

LITTER AMENDMENT BILL 2011

Second Reading

Resumed from 3 November 2011.

MR C.J. TALLENTIRE (Gosnells) [12.20 pm]: I rise to speak on the Litter Amendment Bill 2011 and offer the opposition's support for it. The amendments are essentially about the level of penalty and also improving the enforcement regime when it comes to dealing with offences of littering. These amendments are to the Litter Act 1979.

The act has gone only some way towards contributing to making Western Australia a cleaner, tidier place. This is why we need to analyse what is before us in this bill. There is a belief by those on the other side of the house that increasing penalties will improve the cleanliness of our streets and suburbs and the country areas of the state. We need to use this debate to look at other mechanisms, as well as those punitive ones, that perhaps are dissuasive for some people. It seems that many people in the community are oblivious to the penalties that exist, and they will probably still be oblivious to the penalties when they are increased. These people are difficult to deal with; they do not understand or care that littering can have an impact on all of us in many different ways and that it deteriorates the quality of life that we all want to enjoy. That is why I want to address a couple of ideas that go beyond this very narrow idea of penalties for littering. I want to look at some of the initiatives that we could use that would make for a much more effective means of controlling this problem.

One of the most prevalent forms of litter comes from fast-food outlets. It is very rare not to see litter around a fast-food outlet—wrappers, drink containers, straws and other bits and pieces of polystyrene material. Littering from fast food is a real problem. I know that as a response to that, local governments have often required as part of their approval process that a fast-food outlet develop a litter management plan. Those litter management plans tend to specify that the particular restaurant—Hungry Jacks, McDonald's, Chicken Treat or Red Rooster—will be responsible for keeping the area within a radius of 200 or 300 metres of the restaurant clean and tidy. I do not believe those restaurants fulfil those obligations particularly well. That is one thing. But perhaps the bigger thing is that a lot of that litter goes into someone's car and is often dumped several kilometres away. That is the real problem with fast food. It is a problem area. The fast-food industry needs to be held to account. There are different ways that that can be done. Clearly, there are initiatives, such as container deposit schemes. I cannot say that that system would necessarily work for wrappers, but we have the option of a deposit scheme for beverage containers. I know that some members opposite will immediately latch on to this and say that it is a great big new tax. There is nothing further from the truth. A container deposit scheme is a tax only on the idiot who smashes a bottle on the kerbside and leaves it there. Good law-abiding citizens, as are the vast majority of people, would get their deposit back; they simply need to make sure that the container is returned. There are options for deposit schemes. We have presented to this house during private members' business legislation calling for the introduction of a container deposit scheme. I think I have heard the Minister for Environment say that he believes there is a lot of merit in such a scheme. The question remains: why have we not adopted that scheme? It has huge community support. The people of Western Australia are very enthusiastic about it. I have seen numerous surveys asking people how they feel about paying a 10c deposit on a beverage container, and the response has been an overwhelming tick of endorsement. I think the last survey I saw suggested that about 80 to 90 per cent of Western Australians supported a 10c deposit on all beverage containers.

Clearly, there are options which would go much further than these sorts of punitive measures and which would perhaps be complementary. I note that the current penalties are amongst the lowest in Australia. The level of the littering problem in Western Australia is amongst the worst of the other states and territories, yet we have the lowest penalties. I can see that the government was guided down the path of increasing the penalties, so, to that extent, it is a good thing.

Another driver, of course, has been changes in the landfill levy regime and the worry that there would be an increase in illegal dumping because of the increase in the cost of taking things to the tip or to landfill. That made it necessary to increase these penalties. One big problem with any litter control system that is built around penalties is the detection of these offences. That is why the Department of Environment and Conservation and the Keep Australia Beautiful organisation have developed a system of litter reporting. People can register to be a litter reporter. Once they are a registered litter reporter, they can make a report should they sight a particular offence. They have to provide details, particularly about motor vehicle offences. If a registered litter reporter sees someone throw a cigarette out of a car, they are asked to note down the obvious details, such as the car make and registration, the time that the offence occurred, a description of the offender and whether it was the driver of the vehicle or a passenger. Numerous things have to be taken down. There have been occasions when this system has failed us and somebody has received an infringement notice and has then strongly protested that they were not guilty of the offence and that it must have been a case of mistaken identity. I recall midway

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

through last year, a lady from Gooseberry Hill was involved in one of these offences and she protested. She received a \$75 infringement notice for throwing a cigarette butt out of a car. This lady said that she had lived in the hills all her life and was acutely aware of the risks of throwing cigarettes out of cars, especially in the hills. I think the alleged offence occurred on Kalamunda Road, which is obviously in a fire-prone area.

There are problems with this type of litter reporting approach, so it is far from perfect. I think in the order of 4 500 infringement notices were issued last year. I would be very interested to hear from the minister how many of those infringement notices went through the system and resulted in paid fines. I also have a suspicion that we may be dealing with people who are difficult to track down, and they may be people who do not pay fines when they get them. It would be interesting to know not just how many infringement notices have been issued, but also how many of the fines were paid. I indicated that the penalty for throwing a cigarette out of a car is currently \$75, and it will go up to \$200. When we consider the sort of risk involved in people throwing cigarettes into bushland, especially in fire-prone areas, I am not sure that the penalty of \$200 is significant enough.

Mr W.R. Marmion: That will be for an unlit cigarette. If they throw one out that is burning, it can go up to \$5 000.

Mr C.J. TALLENTIRE: I look forward to getting further clarification from the minister on that issue. That would be useful. There are all kinds of risks with people throwing lit cigarettes out of car windows.

I understand that there is another change in the legislation here. Previously, we had a problem whereby if an infringement notice was served on a driver of a vehicle, the driver could say, “No, it wasn’t me” and then the infringement notice would be terminated. I gather that with this legislation if the driver of a vehicle cannot identify who the offender was, it automatically falls to the driver of the vehicle, as the person with responsibility for that vehicle, to incur the infringement notice. That is an interesting development in the law. I am not sure what legal principles are at stake there with simply assuming the culpability of someone who happens to be in charge of a vehicle, but I can see that from the agency’s point of view that is a response to people using the loophole by claiming that they are not the offender and therefore should be let off.

To move on from the issue of cigarettes to other things, people in my electorate often complain about shopping trolleys being removed from shopping centre car parks. I am not sure why they are removed; perhaps for some people it is a simple way of getting the shopping home. I do not see people using them in that way though. I am not sure when it happens. I am not sure when this migration of shopping trolleys to parks and gardens in the area takes place. There is a very simple solution to this problem and it is used elsewhere around the world—that is, to require the insertion of a \$1 coin or \$2 coin, which the user gets back when they return the shopping trolley. That system works very well elsewhere in the world. I am not sure why it is not being used here. I have seen shopping centres that are all ready to go with that system. The trolleys have been fitted with the lock and coin slot all ready for it, yet we are not taking that approach.

I return to this issue of fast-food wrappers and the litter caused by the fast-food industry. I note a case in my electorate in which there was real community anger about a local government decision to support a new McDonald’s restaurant in a residential area in the suburb of Thornlie. Forest Lake Shopping Centre is close to where this McDonald’s will be located, but the streets are residential streets. They are not the sorts of streets that are normally associated with fast-food outlets, yet McDonald’s wants to have a 24-hour restaurant and drive-in in this residential area. Under the town planning scheme, the area was zoned as a district centre. Under the definition of “district centre” in the City of Gosnells town planning scheme, a fast-food outlet is a discretionary use of the land. In other words, it had to come before the full council before there could be any question of an approval. It was discretionary; the City of Gosnells could refuse to allow the site to be used as a fast-food site. Nevertheless, the city decided to allow the McDonald’s to be built and put some conditions on the 24-hour restaurant idea in that it said the drive-in could be open 24 hours a day with vehicles coming into this very quiet residential area at all hours, yet the city wanted the restaurant to be closed by midnight on most nights. To McDonald’s that is not good enough. I understand that the matter is the subject of an appeal by McDonald’s, which is taking the matter to the State Administrative Tribunal because it wants to keep the restaurant open past midnight to, I think, 1.00 am or 2.00 am. Here we are seeing the fast-food industry using its muscle.

