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ENVIRONMENTAL PROTECTION AMENDMENT BILL 2010

Second Reading

Resumed from 10 November.

The ACTING SPEAKER (Mr J.M. Francis): Before I give the call to the member for Gosnells, I was remiss in not saying earlier, when the motion to suspend standing orders was passed, that the house will sit late tomorrow evening and there will be a dinner break between 6.00 pm and 7.00 pm.

MR C.J. TALLENTIRE (Gosnells) [4.43 pm]: I rise to support the Environmental Protection Amendment Bill 2010. This is a bill that the Labor opposition supports. There are a few points of concern, but fundamentally this legislation will help bring about a greater deterrent to those in our society who are inclined to believe that the cheap way to dispose of rubbish is by dumping it in areas of bushland, in nature reserves, in road reserves, in national parks and in other areas of our natural environment.

The penalties brought about through this legislation will be a significant increase on penalties that exist in other legislation. This amendment bill will bring into effect certain sections of the Environmental Protection Act that will enable officers from the Department of Environment and Conservation to fulfil inspectorate duties and to commence the process of prosecuting someone for the offence of illegal dumping.

The minister in his second reading speech outlined why this legislation is necessary, that it is an advancement on provisions that are currently in the Litter Act 1979, and that it is also somewhat complementary to other legislation that relates to environmental harm and pollution offences. It is fair to say that there is perhaps a gap in our environmental protection legislation that deals with this issue of illegal dumping.

Illegal dumping takes many forms. I think all members of this house would have been confronted, perhaps on a walk in bushland, with the offensive sight of rubbish that has been thoughtlessly dumped. That rubbish could be household refuse. It could be a trailer-load of building material from some sort of do-it-yourself works. It could be perhaps more sinister in its nature. It could be drums of some liquid, perhaps something relatively benign such as used cooking oils; or, more sinister, it could be toxic chemicals the provenance of which would be unknown to those who stumbled upon them, but of great concern because one's thoughts would immediately go to what would happen if these drums started to leak and there was leakage into the watercourses. There would be of course pollution of groundwater resources and streams, the threat of the release of toxins into the natural environment entering into the food chain, and the possibility of bioaccumulation through the food chain in different animals and plants. All sorts of problems, therefore, can arise from problems brought about by illegal dumping.

In some respects the new penalties that are proposed are not incredibly substantial. The suggestion is that the passage of this bill will result in maximum penalties for unlawful dumping. The maximum penalty in a successful prosecution of a body corporate is \$125 000, and \$62 500 for an individual. They are therefore significant penalties but I do not know that they necessarily reflect the seriousness of the offence. I do not think in many cases that the penalties reflect the potential remediation costs. I would be interested to hear from the minister about the provisions that are in place for recovering the costs of remediation when someone not only commits the offence of illegal dumping of waste, but also causes substantial costs to be incurred either by the state or by a local authority to clean up the terrible mess. There are, therefore, some issues that need further clarification.

There is no doubt about it as well that the risk of illegal dumping has increased since this house passed legislation that increased charges on the disposal of putrescible waste and inert waste. That, of course, is a measure that the government took to increase the revenue stream coming through various waste programs. It is a concern that people are feeling deterred from the correct disposal of waste to the point that they believe that their only option is to illegally dump. To that end, therefore, I can see that we need these tougher penalties. But I think as well that we have to tackle this problem from some other positions, as in many cases the perpetrators of illegal dumping will be ignorant of the current penalties and probably ignorant of these revised penalties. We have to have in place other measures to ensure that the community appreciates what is at stake when illegal dumping occurs.

Another aspect relates to the issue of extended producer responsibility. I support putting responsibility on prosecuting those who commit illegal dumping, but I think we also need mechanisms that put some responsibility back on those who produce the products that eventually become our waste; in other words, those people who produce a product, derive a profit from its sale and who are, at the moment, not accountable for where that product ends up. We need to have in place a system that makes those producers accountable in the

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future. I know that we have discussed the issue of extended producer responsibility in this place in the past, but we need to see action on extended producer responsibility in Western Australia; only then will we have in place the systems that will ensure manufacturers of, for example, whitegoods are held responsible for a product throughout its life. Producers make profits from sales and should be in a position to recover the product at the end of its life. It is not that difficult for producers to organise. In fact, the added benefit of introducing an extended producer responsibility system is that it encourages product designers to make sure that their products are recoverable and that the resources in those products are valuable to the company in the future and can be reused. The company is, therefore, not a loser at all in this process, but in fact has a revitalised stream of product that it can use in the manufacture of new products. Many benefits would come about by way of an extended producer responsibility system.

