ignore the backbencher from Ocean Reef—and anyone else who has been got at by lobbyists in Western Australia for the beverage industry—and to have the courage of their convictions, step up to the mark and do something for the environment of Western Australia.

Question to be Put

Mr R.F. JOHNSON: I move —

That the question be now put.

Question put and a division taken with the following result —

Ayes (29)

Mr P. Abetz	Dr E. Constable	Dr G.G. Jacobs	Mr D.T. Redman
Mr F.A. Alban	Mr M.J. Cowper	Mr R.F. Johnson	Mr A.J. Simpson
Mr C.J. Barnett	Mr J.H.D. Day	Mr A. Krsticevic	Mr M.W. Sutherland
Mr I.C. Blayney	Mr J.M. Francis	Mr W.R. Marmion	Mr T.K. Waldron
Mr I.M. Britza	Mr B.J. Grylls	Mr P.T. Miles	Mr J.E. McGrath (<i>Teller</i>)
Mr T.R. Buswell	Dr K.D. Hames	Ms A.R. Mitchell	
Mr G.M. Castrilli	Mrs L.M. Harvey	Dr M.D. Nahan	
Mr V.A. Catania	Mr A.P. Jacob	Mr C.C. Porter	

Noes (28)

Ms L.L. Baker	Mr J.C. Kobelke	Mr P. Papalia	Mr C.J. Tallentire
Ms A.S. Logan	Mr F.M. Logan	Mr J.R. Quigley	Mr A.J. Waddell
Mr A.J. Carpenter	Ms A.J.G. MacTiernan	Ms M.M. Quirk	Mr P.B. Watson
Mr R.H. Cook	Mr M. McGowan	Mr E.S. Ripper	Mr M.P. Whitely
Ms J.M. Freeman	Mrs C.A. Martin	Mrs M.H. Roberts	Dr J.M. Woollard
Mr J.N. Hyde	Mr M.P. Murray	Ms R. Saffioti	Mr B.S. Wyatt
Mr W.J. Johnston	Mr A.P. O’Gorman	Mr T.G. Stephens	Mr D.A. Templeman (<i>Teller</i>)

Question thus passed.

Consideration in Detail Resumed

Extract from Hansard
[ASSEMBLY - Thursday, 17 September 2009]
p7254b-7264a

Mr Mark McGowan; Speaker; Dr Graham Jacobs; Ms Adele Carles; Mr David Templeman; Mr John Hyde; Mr Albert Jacob; Mr Andrew Waddell; Dr Janet Woollard; Mr Paul Papalia; Mr Chris Tallentire; Mr Rob Johnson;
Acting Speaker

Amendment put and a division taken with the following result —

Ayes (28)

Ms L.L. Baker	Mr J.C. Kobelke	Mr P. Papalia	Mr C.J. Tallentire
Ms A.S. Carles	Mr F.M. Logan	Mr J.R. Quigley	Mr A.J. Waddell
Mr A.J. Carpenter	Ms A.J.G. MacTiernan	Ms M.M. Quirk	Mr P.B. Watson
Mr R.H. Cook	Mr M. McGowan	Mr E.S. Ripper	Mr M.P. Whitely
Ms J.M. Freeman	Mrs C.A. Martin	Mrs M.H. Roberts	Dr J.M. Woollard
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Mr G.M. Castrilli	Mrs L.M. Harvey	Dr M.D. Nahan	
Mr V.A. Catania	Mr A.P. Jacob	Mr C.C. Porter	

Amendment thus negatived.

Mr M. McGOWAN: We are back to debating the original clause, which covers how the money in the WARR account might be applied. I want to make the point that the amendment just moved by the member for Fremantle related to what is a very significant issue in Western Australia. I thought it was a good opportunity to have further debate on it because it was a significant amendment to the legislation. The Leader of the House is itching to gag debate again on this clause. However, we intend to move a further amendment on the notice paper that relates to what the funds in the WARR account might go to. I hope the Leader of the House does not gag debate before we debate that amendment to this clause. I want to put it on the record, because we do not get the opportunity to put something on the record when a gag occurs. This clause deals with how funds in the WARR account are to be applied. It would have been a legitimate matter for the house to discuss it at greater length than it did. The establishment in Western Australia of a comprehensive container deposit levy —

A government member interjected.

Mr M. McGOWAN: We did not get much opportunity to discuss it. I want to put on the record that the debate was once again gagged on that very significant issue whilst the member who moved the amendment was on her feet seeking the call—gagged once again. I have not done a calculation of how many times the gag has been moved, but it has been applied an extraordinary number of times.

Mr R.F. Johnson: It’ll be a few more times today because we are sick to death of you filibustering; we have spent hours on this bill.

Mr M. McGOWAN: We are trying to debate a container deposit scheme, which would be, in my view, a good addition to governance, if one likes, in Western Australia, and we have a very short time in which to discuss and debate that in this house.

Mr R.F. Johnson: You weren’t even in here for most of that debate. You were outside the chamber.

Mr M. McGOWAN: I was here for a large part of the debate. If we added up the amount of time that I have been in the chamber as opposed to the amount of time that the Leader of the House has been in the chamber, we would find that I have been in here for a lot longer than he has.

The SPEAKER: I will give members on both sides of the house some direction. I want to hear some words of relevance to clause 8.

Mr M. McGOWAN: Going back to clause 8, the opposition will move a further amendment to the clause shortly. I want to foreshadow that.

Debate adjourned, pursuant to standing orders.