I spoke with people from McDonald’s who told me that they anticipate that McDonald’s will always have appeals. In budgeting for an approval, McDonald’s will include the costs of going to the State Administrative Tribunal. In the company’s overall preparation for a new restaurant opening, it budgets for the legal costs associated with getting the project in place. McDonald’s seems to take a very heavy-handed approach. I wish it would apply that level of effort and amount of funding to cleaning up its act. It would win McDonald’s a lot more community support if it guaranteed the community that there would not be the same amount of litter associated with its very successful business activity. These companies make huge profits. They are doing

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

extremely well at the expense of the beauty of our suburbs and countryside. That is not good enough. If people are making big profits, they should be held accountable.

Here we are getting to a situation in which extended producer responsibility needs to be introduced. Legislation was put in place by the previous Gallop and Carpenter governments. Through extended producer responsibility a person can manufacture a product, but they do not relinquish their responsibility for that particular product until the end of its lifecycle. When that product ends up as litter on someone's verge or somewhere in a suburb, the company should have responsibility in some way for the cleaning up of that product. That is not happening at the moment. This idea of penalties is all well and good, but we need a much more rigorous and more carefully thought through approach that involves extended producer responsibility. That then sends a message to companies—be they McDonald's or any other manufacturer of a product that consistently ends up as litter in our suburbs or countryside—that they have to design their products better. That is what we are about here. If companies are forced to reflect on why their products are consistently ending up as litter, they will be forced to design their products in such a way that they are not the problem that they are. I think that is an essential part of this. Simply fining people for littering is treating a symptom and not trying to get to the cause. I look forward to the minister addressing that side of the whole discussion around littering and the idea of extended producer responsibility. It is an important aspect of this issue.

We should be worried about litter for many reasons. I noticed that the story in "Inside Cover" on Monday—I know that we often look at that section of *The West Australian* newspaper for stories about reptiles, some of whom are in this place—was about a goanna that had put its head into a Coke can.

Withdrawal of Remark

Mr I.C. BLAYNEY: The member just referred to some people or things in this place as reptiles and I ask him to withdraw that comment.

The SPEAKER: I understand the motivation for the point of order, member for Geraldton. I am yet to hear the member for Gosnells elaborate on his comment. I am not going to ask him to do so and I am not going to make a point of order out of it. Perhaps he is reflecting on the fact that Western Australian fauna may be on the premises or precinct of Parliament. That is the only conclusion I can draw at this point.

Debate Resumed

Mr C.J. TALLENTIRE: The article I was referring to showed a picture of a monitor lizard. I think it was a Gould's monitor, although the experts from the Department of Environment and Conservation gave it another name. A beautiful monitor lizard had put its head into a Coke can as it tried to get moisture and sugar. Unfortunately for the lizard, its head was stuck. That is quite a common occurrence. The unfortunate thing is that because of the way reptiles' heads are shaped, they can get them into a container but they cannot get them out. That eventually leads to the death of that animal. This bill is about not only maintaining the aesthetic values we hold dear in our suburbs or in the countryside, but also making sure that we do not have litter lying around that becomes a hazard to wildlife.

Mr J.M. Francis: Unless it is a cane toad—we could live with it happening to a cane toad.

Mr C.J. TALLENTIRE: I am unaware of cane toads getting into containers. It could possibly happen, but I think there are other means of reducing the cane toad population, as challenging as that battle is. A conservation benefit would also come through a container deposit scheme. Had there been 10c attached to that Coke can, the chances are it would not have been discarded on the side of the road. That is why we need an approach that is far more comprehensive than this dob-in-a-litterer approach. The chances of someone actually seeing the offending Coke can being thrown out of a vehicle are not very great. The minister points out in his second reading speech that there are 5 000 registered litter reporters in the community. He says the chances of litterers getting caught are significant. If that was true, I think we would be seeing a lot less litter around the place. I still see a terrible amount of litter. One of the worst litter items is cigarette butts. When we look at the league table for litter, cigarette butts are right up there, along with beverage containers, fast-food wrappers and the like.

Mr W.R. Marmion: Cigarette butts are about 43 per cent of the items.

Mr C.J. TALLENTIRE: Forty-three per cent of litter items are cigarette butts. That is an interesting point because there is the actual number of items and there is also the volume of material. That is something that has to be considered as well. People do not always see cigarette butts, but when they are counted the number is absolutely shocking.

Mr W.R. Marmion: In terms of volume, plastics are number one at 53 per cent.

Mr C.J. TALLENTIRE: Plastics are at number one by volume—right. There are two ways to measure the statistics. They are both important and useful indicators. It is a poor reflection on smokers that they are such

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

prolific litter offenders. The whole issue of smoking in the community is one that we have debated in this house before. I have certainly made my views known. The approaches we can take are ones that may go some way to cleaning up our suburbs and improving things, but there is much more that can be done. That is why I implore the Minister for Environment to not just look at this approach of litter reporting and infringement notices, but also look at a much more comprehensive approach.

One further issue I want to touch on is the attitude of the Keep Australia Beautiful Council towards the more innovative approaches to litter control. I understand—the minister might correct me—that the chairman is Mel Hay, a former senior police officer.

Mr W.R. Marmion: That is the WA branch.

Mr C.J. TALLENTIRE: I think I have heard Mr Hay suggest that he is not in support of things like container deposit schemes. Perhaps we can get that clarified. I would be concerned if somebody who leads —

Mr W.R. Marmion: My understanding is that he does support it, but the Keep Australia Beautiful Council does not support it.

Mr C.J. TALLENTIRE: That raises an interesting issue. Keep Australia Beautiful Councils—perhaps the minister can clarify for me whether it is at a state or national level—receive some level of funding from the beverage industry. I would say that would be a corrupting influence on the attitude of Keep Australia Beautiful towards container deposit schemes. It would be unfortunate if we had a body that is prominent in the whole debate around litter objecting to the idea of a container deposit scheme because it receives funding from the beverage industry. The Clean Up Australia Day campaign is fully supportive of a container deposit scheme, as I have outlined previously, as is the vast majority of the Western Australian community. I believe that making sure we have systems in place is just as important—in fact it is far more important—than these punitive approaches. I hope that these increases in penalties will be dissuasive to people, but I fear that many of the offenders involved will be unaware that the increases have come into being. They will probably just play a kind of roulette with it and continue to discard their drink containers from cars, perhaps even taking that risk of throwing a lit cigarette butt out of a vehicle as well. There are other ways to deal with those people, especially when it comes to things like beverage containers. Those other means are best described as being the application of extended producer responsibilities. That is something that we really need to see in Western Australia. It is a principle that we should all be adhering to. We should not just be letting off people with the ability to make a huge profit while polluting the environment by discarding items. I support this legislation but I look forward to hearing the minister discuss how it will be part of a suite of solutions, including measures around a container deposit scheme.

MR J.M. FRANCIS (Jandakot — Parliamentary Secretary) [12.47 pm]: I will keep this brief. What a load of gobbledegook! I was absolutely appalled listening to that speech. I welcome the fact that the opposition will support the Litter Amendment Bill 2011. I will make a couple of points. Why does the opposition not start talking a little more about individual responsibilities? The idea that a business, because it is big and produces packaging, is therefore responsible for the rubbish that lands on the ground is absolutely ridiculous. I did not hear the member once mention the small family-owned fish and chip shops. Are they responsible for the rubbish, too, member for Gosnells, or is it only big business?