When we venture around the state focussing on natural areas, we see the sorts of waste that abound. The Clean Up Australia Day group does a wonderful job and is quite scientific in its approach. The group collects data on various rubbish items. Based on data from the group's 2009 Clean Up Australia campaign, cigarette butts are the number one item in the top 10 rubbish items, which says something about the terrible industry that produces cigarettes. Cigarette manufacturers have entirely failed to make consumers feel somehow responsible for the waste created by the terrible habit of smoking. Cigarette butts are the number one rubbish item. The numbers two and three items on that Clean Up Australia list are glass alcohol bottles and aluminium alcohol cans. Those two categories of waste are far too present in our society. We have known for a long time the very simple remedy to the problem; that is, container deposit legislation. Under the Gallop and Carpenter governments, there was a very strong push to introduce container deposit legislation; in that system, which is working so well in South Australia and which many of us can recall from our youth here in Western Australia, a 10c deposit on a bottle or a drink can is reclaimed when the item is returned. Container deposit legislation would go a long way to solving the ever-present problem of glass alcohol bottle and aluminium alcohol can litter in both the natural and urban environments. I believe there is a real urgency for the current government to press on and to build on all the research and work done by the Carpenter and Gallop governments on the issue of extended producer responsibility and containers, and to bring in deposit container legislation. That needs to happen very soon. It would go a heck of a long way to solving much of our waste problem.

I think it was the member for Ocean Reef who told us that he had been in contact with the Coca-Cola company and had received a briefing from the Beverage Industry Environment Council—was that it, member?

Mr A.P. Jacob: That is so far from the truth it is not funny!

Mr C.J. TALLENTIRE: I recall the member for Ocean Reef attacking the concept of container deposit legislation. Is he now a supporter?

Mr A.P. Jacob: No; and it is not really something I can respond to by way of interjection. I would encourage the member to look at my contribution to that third reading debate. I was simply pointing out now that all metropolitan councils have given out mandatory recycling bins, it is a duplication of service. Do we then discard our recycling bins because everybody will be recycling by way of container deposits? Given that we all have yellow-top bins, do we have nothing to do with them?

Mr C.J. TALLENTIRE: Member, that is exactly the line put across by the beverage industry people; that we have a recycling system in place and therefore do not need container deposit legislation.

Mr A.P. Jacob: Probably because it is a commonsense line.

Mr C.J. TALLENTIRE: I put it to the member that we can quite happily have in place both systems; that it would work very well because at least 50 per cent of waste, the consumption of Coca-Cola and Fanta drinks, and alcoholic beverages occurs away from the home. The member's point is that the yellow-lidded recycling bins are doing a great job. They are a part of the solution, but they really work only for those beverages consumed in the home; they do not work for those beverages consumed away from the home. My point is that we need container deposit legislation to solve that problem.

Mr A.P. Jacob: There are capacity issues as well.

Mr C.J. TALLENTIRE: There are capacity issues; however, I am confident that in Western Australia, as studies have shown, the volume of recyclable material referred to by the member would be sufficient to ensure a strong industry based on the recovery of these waste materials.

Mr A. Krsticevic: The City of Stirling would say that it has the best recycling rate of any council in Western Australia.

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Mr C.J. TALLENTIRE: With its single-bin approach?

Mr A. Krsticevic: The council collects all rubbish through a single bin; not just household things but other things. It sends the material to its recycling plant, which covers the issue that you are talking about—rubbish away from home. The council puts that rubbish through the same process and recycles it accordingly. Supposedly, according to the council's —

Ms J.M. Freeman: Imagine how much money it would make if they had a container deposit facility. They could take that money and use it to benefit the residents of the City of Stirling.

Mr A.P. Jacob: I think the issue has moved beyond that.

Mr A. Krsticevic: They already do that; that is all being done.

Ms J.M. Freeman: No; they do not.

Mr C.J. TALLENTIRE: Thank you for those comments, member, but where there is no separation of waste, the quality of the waste stream is reduced. Unfortunately, the information that I have suggests that the City of Stirling's approach is not a satisfactory one, and that the majority of councils in Western Australia prefer to have that separation at source to prevent contamination of the waste stream. Unfortunately, contamination still occurs, even with the yellow-lidded wheelie bins.

Mr A. Krsticevic: I will pass on your observations, member.

Mr C.J. TALLENTIRE: I would be very happy to talk to the City of Stirling about that in due course.

However, ensuring that we recover resources is an important issue. It is not central to this piece of legislation, but it is part of our overall attitude and approach when handling waste in this state.

The legislation before the house provides for authority to be given to some 200 people to investigate cases of potential dumping. That is good; however, I remain unconvinced that 200 people will be enough. The opposition also notes that the legislation provides that those people may commence an inquiry to investigate suspected illegal dumping but find there is a case for an environmental harm charge. I think it is a good thing that our Department of Environment and Conservation inspectors have the capacity to investigate situations and then be involved in laying the appropriate charges. I think our officers in the Department of Environment and Conservation deserve a strong degree of respect for that. Often, especially when they are operating in rural areas, they are part of the community, and working with local community members allows them to be very effective in their jobs. But it sometimes means they have to step out of their community role and become a type of environmental policeman or policewoman. That sometimes means that they must endure a degree of demonising. That is unfortunate, but I note that, on a number of fronts, officers from the Department of Environment and Conservation stand true to their department's mission and their own environmental principles. That has certainly been the case recently with land clearing. In some cases officers from the Department of Environment and Conservation have received all kinds of abuse and insults from some community members because they have been doing the job the state has rightly charged them with in investigating illegal land clearing. It could well be the same when it comes to the illegal dumping of waste. Sometimes those officers may be in situations in which they feel some degree of conflict with the communities in which they live. That is why we need to show our respect for the very good work they do.