Mr C.J. Tallentire: So you are happy to have a Hungry Jack's with lots of litter around, are you?

Mr J.M. FRANCIS: No. The point is that it is not the people who produce it who should be held responsible; it is the people who litter.

Mr C.J. Tallentire: You are the defender of Coca-Cola, Hungry Jack's —

Mr J.M. FRANCIS: Absolutely. If the member goes down this path, he will go down the path of every single product —

Mr C.J. Tallentire: What are you saying to Coca-Cola and McDonald's? Do you not want them to clean up their acts?

Mr J.M. FRANCIS: What about a dumped car? Is that Holden's fault as well if someone dumps their car?

Mr C.J. Tallentire: You want them to get away with it scot-free, do you?

The SPEAKER: I am interested in the discussion, but I can only cope with listening to one part of the discussion at a time. I have given the call to the member for Jandakot. If other members want to seek the call—I believe others in this place wish to do so—they will have the opportunity.

Mr J.M. FRANCIS: This bill promotes individual responsibility and holds people responsible for their actions. The idea of punishing a corporation because it makes something, and some way down the track someone decides

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

to litter and therefore it is the originator of the material's fault, is absolutely ridiculous, whether it is Hungry Jack's, McDonald's, a fast-food company, a small mum and dad-owned pizza shop —

Mr C.J. Tallentire: Do you think these fines will solve everything?

Mr J.M. FRANCIS: I will get to that in a second. Would the member for Gosnells apply the same standards to a small business that produces something, or is it only if it is big business? With his left-wing socialist view of the world, whereby he keeps bashing big business all the time, would he apply the same standards to a small mum and dad business? Would the member hold a family-owned pizza shop or a Chinese shop—I have them all over my electorate—responsible because someone buys their product and decides to litter? Where does the member draw the line? He cannot. This is absolutely ridiculous. What he said was absolutely unworkable. How about standing up for individual responsibility —

Mr C.J. Tallentire: Are you saying a container deposit scheme does not work?

Mr J.M. FRANCIS: Let me tell the member something: if the member for Gosnells wanted to point out the cleanest country in South-East Asia, by far it would be Singapore, and plastic bags are not banned there.

Mr C.J. Tallentire: Compare South Australia with Western Australia—that is comparing like with like.

Mr J.M. FRANCIS: Plastic bags are not banned in Singapore. There are some fairly severe penalties for people who choose to litter in Singapore—there have been since the 1960s when Lee Kuan Yew came to power in Singapore.

Mr C.J. Tallentire: The Singapore solution.

Mr J.M. FRANCIS: I am just making the comparison.

Mr C.J. Tallentire: And what are the penalties for chewing gum there? Singapore is not a democracy.

The SPEAKER: Member for Gosnells, you have had an opportunity to put your point.

Mr J.M. FRANCIS: The point is that they do not ban plastic bags in Singapore. People are responsible with them because they know they have a responsibility to deal with those things in a particular way. It is like some of these councils coming out at the moment and saying they are going to ban plastic bags. There are people, like me, who have dogs and who use plastic bags to clean up after their dogs, or use them as bin liners. If we ban plastic bags, people will buy plastic bags. We are adding a cost burden to the people who can least afford it. The opposition Labor Party should be standing up for the kind of people who have less of a disposable income.

Mr C.J. Tallentire: I'm not standing up for litterers.

Mr J.M. FRANCIS: No. What the Labor Party is proposing will put a financial cost on the people who can least afford it.

Mr C.J. Tallentire: No, it's not—only if you smash your bottle on the kerb. This is the stupid stuff I was talking about—the tax on bottles. That's your line, isn't it?

Mr J.M. FRANCIS: Because the Labor Party is going to add a tax for people —

Mr C.J. Tallentire: No, it's not a tax. It is only a tax if you smash the bottle.

The SPEAKER: Member for Jandakot, I think you have had an opportunity to make your point with respect to some of the points that the member for Gosnells is making. I think the point of this exercise that we have at this moment in this place is to speak to the legislation, the Litter Amendment Bill 2011. Member for Jandakot, if you wish to remain on your feet and talk to the Litter Amendment Bill 2011 and not to the comments of the member for Gosnells, I am prepared to enable you to do that. However, if you are going to continue to remark upon what the member for Gosnells has said, I do not know that I will tolerate that for much longer. I would like to make some progress with this bill.

Mr J.M. FRANCIS: Thank you, Mr Speaker. I will finish. However, I will make this point about what this amendment bill particularly does, which is increase penalties for people who litter. In every jurisdiction around the world in which the penalties have been increased, the amount of littering has gone down. I used the Singapore example because it is the most obvious one that every single person can relate to. When a state has severe penalties for people who commit a particular crime, without a doubt the level of offending will go down. I can make a comparison with a whole host of issues, Mr Speaker. If you do not mind, I will direct my comments through you. I could compare it with increased penalties for people who assault police officers. What has happened in that instance is that there has been a 40 per cent reduction in the number of people who assault police officers because —

Dr A.D. Buti: No, the charges. It's not the same thing.

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

The SPEAKER: Member for Armadale and member for Gosnells! Member for Jandakot, I am going to ask you to direct your comments, with respect, to this bill. If you introduce other information into this place, you can expect the interjections you have received. I direct you to put your efforts into responding to the Litter Amendment Bill 2011.

Mr J.M. FRANCIS: Thank you, Mr Speaker.

The point I am making is that when we have a —

Mr M.P. Whitely: Do you know your surfboard doesn't have any wax on it?

The SPEAKER: Member for Bassendean, I do not know that you are assisting this process at all. I am sure the minister is prepared to respond if other members are willing to provide information that he could use. I am formally going to call you to order for the first time today.

Mr J.M. FRANCIS: The point I am making, Mr Speaker, is that when we have a system that provides greater penalties, without a doubt the level of offending will decrease. Of course, there are two sides to reducing litter in this instance. Obviously, there is education. I commend organisations such as the Keep Australia Beautiful Council that go out there and proactively try to reduce litter. But also it is a carrot-and-stick situation. We have a stick and we have a series of penalties. If fines are increased and are heavy enough, people will think twice about throwing a bottle out of the window of the car. In my electorate, I often pull up at the lights in my Kingswood monster truck with the surfboard on the roof, and I look around—this is as I get off the Kwinana Freeway at Russell and Gibbs Roads where we are building that great new train station. I sit there and look at the rubbish that is on the side of the road. I have been quoted in the local newspapers a number of times in the last four years as saying, “Let's have tougher penalties for people who just think it's appropriate to chuck whatever they are finished with out the window of a car.” If we had serious fines with serious consequences for people who think that is the appropriate way to behave, of course there would be a reduction in this behaviour. That is why this is a great bill. It is about time we started to say to society that it should take responsibility for its actions; and, if it does not, there will be consequences. So, Minister for Environment, well done. It is about time. I am looking forward to seeing less litter around my electorate

MR D.A. TEMPLEMAN (Mandurah) [12.54 pm]: The member was better over there. I do not know what has happened to him moving over to that seat, but he was better when he was in the other seat.

I am glad that the Litter Amendment Bill 2011 is before the house, and I am glad that the member for Gosnells raised some of the issues that he raised, because that is what should be discussed and debated with regard to litter. The simple fact is that Western Australia has the worst reputation in the country for littering. That is an indictment on all of us. It is an indictment on all Western Australians that Western Australia has the worst reputation for littering and littering volumes. One has only to go into many communities, both metropolitan and regional, to find that. It is a sad indictment on all of us that we have this reputation. Unfortunately, we have had this reputation for a very long time. The point that the member for Gosnells was making is that punitive measures such as this bill seeks to introduce and which we support—that is, significant increases in the fines—are only part of a suite of measures that we have to embrace to turn around this phenomenon. Why is it that Western Australia has the worst occurrence of littering? Why is it that our regional roads and regional stop-off points are quite often places that we find are treated like tips? Why is it that major fast-food restaurant areas and shopping centres, and the distributor roads that lead from them, are littered with fast-food containers? Why is it? We should be asking the question.