I think there is much to support in this legislation. However, I have a concern that, although it is a single piece of legislation that will work well within the environment portfolio, it needs some connection with other pieces of legislation that will come before this house. The government is keen to bring on legislation that relates to building laws. That legislation contains provisions about demolition and how permits will be required by those involved in the demolition of properties. It is important to note that demolition waste is one of the biggest volume producers of waste in the state. We need to be sure that the people who gain permits for the demolition of properties become part of a system that enables them to recycle that demolition waste so that it can be re-used. There are many good examples around Perth of buildings that have used recycled material. I am concerned that too often people demolish a building and take the easy, cheap way out and get rid of the waste as cheaply as possible. Too often that means sending it to a tip, an inert landfill site. In some cases people dispose of that demolition waste in a way that will be in breach of this legislation. We need to make sure that legislation in other portfolio areas is consistent with the objectives of this bill. We need to make sure that bills such as the building laws that will come before this house encourage people to do the right thing not only by not littering or dumping, but also by steering that bulky, inert landfill material away from the landfill end to better use as recycled material. That is the better way to go when it comes to dealing with things such as waste from demolition sites.

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Other items of waste that give us a lot of concern are tyres and motor vehicles. We all know that about every 40 000 kilometres or so we are forced to change the tyres on our cars. Where do those tyres end up? What is the process for dealing with them? Too often tyres are dumped illegally. There is a real problem with that. Over the past 15 or so years, many efforts have been made to bring about a better system. Some progress has been made but, still, far too many used tyres are being dumped in natural bush areas around the metropolitan and outer metropolitan areas and beyond. We definitely have to work on that.

Mr A.P. Jacob: Those soft-fall playgrounds are a good example of how recycled tyres are used.

Mr C.J. TALLENTIRE: That is right. There are good uses for that material. They can be converted to something that makes very good playgrounds. There are ways in which these materials can be used. It just needs that initial bit of research to learn how to treat the material, to make sure it is processed correctly and to ensure there is demand for the end product. A great example given by the member for Ocean Reef was the use of used tyres to create soft-fall playgrounds.

I have made it clear that a few issues still need to be resolved with this legislation but, overwhelmingly, it is a positive step forward. I think the tougher penalties will be of use, but we must make sure these tougher penalties are well promoted. There is no point putting tougher penalties in place if the likely offenders are unaware of their existence. We must make sure people know that if they are caught dumping material illegally, they will face tough penalties with fairly significant charges. I will conclude my remarks there but confirm that the opposition will support this bill.

MS L.L. BAKER (Maylands) [5.06 pm]: I rise in support of the Environmental Protection Amendment Bill 2010. This legislation has the potential to provide extremely valuable improvements to the Environmental Protection Act. However, I have some concerns with it, some of which my colleague has already mentioned, and I will get to them. My interest in this is twofold. Firstly, in my electorate I have attended ratepayer association meetings and heard constant complaints, as I am sure many other members have, about what happens when a block of flats or a set of units are cleared out or strata title units are vacated and as a result a pile of unsightly rubbish is left on the street verge and no-one claims ownership of it. It is always hard to find someone to clear it away. That dumping of waste has been a common complaint since I became a member in 2008. I have heard it from many ratepayers. When we have caught up with the culprits, it has been almost impossible to bring charges. I hope the amendments in this bill will provide more stringent charges for people who commit these offences.

The first time I heard Minister Faragher talk about this was at the Eastern Metropolitan Regional Council Christmas party last year. After the party I put my hand out and said, "Congratulations; I think it's something we should have moved on a lot quicker." This issue also brings a very personal perspective for me because, as members will know, I live in the state forest—well, not exactly in the state forest; under a tree!

Several members interjected.

Mr D.A. Templeman: I hear you're an endangered species!

Ms L.L. BAKER: I am, definitely! In fact, I suspect I am one of a kind! I congratulated the minister because, as I have said in this house before, I spend much of my spare time wearing a pair of gloves, carrying around a chaff bag, picking up illegally dumped rubbish from the forest around my home.

Mr J.E. McGrath: What about in Maylands? Do you pick it up in Maylands?

Ms L.L. BAKER: Yes, I do.

Ms J.M. Freeman interjected.

Ms L.L. BAKER: I do not think there is any rubbish in South Perth. I think the member for South Perth is dedicated to picking up the rubbish in the reserves in South Perth.

Mr D.A. Templeman interjected.

Ms L.L. BAKER: Some say that, yes, and with rubber gloves on. In my electorate of Maylands, I have the Friends of the Baigup Reserve and the River Guardians. All these groups will be delighted with the amendments in this bill. My experience of living very close to state forest is that people have the most amazing ability to rationalise what they are doing when they dump rubbish. On occasions when I have been on my horse riding through the tracks where it is allowable —

Mr D.A. Templeman: What is your horse's name?

Ms L.L. BAKER: His name is Chocolate Obsession, but that is a story for another day.

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Mr A.J. Simpson: The member for South Perth doesn't seem to think he has bet on him in a race yet.

Ms L.L. BAKER: No, I do not think he has bet on him, but I will give the member for South Perth the details in case we ever manage to hit the track again. I think he is a bit old for racing these days.

While we were hacking through the tracks one day, we came across a father and son in a car towing a trailer with a car body on the back. Effectively, they were trying to get the car body off the trailer to dump in the forest. I arrived when it was half on and half off the trailer, and I sat there on my horse looking at them.

Mr D.A. Templeman: And they said, "Look what we've found!"

Ms L.L. BAKER: No; in fact, I questioned them and asked, "What are you doing?" The father screamed abuse at me at a thousand miles an hour and said, "The car manufacturer doesn't give you any bloody money back on this. I can't take it to the tip because it costs me money to dump it. It's not my fault. It's all your fault for not giving me any good way of getting rid of this car."

Mr M.P. Whitely: What did you and Chocolate Obsession do?

Ms L.L. BAKER: We were absolutely stunned by the ignorance of some people and the lack of respect that some people show for our forests. There was not much that I could do. There was not much that Chocolate could do either. We just plodded off into the distance amazed at some people's logic.

Dr G.G. Jacobs: You should've told him to do it legally.

Ms L.L. BAKER: Yes; I often say to these people that there is a waste disposal centre about two kilometres away if they care to take their cars there, or they can take it to a scrap metal place; indeed, a scrap metal place will pay people to pick up their cars. People are generally very ignorant about the subject. When they are out in the bush, I do not think they really care whether dumping is a legal pastime. In their experience, they do not get any fines. They do not get punished. Nobody chases after them or takes them through the court.

When there has been illegal dumping that I simply cannot remove by hand, I make a habit of calling our local Department of Environment and Conservation officers who are based at Mundaring. I specifically mention Doug Giles and Rebecca Hamilton. I am now friends with both these DEC officers. They do an amazing job. Over the past 20 years that I have been living in that neck of the woods, they have come when I have called and have made arrangements to try to move the dumped building material, car bodies or tyres. One day I was driving down the road from my house and I noticed in what I hope is about to be gazetted as state forest —

Mr D.A. Templeman interjected.

Ms L.L. BAKER: No, the horse was at home.

I noticed that somebody had dumped a houseful of furniture. There was a lounge suite, a television set, a refrigerator, a washing machine and a few beds. It was all neatly stacked on the side of the road.

Dr G.G. Jacobs: It wasn't council pick-up day, was it?

Ms L.L. BAKER: No, it was not. It was in the middle of two acres of national park. I pondered what might have happened. It crossed my mind that perhaps there had been a small domestic argument and somebody had got a bit cranky and decided to move out all the furniture and leave the house empty. On that occasion, I phoned the DEC officers and went through the normal routine of telling them how close it was to the road verge, how far into the forest it was, exactly which rock it was near and how many goannas they had to drive past to get to it so that they could find where it was. And, by golly, they had cleared it up by the time I got home. They really are quite remarkable and are to be applauded.

When I mention the work of the DEC officers in the Mundaring shire, I should also pick up on the point made by the member for Gosnells. He mentioned that these officers put themselves at some risk in doing this work. I can give members an example of this. I arranged to meet the DEC officers in the forest near my property nearly a month ago to show them the latest lot of illegal dumping. It was a bunch of bathroom tiles, carpet, building material, cornicing, paint tins, a range of chemicals, and plastic bags full of shavings from carpentry work. It was a building site dump. While we were bumping along the bush track in their four-wheel drive to get to where the rubbish was, one of the officers informed me that the previous day they had been watching a car that was parked on the edge of the forest for about 24 hours. They obviously supervise anything that looks suspicious. They had gone back at the end of the 24 hours and parked their DEC ute a bit further up the road. One of the female officers got out and walked back towards the vehicle. There was a gentleman sitting in the car—I am stretching the meaning of that word—who got out and threatened her with a knife. This poor officer did not deserve to be faced with that kind of behaviour. For all we knew, that person could have been at risk. He could have been

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suicidal. There have been very sad occasions on which people have committed suicide in parked vehicles near my property and we have found them a few days later. This DEC officer was trying to do her job and find out whether this person was safe, but instead she found herself facing a knife-wielding lunatic. Fortunately, her work partner was there and looked after her. These officers are put at great risk and in harm's way on a number of occasions by the irresponsible behaviour of people who think they have a right to access state forest and dump rubbish illegally. That is just not okay.

The other conundrum that I hope this legislation will fix is exactly who is responsible for what. I am not clear whether that will be the case with this legislation. One of the problems that we have had in the past—I have had meetings at the sites of these illegal dumpings and I have called the council, DEC officers, Water Corporation officers, local government rangers and LandCorp officers—is that there are usually three or four, and sometimes more, agencies involved. They have all kind of scratched their heads and said that the police cannot help because the rubbish has been dumped off-road so they are not technically able to help, and the most that the Water Corporation can do is issue a \$200 fine. They have gone through the list of who is responsible and what the fines are, and it has all been a complete palaver. At the end of the day, they think it is not worth pursuing this in any fashion. I hope that this bill will address this problem by making clear who is allowed to do what on which bit of land. I am not confident that this issue will be addressed by this amendment bill, but I urge the minister to take it on board and see whether she can solve the problem.