Part of the argument put by the member for Gosnells is that the responsibility for waste also needs to be sheeted home to the creation of a product or container at source; that is, whoever creates the packaging also has a responsibility for the life of that piece of waste into the future. That is what extended producer responsibility is all about. Everyone knows that if we purchase many products in Australia, the packaging not only is excessive, but also borders on ridiculous. We take it home, and at this stage in many places we are expected to dispose of it appropriately. However, we have to start thinking about it at source. I will give members a very good example. Not that long ago in my area, in my City of Mandurah, the local newspapers—at that time there were three a week, and I know this is an issue for the Minister for Environment because I know people have been writing to him about it—were rolled up and put in people's letterboxes, or some people made provision for them to be placed in their letterboxes with those little pipe-type holders. In recent times, local newspapers are simply put into a plastic bag, and in many parts of Western Australia they are thrown on the verge or on the front lawn if the person can get the newspaper over the front fence and into people's yards. Now, Minister for Environment, is that littering, because some people in the community think it is? Previously, these newspapers were delivered to people's letterboxes, but now in many communities in my electorate, three newspapers are chucked onto the front verge. Everyone in this place no doubt gets, unless they have their little “No Junk Mail” sign —

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

Mr J.M. Francis: I've got one and I still get it.

Mr D.A. TEMPLEMAN: I think the day is coming, as well, that the Salmats of the world or those other deliverers of bulk throwaway coupons, the weekly Coles and Woolworths brochures, will start packaging them in plastic bags and chucking them on the front lawn. Is that littering? If it is not, why would the minister allow that and not prosecute the newspaper? Not *The West Australian*, it is different. *The West Australian* newspaper is delivered to people who subscribe to it, so that is a different story.

Mr W.R. Marmion interjected.

Mr D.A. TEMPLEMAN: But that is Nedlands; I am talking about many other communities which are not Nedlands and which might have a different delivery.

Mr W.R. Marmion: They go in the letterbox.

Mr D.A. TEMPLEMAN: I can tell the minister that in Mandurah, the *Mandurah Mail* and the *Mandurah Coastal Times* are wrapped in plastic bags and chucked on the front verges. The circulation of community newspapers in places such as Mandurah can be something like 20 000 or 30 000. Think about that. Five or six years ago, this is not what happened. Five or six years ago, as I said, the young fellow or the young girl on their bike went and poked the rolled-up local rag into the letterbox, in the fence or even into that little piece of conduit that a lot of people had.

Mr W.R. Marmion: They still do it in Nedlands like that.

Mr D.A. TEMPLEMAN: That is because it is Nedlands. Nedlands is different! Nedlands may be very protective. I am saying that if we do not have these sorts of debates, member for Jandakot, in which we start saying, "Wait a second! Is that right?", we should just say, "Oh, let them go". That is what we are going to come to. I can guarantee that someone will start bagging the weekly throw-outs. They will bag them and they will start chucking them on the front verge—they will! They will start chucking them on the front verge and then the Minister for Environment will have the responsibility of saying, "Wait! Which one's litter and which one's not?" I am telling the minister that there is no difference.

Mr J.E. McGrath: Member, can I just interject?

Mr D.A. TEMPLEMAN: In a second.

There is no difference because they are being chucked right now. Tomorrow I will get one on my front verge.

Mr J.E. McGrath: You'll catch yours!

Mr D.A. TEMPLEMAN: In my teeth—I am very good at that—as it comes in!

It is simply a reality. I know that people have written to the Minister for Environment about this issue of the legality of throwing something onto people's front verges, as happens in many, many places in Western Australia, in communities —

Mr J.E. McGrath: You can't have litter on your front verge—it's your property. They throw it on your property, not your verge.

Mr D.A. TEMPLEMAN: No, they throw it on the front verge. What I think is ridiculous and find amazing is that the people who get paid a pitiful amount to do this drive their car around doing it—just flinging them out. We have to start questioning some of these practices. That is exactly what the member for Gosnells was doing before the member for Jandakot jumped up like someone who had sat on a dill pickle. The member for Jandakot jumped up —

Mr J.E. McGrath: He was excited!

Mr D.A. TEMPLEMAN: He was getting excited and having a go at the member for Gosnells.

We have to start talking about this. Yes, the responsibility certainly is with the person who purchases the product, but the responsibility also needs to be part of the extended producer responsibility phenomenon that everyone supports. This state supports extended producer responsibility because we started the process through the Waste Avoidance and Resource Recovery Act—that is, the act that I put through this Parliament. We put that legislation through because we saw that waste, and once someone wrapped their bit of paper up or did whatever, they were just abrogating any further responsibility. I think that is wrong.

Mr J.E. McGrath: Member —

Mr D.A. TEMPLEMAN: I will take the interjection because the member for South Perth is a very good friend of mine. He is still the most disgruntled man in the Parliament, I would say. My good friend the member for

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

Murray–Wellington was the most disgruntled member before he was elevated. That is what members have to do to get an appointment in this cabinet; they need to become as disgruntled as possible and they will be promoted.

Mr J.E. McGrath: When you doorknock your electorate, as I do regularly —

Mr D.A. TEMPLEMAN: I hope the member is not doorknocking my electorate! Stay away from my electorate because the member will scare my constituents, I can tell him now.

Mr J.E. McGrath: One of the areas where you do see a lot of litter especially are homes that are often shared by a group of young people where they do not clear out the letterbox. They've got all this stuff stuffed into the letterbox that eventually starts coming out of the letterbox and it is all on the verge. It's all old newspapers; it's the Salmat stuff, and —

Dr A.D. Buti: Do you pick it up?

Mr J.E. McGrath: What I'm saying is that that is the source of a lot of littering.

Mr D.A. TEMPLEMAN: Yes, but at least it has been put in a letterbox.

Several members interjected.

Mr D.A. TEMPLEMAN: Do members understand the point I have been making about what we have allowed?

Mr J.E. McGrath: It's a problem.

Mr D.A. TEMPLEMAN: We have allowed this to happen over time. Plastic bags are very cheap to make. The good thing about the plastic bags that most of the local rags are put into is that people can actually use them for their doggy thing—they can put their hand in it and do whatever they need to do. I guarantee that someone will test the minister on this. The Salmats of the world or the distributors of the world will start saying, "Hey! There's a better, quicker way of doing this." Most of that stuff is all bundled up now into some sort of roll. Sometimes there are 20 pieces of litter, if you like, or paraphernalia, that they roll up. At the moment, most of it goes into the letterbox but I guarantee that very soon it will go into a plastic bag and the distributors will begin to do what they are doing with many of the community newspapers. I am not attacking the Community Newspaper Group, by the way—it is community newspapers per se. But we will see it coming.

I know that people have written to the Minister for Environment about this issue. I think this is a real issue that the minister will come to face. We need to start attacking these sorts of things before they become a major problem. That is the point that the member for Gosnells was making. I am sorry, but if someone runs a major fast-food outlet and volumes of people go there, it is that outlet's responsibility, in my view, to look at what is happening around its precinct.

Mr J.E. McGrath: You put bins there but people don't use the bins.

Mr D.A. TEMPLEMAN: But that outlet has a responsibility. I think it is actually a corporate responsibility. I just think it is—of course. For the member for Jandakot to jump up —

Dr A.D. Buti interjected.