I understand that the volume and type of waste and mode of disposal are key factors. Whilst it may be fairly clear what that means, there might be some confusion when making an assessment on the spot about how big is big when we talk about volume and how significant is significant. As to the type of waste that is dumped illegally, I think it would cover most of the waste that I have encountered. I have mentioned car bodies and tyres. Last night I noticed that a dozen tyres have been dumped near my property over the past couple of days. I have also seen dumped car engines, bags of building refuse, paint tins and bags of household refuse. I am not clear whether the plastic garbage bags filled with household refuse—I have seen up to 10 of them—that are dumped in the forest would be covered. What about a trailer-load of weeds and prunings? Just last Friday I was driving home following a gentleman—again, perhaps that is a stretch of the word—who had a fully loaded trailer of prunings, some of which looked like oleander branches. He was beetling very cautiously down two kilometres of state forest road, which my property happens to be at the end of, looking furtively down a number of side tracks. I felt a bit guilty—I thought I might be accused of kerb crawling—but I crept quietly along behind him and followed him as he tried to stop and leave the road several times. I managed to intimidate him so much that he turned the car and the trailer around and promptly left. I am not there all the time and I do not really think that I am that threatening.

Mr D.A. Templeman: You live in a very unpleasant neighbourhood.

Ms L.L. BAKER: I know.

Mr D.A. Templeman: Which address is this? I must make sure I don't ever visit you.

Ms L.L. BAKER: I did this on my own.

Dr G.G. Jacobs: We'll give you a job!

Ms L.L. BAKER: I thank the minister.

I have mentioned the illegal dumping of whitegoods. Asbestos is also dumped in the bush. That is an extreme health risk. There is certainly nothing funny about seeing that. Are these things protected under the legislation? Do they all come under the heading of illegal dumping? I would be very pleased to hear whether they are.

In conclusion, I restate my most enthusiastic support for DEC officers and the incredible work that they do, and also my support for the Friends of the Reserves and the River Guardians who work so hard around the Swan River in my electorate. Friends of the Reserves volunteers pick up rubbish on a weekly basis. These are all remarkable people who do some remarkable work. I support this bill. The next time I encounter a person with a trailer-load of building refuse while I am walking in the bush, I look forward to saying, "Do you realise there is a \$62 500 fine for what you are about to do?"

Mr D.A. Templeman: You could make a citizen's arrest.

Ms L.L. BAKER: I did not mention that point, but am I allowed to make a citizen's arrest?

Ms J.M. Freeman: You can get yourself designated as an authorised person and then you can do the whole thing.

Ms L.L. BAKER: I might just do that because I am getting a little fed up with it.

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Dr G.G. Jacobs: Just continue to do what you do and report it and DEC will follow it up, and basically the prosecution will be made after the evidence is collected.

Ms L.L. BAKER: I thank the minister. I look forward to the passage of this bill. I particularly look forward to seeing what I am sure will be an investment in signage so that the people who do go about illegal dumping cannot claim that they did not know and say that they have never done it before, it was their mates who did it and it cannot have been them as they were not really intending on dumping illegally. They come out with a range of reasons for illegal dumping. When we put up a sign in a state forest, it generally lasts about a week and then someone pulls it down. The next time someone is stopped and asked what they are doing and they say there were no signs, we say that the person who was here last week knocked them down or stole them. I am very much looking forward to the education campaign that accompanies this bill and how it will be administered across the state. We do not want people claiming ignorance —

Mr D.A. Templeman: There will be a leaflet drop by air.

Ms L.L. BAKER: I thank the member for Mandurah for that contribution. I am hoping there will not be a leaflet drop by air. I thank the minister. I look forward to the bill and its adequate resourcing.

MS J.M. FREEMAN (Nollamara) [5.25 pm]: I too rise to support the Environmental Protection Amendment Bill 2010. It comes at an interesting time because I understand that regulations were recently introduced to increase the powers of the Environmental Protection Authority and its officers when carrying out surveillance. I am interested to know why such regulations were required at the same time as this bill was introduced, which seems to increase the powers of an authorised officer. How will those powers interplay with the new regulations that came into effect in the past three to four months?

I had the privilege of reading Hon Sally Talbot's speech on this bill in the other house, which has increased my knowledge of the regulations and the powers under the Litter Act 1979. I was interested to find out why we needed such a provision in this amendment bill when there seems to be a plethora of definitions relating to litter. Why are we increasing the powers of the Environmental Protection Act? That is a question that Hon Sally Talbot asked. She asked why we did not make those sorts of amendments and why we did not just increase the penalties under the existing act. The second reading speech states —

The existing offences in the Environmental Protection Act 1986 ... do not adequately allow for the control of dumping waste,

I say to the minister that that does not give me enough information. I would like to know why that is the case. I understand that amendments were made in 1993 or 1994 after a Supreme Court decision about waste. I would be interested to know why the Environmental Protection Act does not include an adequate allowance for that. The second reading speech continues —

as the requirements of those offences may make prosecution difficult.

I would like to know how that is known. It is often the case that prosecutors just want everything laid out for them. We need to ensure that we are not making legislation simply because we think we cannot prosecute when those provisions are there. I am interested to know why that is necessary. It is pretty simple why this bill is necessary. The government increased the landfill levy by 300 per cent. Local government, the opposition and many commentators warned the government that we were going to see an increase in dumping. It seems to me that that is what has occurred.

I note the member for Gosnells' comments about the disposal of building and other waste. I would suggest that part of that comes down to the cost. It is somewhat pleasing to see that the federal government is trying to deal with some of the issues involved with the dumping of cars that the member for Maylands spoke about—the bucks for bombs. The member for Gosnells said that we need to look at this differently and we need to go back to the source of the waste and not simply look at how we penalise people when they get rid of waste. People are saying that it is too expensive for them to take goods to certain places that they need to be dumped and that they cannot get someone to pick up a bomb.

In preparing for this debate, I thought of a funny story that my father and I sometimes share. He always loves to hear that he has been mentioned in Parliament. When we were younger and living in the Homeswest house that my parents purchased—it was much easier then to purchase a Homeswest house than it is today—my father dug a big hole in the garden, buried the car in it and planted a tree on top of the car. It is the healthiest damn tree in the whole suburb because, I am sure, it has fed on the waste of the car during all that time! I would not advocate that other constituents in Nollamara do that.

Mr A.P. Jacob: You obviously have iron-deficient soils!

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Ms J.M. FREEMAN: That is right. I am sure that my father took out all the oil and other noxious things in the car, which probably did not contain as many noxious things in those days as they do today —

Mr D.A. Templeman: There was nothing in the boot was there?

Ms J.M. FREEMAN: No, there was nothing in the boot! My father will probably tell me off now for revealing that story, but the evidence is well and truly gone by now.

Hon Sally Talbot referred to research from the New South Wales Department of Environment, Climate Change and Water, which assessed the attitudes and the behaviour of residents to illegal dumping practices. The research concluded that there was a belief that everyone does it and that there almost certainly will be no reprisals for doing it. I thought it was worthwhile mentioning Hon Sally Talbot's speech in this house because not all members have the time to read the speeches of members of the other place. The research also found that living in multi-unit dwellings means that the culprit is not likely to be identified when the rubbish is taken away and that there is insufficient storage space while waiting for council clean-up days. Today we live in more urbanised cities. The research also found that taking items to a tip is inconvenient and expensive and that it is easier to dump waste on an existing rubbish pile or in another location. Illegal dumping occurs in Nollamara and other electorates. Nollamara has a number of Bush Forever sites. I hold them dear and believe that they are very important for the community. Members would have seen the Cottonwood Crescent site in Dianella mentioned in *The West Australian* today. That is the Channel Seven site, which contains bushland. I understand that Channel Seven originally owned that site but that the land now belongs to Bush Forever. A mob of kangaroos live on that site. The Friends of Dianella Bushlands is actively engaged in preserving that site. Tonight the City of Stirling will consider redeveloping the land on the site. It would be concerning if we lost that pristine bushland. There is no doubt that some illegal dumping occurs, but it is very limited at that site compared with the Mirrabooka bushland site, which is north of Reid Highway. The limited amount of dumping is a result of the site having been fenced off and because the active friends group can tell people when dumping occurs. The Mirrabooka bushland along Reid Highway has been bought by Bush Forever and, in the last few months, has had fencing put around it because of my activity, as the local member, and that of other people who recently formed the Friends of Mirrabooka Bushland group. That site is regularly used for dumping, partly because people do not realise the importance of the land as bushland and partly because they do not recognise it as bushland. They see it as a wasteland that is waiting for development or they believe it is degraded land, and so it becomes more degraded.

We need to ensure that whoever manages Bush Forever land manages it well. Bush Forever does not necessarily manage the land. It might fence the land but hand over the management of the land to the Department of Environment and Conservation, the local council or a community organisation. The Dianella bushland is well maintained because the City of Stirling is active in the management of the land. When the fence is breached, the council fixes it, just as it fixes any other issues. No-one is managing the Mirrabooka bushland, which is a very large piece of land. It is not enough to simply introduce legislation that prohibits dumping and applies a penalty. Those things need to be managed in a preventive manner, not just by imposing a penalty. Bush Forever and DEC must be resourced so that they can manage the bushland in their care. We must support and grow the friends groups that are necessary for having healthy bushlands, especially our urban bushlands. That is not easy because people are busy and have difficulty making a commitment to do that. We must look much more strategically at how we can enable, encourage and grow bushland friends groups. It seems that that is being left up to volunteers such as the Urban Bushland Council. Mary Gray deserves to be commended in this house for her extremely good work and diligence in pursuing and promoting the friends of bushlands groups. Without adequate training and administrative support, it must be very difficult to continue to grow those vital groups so that people do not use bushland sites as dumping grounds.

Prevention is better than prosecution. I very much agree with the member for Gosnells that we need to look at extended producer responsibility. People may think that that idea is a bit out there, but that is what happens in the area of occupational safety and health. If a product is faulty, the liability goes back to the manufacturer of the product. This legislation should extend that concept to the environment. If a product cannot be recycled, taken back or does not have a useful purpose and people just want to dump it to get rid of it, it has a fault. The manufacturer has caused the fault and should think about how the whitegoods or the car or whatever can go back into the system to be reused or disposed of responsibly. That is how we must start thinking if we are to be environmentally responsive to the challenges that lay ahead in the current climate.