Mr D.A. TEMPLEMAN: It has gone to his head, I think, because I do not think the member has a concept of extended producer responsibility, which, as I said, is already a mechanism in place for Western Australia through the WARR act that was passed in 2007. I remember it well because I did it.

All I am saying is that if we are going to tackle this with the reputation that we have—we have a terrible reputation—we have to start thinking outside the square and not go on to this sort of antisocial view that the member for Jandakot is always trying to find in every argument, the philosophical attack on business or attack on capitalism. What the member said before is really quite childish, frankly. In my view, it was quite childish because he totally missed the point about making sure that people see that they have a responsibility in the life cycle of a product. The more we intervene, if you like, to ensure that people do the right thing as early as possible, the better. Every single year in Western Australia—they have just done it in Mandurah along Old Coast Road—people are out there with the orange bags. What are they picking up? They are picking up the stuff that could be taken out of the waste stream with a container deposit scheme. They collect stuff that could be taken out of the waste stream if people were better educated about how to just be decent people. That is the thing that really makes me angry.

I will give members a very quick story; I will finish in a second. I remember going to my local shopping centre years ago. There were two young fellows sitting in a parked Busselton car who were drinking. They just chucked the empty can out there. I was a community-minded citizen. I went up to them, picked it up and threw it back in; they were very big and I am very small!

Mr J.E. McGrath: You threw it back in the car?

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

Mr D.A. TEMPLEMAN: I threw it back in the car! I saw the Busselton plates and I said, “I suppose you do that in Busselton, do you?”

Mr J.E. McGrath: It wasn't the member for Vasse, was it?

Mr D.A. TEMPLEMAN: No, it was not the member for Vasse!

They said, “No, we're not from Busselton.” I said, “Well, your car is”, and they said, “Yeah, but we're not; we're from here”, and I said, “Okay, fair enough; well, don't do it here”, and walked off very quickly, in case I got a bunch of fives! Yes, we can try to make people decent by imposing greater fines, but let us also look at —

Mr W.R. Marmion: Can I sign you up as a litter reporter?

Mr D.A. TEMPLEMAN: I am glad the Minister for Environment mentioned that. I have one last question on it, because I think this is another thing the member for Gosnells was alluding to. We have authorised officers; the minister said in his second reading speech that there are around 5 000 of them. The minister probably will not be able to provide this information in his response to the second reading debate, but I would be very interested to know the spread, if you like, of officers, not by postcode but by suburb. It sounds like Nedlands probably has 2 000 of the 5 000, because there is no litter there at all and they report each other! But I would be genuinely interested in finding that out, if the minister is able to give an indication, particularly for communities in Western Australia where there is a greater concentration of registered officers. I would love to know how many there are in Mandurah; maybe I should ask that as a question on notice, because Mandurah is not pulling its weight in terms of litter.

Mr J.E. McGrath: You could start a campaign to recruit.

Mr D.A. TEMPLEMAN: I could; I could be one of the big recruiters for this campaign.

Mr W.R. Marmion: You could be the first one!

Mr D.A. TEMPLEMAN: Of course!

If the minister could provide that information—perhaps I might put it as a question on notice—it would be interesting for all members of Parliament to know how many authorised officers there are in their electorates. Maybe the minister could provide that information at a later date and indicate it in his response.

I think the member for Gosnells was on the right track when he questioned this approach to litter. We have a hopeless reputation in Western Australia and we have to improve that significantly. That may actually mean looking outside the square and not just focusing on punitive measures such as doubling fines. Another question asked by the member for Gosnells was: of the 4 482 infringements issued in 2010–11, how many were successfully prosecuted, and what were the fines? Even now, the maximum is \$200, so I assume that most of them were maximum fines.

Mr W.R. Marmion interjected.

Mr D.A. TEMPLEMAN: But of those 4 482 infringements, how many have been successfully prosecuted? That is what we need to know. I would also like the minister to give an indication of whether the penalty in all cases was the maximum available. I will finish there, but I really want to hear the minister's comments on the issue of newspapers.

DR J.M. WOOLLARD (Alfred Cove) [1.14 pm]: I am very pleased to see a bill, the Litter Amendment Bill 2011, come before the house that is designed to try to improve the problems we have with litter in our parks, on our beaches, in our forests, on our reserves and on our roads. We have discussed in this house today where attention should be aimed; should it be aimed at the individual or at the corporations? Previously, the maximum fines for both were \$1 000, so the fine for a first offence, being 10 per cent of the maximum, would have been maybe \$100. The maximum fine will now be increased to \$5 000 for an individual, which means up to \$500 for a first offence, and \$10 000 for a corporation, which might be a \$1 000 fine for a first offence. Whilst I applaud the minister for trying to do something about litter, I have some concerns. The Litter Act defines litter to include all kinds of rubbish, refuse, junk, garbage or scrap, and any articles or material abandoned or unwanted by the owner or the person in possession thereof. There has been some debate in the house today as to whether, if, for example, a McDonald's wrapper is thrown on the ground outside a McDonald's restaurant, it is the responsibility of the individual or the corporation. I think the minister needs to answer that one.

Mr W.R. Marmion: Sorry; what was that?

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

Dr J.M. WOOLLARD: The question that was asked earlier was: if someone walks outside a McDonald's restaurant and throws their wrapper on the ground because there is no bin in the car park, is it the responsibility of the individual or the corporation?

Mr W.R. Marmion: It's up to the individual. If you throw it on the ground, you're littering.

Dr J.M. WOOLLARD: If the minister is saying that that is the individual's responsibility —

Mr W.R. Marmion: I'm saying it's littering!

Dr J.M. WOOLLARD: It is littering, but the minister is saying that it is the individual's responsibility. The minister might remember that two years ago the Education and Health Standing Committee presented to the house a report on liquor restrictions in the Kimberley. We included as part of that report a photograph that was taken in, I think, Halls Creek, of some equipment purchased by the local council; it looked like a small four-wheel-drive vehicle but it was in fact a sort of vacuum cleaner for clearing the streets of beer cans and beer bottles, first thing in the morning, and we are talking about not hundreds of bottles but thousands. It is proposed under this legislation to increase the fines for littering but I am wondering whether the minister should also look at other measures, such as community service, because if there is going to be a blitz on litter after the introduction of this legislation, some people who are going to be fined will be unable to pay those fines. Could we not therefore amend section 23 to include an option to the \$5 000 fine for an individual? If they are to be fined 10 per cent for a first offence, they will have to pay \$500. We could amend the section to make the penalty options for an individual a fine of \$5 000 or community service. Under the same section, the fine for a body corporate is \$10 000. I am not sure whether the member for Gosnells actually brought this issue up, but I would have expected the maximum fine for an individual to be lower, and the maximum fine for a corporation to be higher—not just double the penalty. I would be interested to hear why the minister has set those two amounts, because most corporations could easily pay those fines, whereas many individuals who might be affected by the changes will not be able to afford the new penalties.

Mr W.R. Marmion: Most of them are confined to infringements, and \$200 is the current penalty under an infringement for a whole range of littering types.

Dr J.M. WOOLLARD: That is \$200 for both the individual and the corporation.

Mr W.R. Marmion: Now.

Dr J.M. WOOLLARD: Yes.

Mr W.R. Marmion: But the corporation's penalty is going up to \$500.

Dr J.M. WOOLLARD: The first one is \$500.

Mr W.R. Marmion: For an infringement.

Dr J.M. WOOLLARD: For an infringement, but \$100 for an individual and \$500 for a corporation—a corporation that can probably afford \$500. My concern is the individuals.

Mr W.R. Marmion: It already is \$200 for an individual for an infringement. You can actually go through the courts and —

Dr J.M. WOOLLARD: It will increase.

Mr W.R. Marmion: Yes.