The member for Maylands raised the issue of asbestos removal. I firmly believe that a licence should be issued to remove any amount of asbestos. We should not allow a resident to remove asbestos. I think some regulations regarding asbestos have gone through recently, but I am not entirely sure. There was a recent discussion about reducing the licensing provisions from 200 square metres of asbestos to 10 square metres so that a person would

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need to have a licence to remove asbestos from an area of greater than 10 square metres. I need to check that. I believe those regulations were to go through WorkSafe. Even that is too much. Asbestos is poisonous and dangerous, and all residents should know that. If a licence was required to remove any amount of asbestos, it could be removed safely and the asbestos could be wrapped and well disposed of, which would mean that people would not dump it. Again, we are fixing the problem at the pointy end instead of fixing the problem at its inception. We need to think more about those things so that we do not have to use this sort of legislation and so we can prevent waste from being dumped in the first instance. One way of doing that would be to make it less expensive for people to dispose of their waste.

We are in the process of renovating, planting gardens and things like that, and we recently took some soil to the City of Stirling. It emerged, thankfully, that we had a ticket to dispose of what we had, but if we had not, it would have cost us something like \$300 to dispose of a trailer-load of soil. For a resident, that is an unbelievable cost, and it is not surprising that people say, "I'm not going to pay that", and just turn around and dump it somewhere.

Mr D.A. Templeman interjected.

Ms J.M. FREEMAN: This is not clean soil, unfortunately; it is soil full of bindies, weeds and all that sort of stuff. This is contaminated soil. If one were to dump it at the Mirrabooka Bush Forever site or somewhere like that, it would not add to that area, it would contaminate it. That is a real problem.

The member for Carine unfortunately is not here, but he raised the issue about the Stirling recycling facilities. I want to put on record that that site should not be held up as a model. The people of Mirrabooka are currently having to deal with a massive contaminated water problem that comes from that Atlas Group site. When it first took over the site, it was unlined and putrescent waste was dumped in the area. I have been to see that recycling centre and they have put in huge turbines and claim that it has all been sorted out. I have seen what has been sorted out; it is contaminated. I cannot see how Atlas can take any of the glassware and use it as a recycled product, because if it did, it would add to the cost. There is no way such dirty glass could be recycled. There are also all sorts of other things like nappies and sanitary products. For me, it does not add up. If it were that good, we would all be doing it. It might be easy to sell that to the residents, because they just have to dump everything in one big bin, but it does not make people responsible for their waste and it does not make them think about the quantity of their waste and what they are doing with it. We need to do all those things.

In the last few minutes I have, I want to raise a question about the officers. Who is actually going to police this bill, for want of a better word? Officers will be able to stop and search when they have reasonable suspicion that someone is dumping, but I am wondering whether they will be officers from the Environmental Protection Authority or local government officers. Who are the designated authorised persons who will be able to charge offenders under this bill? It seems to me that the expectations on them are great. Most dumping is traditionally done at night, when people pump more waste into the atmosphere. Will these officers be properly compensated for the work they do and the surveillance they will have to undertake?

It is always a good thing to say to the community that we should not be dumping waste, but it is no good to tell people to not dump waste when we do not actually care for the environment and make sure that the Bush Forever land that we have retained for communities now and into the future is kept to a standard at which it can be enjoyed so that people will want to keep it in a pristine state. It is critical when looking at this bill to remember that it is not enough to do this when we do not resource these areas adequately to ensure that they are useful and usable by the community, that the community wants to own them, that they are not seen as degraded lands and that people will not dump refuse in them for those reasons. Clearly, there will always be bad apples who will do that anyway. We would like to make it difficult for them to keep doing so through the sorts of programs raised by the member for Gosnells in relation to asbestos, for example. However, if that still occurs, this bill is to be commended for providing the capacity to prosecute people who do such environmental damage to this resource in our communities.

MR M. McGOWAN (Rockingham) [5.45 pm]: I rise to speak on this important piece of legislation and to indicate my endorsement of what the government is doing here. This rearrangement or modernisation of the penalties provisions for the dumping and misuse of waste is overdue, and I am pleased to see that it has been brought forward and will be dealt with by the Parliament now and will hopefully shortly become law.

I recall that the reforms process commenced in 2006. I recall attending a media conference with some television stations in a semi-rural but partly urbanised area south of Perth, around Canning Vale, at that time. We showed them all the waste that had been dumped around the roads and indicated that we were going to modernise and

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increase the penalties for people who undertook waste dumping activity. It has taken a long time to get to this position; it would have been mid-2006 when we made that announcement. It is good that it has finally reached this end point of going through Parliament, and that there will be enhanced penalties for people who undertake that sort of dumping activity. It is very commonplace, and people who do it know that they are doing the wrong thing. It is a good thing to make sure that they are brought to account, both for the environment and to make sure that people act responsibly in respect of waste.

This brings into focus the bigger issue of waste. We have a major problem with waste in this state, which is extraordinary considering that we have a city of only 1.6 million. We have a looming shortfall in landfill provision. It is both difficult and expensive to find new sites for landfill because of the problems involved with ensuring that the site has an appropriate buffer; I forget the actual word, but I refer to the protective mechanism between the landfill and the water table. It is difficult to find these sites, and they are increasingly rare. Of course, no-one in outer suburbia wants one anywhere near where they live, but everyone needs to use them, so it is one of those conundrums. The same goes for regional towns: no-one wants one anywhere near where they reside, but they have to be provided so that people can dispose of their waste.