Dr J.M. WOOLLARD: The first time it is likely to be \$100, the second time it could be \$150 and the third time it could be \$200. But if the government is going to get serious about littering, I would like the minister's response about towns such as those in the Kimberley where the streets are full of beer bottles and beer cans. What is going to happen there? That is a huge cost to councils there.

I was going to bring up the issue of newspapers, and note that one of the other members brought up the issue. I refer to the distribution of not only newspapers but also newsletters from members of this house. The minister and I both know that although we encourage members to put newsletters in letterboxes, sometimes those letterboxes are quite full and the newsletters may stick out of them and fall on the ground. Who is then responsible; is it the person delivering the newsletters?

Mr W.R. Marmion: Whoever litters. If someone throws something on the ground, they are littering. It won't be you or the householder.

Dr J.M. WOOLLARD: So if the person helping a member distribute a newsletter does not put it into the letterbox properly and it falls out, they will be responsible because they will be the person who caused the litter.

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

Mr W.R. Marmion: If you throw something on the ground, it is littering.

Dr J.M. WOOLLARD: Coming back to newspapers, what will be the scenario and what will happen?

Mr W.R. Marmion: This bill does not change the law. All this bill does is change the fines.

Dr J.M. WOOLLARD: I know, but we have not had an opportunity to discuss this before. When someone is delivering newspapers and the person to whom they are delivering those newspapers has gone on leave, and it is windy and those newspapers then blow across the street and down the road, who is responsible for littering in that instance?

Mr W.R. Marmion: I am sorry; I was reading something. I will write it down and I will respond when I reply.

Dr J.M. WOOLLARD: The scenario is when someone is delivering newspapers; it might be the local newspaper, which, unlike *The West Australian*, does not come bound in plastic wrapping and is not as likely to stay in a driveway. However, if a community newspaper is delivered when someone is on holiday and it is quite windy, and because of the wind that newspaper gets blown across the road and into the neighbours' properties, will the person who delivered that newspaper be the one who will have to pay the fine if this bill were to be enforced more rigidly than it is currently enforced?

I think this bill gives the minister a good opportunity to clarify who will be responsible for the fines. I hope this bill will help to reduce the litter on our beaches, in our parks, and in our forests down south where people sometimes dump their household refuse. Hopefully, this bill will prevent some of that littering occurring if adequate resources are provided for preventing littering when the bill comes into effect.

I am pleased that the minister is trying to do something about the problems with litter in WA and I hope that during his response he will be able to answer the questions I put to him so that I will not need to go through them in consideration in detail.

Mr W.R. Marmion: We are going into consideration in detail anyway.

Dr J.M. WOOLLARD: I know, but if the minister answers as part of his response, I will not need to go through the bill clause by clause.

MS A.R. MITCHELL (Kingsley) [1.25 pm]: I rise to support the Litter Amendment Bill 2011. However, I must say at the outset that I am disappointed that we are now in a position that we have to increase fines for something such as littering. I agree with other members who have spoken today that it is certainly not what we want in society, but it is something that we must do because we have to make an impact on the situation currently facing all of us—and we all know what that situation is. Littering is a very poor reflection on our society, it is a very poor reflection on our community and it is a very poor reflection on people in our community who think it is an acceptable way to behave. I have thought about why it might be that people litter and have struggled to come up with answers. However, one answer might be that society has changed in that very many people do things for us. At the moment it appears that many people have cleaning people in their home so that they do not have to clean up as much—because someone else comes in and does it for them. The attitude seems to be that it is okay if we litter, because someone else will come in and clean up for us. I do not know whether that is an attitude out there in the community, but if it is, we certainly have to change that attitude. I notice this attitude most mornings when I drive to my office, which is in a shopping centre. There is a fast-food place on one side of my office, a food place on the other side that also does takeaways—I would not class it as a fast-food place—and a couple of other fast-food places very nearby. Often in the morning I have to almost drive through the boxes to get to a car park space and ask myself which one I will park at today. That is because I need to give space for the person who comes around to clean up every day. It is a very poor reflection on the community. Other businesses in my little section of the shopping centre must feel the same way I do. We get there before a lot of other people get there, so we see it.

There has been talk about who is responsible for littering and whether business should be cleaning up. I have noticed the difference, as I said, between the two organisations either side of me. One is personally owned and one is not. One is very clean and one does not appear to be. That is a general statement and I cannot prove anything, but one could take note of that. However, the attitude that concerns me the most is the one that people have that even though there is a bin there, if they chuck it at the bin and they miss it, bad luck; or, they will just leave it on the ground anyway. The other issue that really bothers me is when I see bottles left on the road in a specific spot knowing that someone is going to drive over them, when I see litter just on the side of the road and when I see places that people frequent left dirty.

I therefore support this bill, I support the penalties, and I am also pleased to support the people who have accepted responsibility for keeping an eye out for people who litter. It is not an easy task, and it is not one for which those people will get a lot of credit, but I admire them and thank them for the role they are taking on,

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

because they will help in the process of determining what we believe is acceptable in our society with respect to litter.

I am also very lucky in my community in that a number of people very quietly go around the community cleaning up. I am not talking about cleaning up their front footpath or other areas they are associated with. They also believe that littering is not what they want in their community and are doing something about it; and, as I said, they are doing it very quietly. One lady in my electorate, Kerry O'Connor, walks along Hepburn Avenue, a major road, every morning. Her house does not back onto it but she cleans it up every day. She says she needs something to do when she is walking so she cleans up. People would not recognise her; she is basically in disguise. She has done it for years. She does fantastic work.

I recognise people in a retirement village behind my office who come through a back gate to get into the shopping centre. Many of them take it upon themselves to clean up the back part of the shopping centre, not an area where many people go. I suppose they do it to protect their own area because they do not want rats et cetera out the back. They take it upon themselves to clean up an area that not many people see. They do that willingly, but they would probably prefer not to have to do it. Another area is not quite on shopping centre land but sort of on the local government verge area. Basically, no-one is responsible for it. Some local residents take their plastic bags and clean up when they go out walking. That is why we need some plastic bags there. They do it because they want their area to be respected and to look good. These are the sorts of people we have relied on to keep areas clean. We cannot rely on them anymore. They are the things that concern me the most.

Another local residents association, the Woodvale Waters Landowners' Association, has a specific association with the local government in its area. It looks after more than its own area. It backs onto the Yellagonga Regional Park and does quite a bit of work in the regional park to make sure that it is kept clean because, unfortunately, some people leave their litter there. That is not the responsibility of this association but it certainly takes it on. That group is also very active—I know of many others—on Clean Up Australia Day. My group is fine with that day but it is not convenient to many in Western Australia. I support the adopt-a-spot program that has been developed by the Department of Environment and Conservation because people can dedicate to a time that is convenient to them and to a location that is important to them. I say that only because Clean Up Australia Day tends to be on a long weekend in Western Australia when a lot of people are engaged in other activities. I commend the adopt-a-spot program. I think we should all be getting involved in that because it certainly does make a difference to everyone concerned.

I know that teachers are teaching children about these things in schools. We do not see dirty school grounds and this behaviour from young children. We do not see this behaviour from other people when they get older. There is a generation that for some reason or other believe it is other people's responsibility to clean up after them and they think it is a bit of a joke. That is why I support this bill. We need a number of methods to ensure that our society remains clean and a sight to be seen. I would love to get to the stage at which we are like Singapore. I would not like to have to do it that way but I would love to get to that stage. I think many people want that. If we speak to anyone in the community, we find that is what they want. They do not want dirty streets. They do not want vermin and things because of rubbish that has been left around. I drive to my office each morning, and it is really a case of driving between the rubbish to get a parking bay that is free from rubbish so people can clean up the area. People could say that I should clean up as well, and perhaps I should. There is evidence that we have a number of people in our society who think it is okay to drop rubbish and it is okay to mess up other people's property, particularly with broken bottles and things like that. They do not care. I support these increases in penalties. I support the litter reporters and thank them again for the work they do. I would be interested to find out how many such reporters are in my area, as the member for Mandurah has indicated. I congratulate the member for that. I encourage people to grow that network because I think it will make a difference and hopefully reduce the amount of litter that is dropped and improve the landscape and the amenity of our society.

MS J.M. FREEMAN (Nollamara) [1.35 pm]: I rise to speak to the Litter Amendment Bill 2011. In particular, I want to talk about some of the issues that have been raised by other members. With a background in economics, and having an economics degree, I see the point and reasoning behind incentives around payments. Sometimes disincentives and fines are not as active as we want them to be. If we see an increase in littering but we have had a system of punitive fines and it has not worked to reduce littering in Western Australia, we have to spend some time thinking about why it has not worked. Is it just because of the level of fine or is it because fines are not the most effective way to deal with an issue in our community such as littering? We all know that the definition of "stupid" is doing the same thing but expecting a different result. We do not want to see a situation in which we continuously say that if we just penalise people, it will stop.

This legislation is based on the government's "Litter Prevention Strategy for Western Australia 2009–14", which I note was a follow-on from the "Litter Prevention Strategy for Western Australia 2006–09" that was released by

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

the previous government. Page 4 of the 2009–14 strategy states that national surveys of litterers conducted by the Beverage Industry Environment Council found that the majority of people who litter in public places are unable to remember that they had littered or did not show a willingness to admit they had littered. Littering behaviour is sometimes an aspect of absentmindedness or carelessness. If it is a case of carelessness and absentmindedness, one has to ask whether increasing fines will address that issue given that a fine-based system has not addressed the issue before.

I note that previous speakers have talked about the issue of fines and penalties having an undue influence over some of those people who can least afford it in our community. That is my concern. There is a perception that young people litter and also there is a gender bias to it. The government's report shows that there is no clear relationship between genders. Although there is a perception that young people are likely to litter, the behaviour studies have found that people are more likely to litter when they are in large groups. The larger the group, the more likely people are to litter. This might be a critical point that we have to look at—that whole aspect of peer group influence stuff. Maybe I am drawing a long bow here, but we could think about White Ribbon Day, which is about ambassadors against domestic violence on women. One of the major things that some communities have said is that it is about men standing up to other men and saying that certain behaviour is not acceptable. For instance, we see certain behaviour at the football. They are all going, “Ra, ra, ra”, and some bloke says something completely offhand and terrible to his partner and then some other bloke says, “Hey, mate, that's not acceptable.”

From what we definitely know and what we can look at in the empirical studies, there is more likely to be littering behaviour amongst large groups so maybe we need to start thinking about really positive strategies around that whole aspect of peer behaviour models and areas such as that. Part of that relates to the sort of thing that the member for Gosnells was talking about. People usually purchase fast food in groups. I know this because they drive past my office on their way to the local fast-food outlet in my area. That is not an empirical study in its own right. It comes down to what responsibility those organisations with a high volume of customers have. The member for Jandakot asked whether we are going to go for the little fish and chip shop or some other organisation or small business. All people have a responsibility for this issue.

When we are dealing with a high volume of packaging, we have to say to those organisations that they have a responsibility to try to reduce the amount of packaging they use and thereby reduce the litter aspect of it or have a program that shows that firms that are stakeholders in this issue are adopting a proactive strategy. We are increasing our fines—I assume they have not been increased for some considerable period—and that is a contemporary thing to do. I am not disregarding that; I just think this Litter Amendment Bill is a marginal way of trying to address a problem that we see in our contemporary community when we should be looking at other ways to be proactive. It is my belief that container deposit laws, under which empty containers are returned to get money back, or a shopping trolley refund scheme whereby with the return of the trolleys the money is refunded provide economic incentive. It is an economic incentive for either us or someone else in the community.

Over the winter break, I was fortunate, as were many people, to go to Indonesia and visit Bali for a week. When I was there, I noticed the massive reduction in the number of plastic bottles. Members may know that there has been a big campaign in Bali around plastic bottles. Part of that campaign has been the setting up of a recycling plant just out of Java, which is now making payment for plastic. I think something like 30 million plastic bottles a month are dropped in Bali. I am not completely sure of the figure, given my poor memory for figures. I fronted up and asked the people involved in the campaign how the campaign was going. They noticed that when the campaign was purely on an educational basis, they could not see a reduction in the number of plastic bottles. But when they provided an economic incentive to the community to collect and recycle plastic bottles, they saw a marked reduction. There is no doubt that we could still see rubbish, but the amount of plastic around was, anecdotally, markedly reduced. Certainly, when I asked a question of the organisation, it indicated that it had been reduced.

With regard to the “Litter Prevention Strategy for Western Australia 2009–14”, although the minister told the member for Mandurah that 43 per cent of items found are cigarette butts, of the volume found, 53 per cent of it is plastic.

Mr W.R. Marmion: That is what I said.

Ms J.M. FREEMAN: I was listening in my office, so I apologise. Littering of plastic containers is a really large issue, so container deposit legislation, especially around plastic bottles, based on the situation in other jurisdictions, seems to be one of the ways we can proactively and very effectively address a problem that we all agree is a bit of an environmental blight on our community. The reason that it is an environmental blight and we all worry about this is that it is a bit like the mailbox and the cheque theory. Studies have been done in America

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

that indicate that if something is hanging out of a mailbox that looks official and perhaps of some value, and a mailbox is in an area that is clean and tidy and in front of a house that is looked after, most people will walk past and leave the mail there. But if the mailbox looks damaged and unkempt and there is mess around it, the mail will be stolen within a very short period. There is a psychology around something that is unkempt, unloved and uncared for in that people think, “I don’t have to respect that.” That reflects our basic human behaviours and calls to what is intuitive in us all. If we accept areas being degraded, disrespected and rundown, as we all know, it impacts on how communities react in that area; they litter because no-one else cares for it. They have the view, “Why should I worry?” It may be true to say that there is some individual responsibility in this, but that individual responsibility goes with the wider community responsibility of how we deal with things.

That brings me back to the sorts of things government can do around that. There is a large tract of land in Mirrabooka bounded by Mirrabooka Avenue, Milldale Way and Chesterfield Road that has been owned for 50 years by the Department of Housing—or the state government. There is a real problem with rubbish being left on that land, to the extent that the City of Stirling and the Department of Housing are sick and tired of me calling them and saying that it is being rubbished and degraded again. The point is that, if it were in Nedlands, member for Nedlands, who has just walked out the door, or in Cottesloe, member for Cottesloe, who has just walked out the door—not in Jandakot because in Jandakot it would be left also in disrepair—or in Perth or Mt Lawley, it would have been made into a parkland and been planted with trees. If the government wanted to sit on it for 50 years, there is no way the leafy greens would have let it be disregarded and disrespected and left in the same sort of disrepair.

Mr M.W. Sutherland: Why not talk to the Stirling council about it?

Ms J.M. FREEMAN: No; the Department of Housing owns the land. It has sat on that land because it is part of its assets, and it has done nothing about developing it over the years because it helps the department’s bottom line. I do not have a problem with that. If it wants to sit on land, that is all well and good. It is sitting on land in Dianella Drive, which will become a problem for the next member for Morley. It is in a similarly disregarded, disrespected and degraded state. It is at the top of the hill on Dianella Drive, behind Channel 10. Has the member seen that land on the hill? It is subject to flooding et cetera. It, too, is owned by the Department of Housing. That would not happen in a leafy, green suburb, but it has happened in an area where it is said, “Oh, we don’t have to worry about the people in that area.” Therefore, rubbish is left and there is unwanted behaviour in that area. I have great groups in my area that try to deal with that. The Nollamara–Westminster Action Group cleans up areas on a regular basis. That group has tried to speak to the City of Stirling and tried to do something about the Arkana Road corner shops because they are not in the best shape, but the council’s capacity is limited. Those sorts of things come within our planning laws.

The minister missed me say that I would lay 10 to a dozen that if that degraded Department of Housing land was in the City of Nedlands, it would not remain in such disrepair for such a long period. It would have at least been given a lawn and had some decent bushland planted.

Mr W.R. Marmion: Look at Sunset.

Ms J.M. FREEMAN: The good people of Nedlands would not have accepted it. But for some reason the government figures that we in Mirrabooka can deal with it; but we cannot. The litter in the area has an impact on it and that has an impact on the amenity of the area. Penalties and fees do not help that; what helps is fixing up areas such as that land, and there is a local government role in doing that. As I understand it, most of these penalties will be administered by local governments, so they will have the capacity to issue the fines. Local government also has a role in how it deals with verges. The member for Mount Lawley may be aware that there has been a debate in the City of Stirling about doing some more work on verges. It seems to me that if councils can say to their residents that they cannot plant certain trees on a verge, they cannot pave a verge and they cannot do this or that on a verge, they also have a responsibility to ask their residents who cannot manage to maintain a verge for a period to maintain a verge. Or where a verge wraps around a corner and everyone argues over who should care for that verge, there is a very good reason for the community as a whole to expect the council to maintain those verges—at least to mow and tidy them. I notice from the City of Stirling’s agenda of its meeting for 15 May 2012 that they discussed some options around verge care. I am happy to make that available if the member for Mount Lawley has not seen that.

Mr M.W. Sutherland: I would love a copy.

Ms J.M. FREEMAN: Residents in the Town of Claremont—not the City of Nedlands, but the minister is probably close to that —

Mr W.R. Marmion: It is my next-door neighbour.

Extract from Hansard

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

Ms J.M. FREEMAN: The Town of Claremont regularly maintains garden beds along its arterial roads. In the City of Nedlands, if the verge is deemed hazardous, a notification is given to the property owner to mow the verge, and if the owner does not mow the verge, the city does and charges the owner. Let us look at areas where we have less incidence of litter—I am making that assumption; I have not seen empirical evidence on whether or not that is the case. If that involves a cost and the council wants to look at those costs, then maybe we need to make sure that the revenue from all of the penalties imposed under this bill goes into these sorts of areas in a proactive way and not just into general revenue.

[Member's time extended.]

Ms J.M. FREEMAN: That is something that we can do as representatives of our community in this place. I just heard the previous speaker refer to the adopt-a-spot scheme. One of the great things that the City of Stirling has is its adopt-a-park scheme—but I will digress to other councils. The City of Wanneroo does quite proactive work. The City of Wanneroo has a two FTE crew who take care of side verges of unkempt corner properties on streets that are local distributor roads and rear verges where there is no property access; and they clear verges with sight line issues and collect litter from verges.

Mr M.W. Sutherland: That is excellent.

Ms J.M. FREEMAN: Yes; it is the sort of stuff we all want to see in our communities. I understand why local authorities say that they cannot afford it, but they do get a lot of money from ratepayers. This is one of the primary issues that ratepayers are concerned with, and I would have thought it would be one of the primary tasks of local authorities. I will go back to the adopt-a-park scheme. How do we encourage that? How do we give people an economic incentive to do that? We are debating deposit container legislation. For example, if we had a container deposit scheme and someone adopted a park, someone from the council could come past and pick up containers and reimburse them for the containers they had collected. That is a positive economic incentive for that scheme. If McDonald's or any of the large fast-food companies wanted to take that pivotal role as corporate citizens in our community, which so many of our corporations tell us they want to do, they could assist those adopt-a-park schemes to take some sort of proactive role for the people who participate. Those active community members who get out and involve themselves in those schemes are the most valuable people in our community. We all know that if that sort of activity exists, there is less of some of the unwanted activities because it is that movement and colour that keeps down the unwanted issues in our community. Those people are the eyes on the street, so to speak.

The minister has really missed an opportunity with the Litter Amendment Bill 2011. This legislation has been on the cards since the previous litter strategies proposed in 2006 and 2009. The government sat on that and suddenly it is doing something with the container deposit scheme. The opposition keeps banging on about it and the community knows it is good, so suddenly this government stands up and says that it will do something: it will fine people more! We have a penalty-based government and, as with electricity, if it wants people to use less, it will charge them more and all these sorts of things. The minister has missed an opportunity to put that in this strategy and to make it something. One thing the minister could have done with this legislation was to make sure that every bit of this money went back into litter prevention. There could have been a by-line in the bill that said that none of this money would go into the consolidated account, but would go into all these great projects.

I will finish up with my experience of the complex interplay with littering. The Clean Up Australia campaign has found that the majority of the litter it cleans up, which is a very distressing issue for me to bring into this place, is those high-volume liquor containers—those two and four-litre casks. This problem concerns not only the Minister for Environment, but also the Minister for Health and the Minister for Racing and Gaming. As long as we have large containers of alcohol that are not taxed and it is cheaper to buy a cask of fruity Lexia than the equivalent volume of water, the complex social behaviour of alcoholism in our community, which is to sit there in the sun and drink and then use it as a pillow to fall asleep on afterwards and then litter with it, is going to continue. These issues are much more complex than imposing punitive fines. These issues require a complex interplay of strategies across government. The government needs to recognise that. The minister has missed an opportunity to come into this place to look at not only container deposits but also the way alcohol is taxed, and to go to the federal government asking it to properly tax alcohol on a basis other than volume. The minister could have taken a proactive strategy to the federal government. It could have been forward thinking, knowing it was a community concern. The government has missed this opportunity, and once again has come into this place as a fining government, a taxing government.

MR A.J. WADDELL (Forrestfield) [1.58 pm]: I rise to speak on the Litter Amendment Bill 2011. A number of elements in the bill raised an eyebrow as I read through it, not least of which are the deeming provisions for motor vehicles. First and foremost, I support the intent of the bill and any attempt we put in place to clean up litter in our society. The thing that concerned me about the deeming provision in this bill, which is similar to deeming provisions that exist for motor vehicle infringement notices for speeding and other traffic violations, is

Extract from *Hansard*

[ASSEMBLY — Wednesday, 8 August 2012]

p4598b-4612a

Mr Chris Tallentire; Mr Ian Blayney; Speaker; Mr Joe Francis; Mr David Templeman; Dr Janet Woollard; Ms Andrea Mitchell; Ms Janine Freeman; Mr Andrew Waddell

that we have to look at that in conjunction with another element of this bill, which is to allow some additional authorised people to enforce this law. Let us put those together. The minister indicated in the second reading speech that there would be 5 000 extra eyes out there that may be able to enforce this. I wonder how many people will get pinged by someone who may not necessarily be trained, merely because their car happened to run over an empty chip packet that was blowing along the road, and as we all know when a car hits refuse like that it tends to fly about and it may appear to have been ejected from your vehicle. This bill puts a huge onus on the driver to prove the circumstances in which that occurred and whether they were responsible for that piece of litter. That is my largest concern with respect to that and I would hope that the minister could visit some of the safeguards that will be put in place to ensure that members of our community are not adversely affected by what is, in fact, a bill aimed at helping our society. I would reflect on some of the things that the member for Nollamara said. I certainly support the thrust of what she said and that is, of course, that this bill is a missed opportunity; it is an opportunity to look at what our strategy is generally to deal with litter within Western Australia. I believe that in order to deal with this particular problem we have to come at it from multiple angles. The first angle is to look at penalties associated with littering, as this bill is doing.

Debate interrupted, pursuant to standing orders.

[Continued on page 4624.]