There are alternative techniques for dealing with waste. Recycling, of course, is one, and we need to move further in the direction of the better re-use of waste. The New South Wales government aspires to be completely waste-free by 2020, as I recall, and it has implemented facilities at which waste goes into one end and compost comes out the other. We have a similar facility in Riverton. The ones in New South Wales are of a higher standard and have perhaps a higher level of technological sophistication. However, they are not without their problems; there was a fire at one in New South Wales that caused significant damage and was expensive to repair, and it put the plant out of operation for a considerable period. I have visited that plant; there are huge numbers of trucks coming in and out. It is in western Sydney, and I saw a video of the plant being opened by the former Premier of New South Wales, Bob Carr, in which he expressed his ambition for New South Wales to head towards a waste-free future. I agree with that. That has to be the way forward. As a community and as a country we have to cut down on our waste; and so do other countries. We have to cut down on the waste we expel into the air and the waste we put into the oceans. Waste is a worldwide problem; it can go anywhere. We have to make sure, not just in terms of physical waste but in terms of other human waste, whether it be from the generation of energy or from the physical sewerage works —

Mr M.J. Cowper: It is dumped in my electorate, member. They go down to Woodman Point and Hillarys and shovel it into trucks and cart it down to Harvey pines and spray it all over the place. No wonder there is a fly problem down there!

Mr M. McGOWAN: People should not be doing it. But in any event waste overall is a significant problem for the state and a significant problem for humanity. We need to realise that we are creating a problem for future generations if we do not deal with it wisely.

Sweden, for instance, creates a great amount of waste combustion. In turn, that produces energy. Some people would say that is a neat solution because energy is derived from the waste and everyone is a winner. The only problem with that solution is of course what is poured into the atmosphere. We need to be careful about what we put into the atmosphere, particularly in the current age. In Sweden it is done in proximity to urban areas where people breathe in what comes out of the smoke stacks. That is the sort of technology that would need to be very closely looked at if we were to head in that direction in the future.

In relation to some other forms of waste, human waste, sewage and the like, it can be reconverted to be used in agriculture. There is significant use of human waste in agriculture in some parts of the Avon Valley and perhaps areas of the Wheatbelt closer to Perth. That is still going on. It is not something I object to. If there is a way and means of using that sort of waste in better ways than putting it into the ocean, that is a good thing. We should be, within environmental guidelines, looking at increasingly using human waste in that manner. They are the forms of waste. Waste generated by human activity is probably, broadly speaking, the most significant issue facing the planet. Global warming is essentially human waste changing the climate of the planet. So, dealing with waste in a way that is responsible and environmentally acceptable is something that we need to look towards doing to a greater degree in the future. This legislation is just one very small step on that road. It is a long, difficult and tortuous road, and it is an expensive road. It is a road that we need to walk down. As people who care about our children and grandchildren, and our grandchildren's grandchildren, we need to think about these issues with more urgency than we have been thinking about them to this point in time. The politicisation of the greenhouse debate and the fact that some people argue, based upon one per cent of scientific opinion or thereabouts, that it does not exist, and other people argue that we should not do anything about it because other countries need to do something about it first, avoids the point that this is a problem we have to confront. We need to be serious about

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it as a country. If we put it in the too-hard basket, it will probably be our children's children who will have to confront it. My children are currently seven, five and one; it will probably be their children who will have to confront the actions or the non-action of today's generation, but confront it they will. When we think about how long that might be in terms of our own lifetimes and that of our grandparents, if the actions of our grandparents had created these problems and we were having to confront them today, it puts into perspective that it is not that far away. There is not a great deal that a small Parliament can do without the powers of a major Parliament or an international body, but we need to take whatever steps we can as a state to try to assist in that process.

They are all the forms of waste. They are the sorts of things we need to confront as a society. There is a great deal of goodwill out there to deal with these issues. Many people see them as important. I know the argument always goes that everyone sees it as important until it has an impact on them. That is probably true to a degree. We need an educational approach that engages people to make sure that they realise the problem is ours and not just the government's problem, and take people with them along that road.

In relation to the Environmental Protection Amendment Bill, this is a small step, but a significant and rather easy step to take. The enforcement of these rules will always be a problem. We have to ensure that the Department of Environment and Conservation has sufficient resources to enforce the rules and to make sure people who undertake inappropriate activities actually understand that there is a prospect of them being caught. If we can make sure that people understand there is a prospect of them being caught if they do the wrong thing, we will deter them to a greater degree than by just increasing the penalties. If people do the wrong thing—that is, dump into a waterway, dump into a forest, pour harmful chemicals or the like down a drain—and there is a prospect they will be held to account for that, that will provide a significant deterrent effect. I know the Department of Environment and Conservation's resources are stretched because there is a huge amount to be done in the state's environment. I say to the minister and to the department that resources need to be put in to make sure people realise they can, and potentially will, be caught if these rules are infringed; therefore, as a consequence, a significant punishment will ensue. If we make sure that people understand that, perhaps there will be some effect from these rules that the state is putting in place.

I will leave my remarks at that. I will let my good colleague and friend the member for Mandurah enlighten us with his very important views on rubbish.

MR D.A. TEMPLEMAN (Mandurah) [5.57 pm]: Mr Deputy Speaker —

Dr G.G. Jacobs: No dead cats, please!

Mr D.A. TEMPLEMAN: No dead cats; yes.

It is very unfortunate that I have to rise three minutes before 6.00 pm while I have so much to offer!

Dr G.G. Jacobs: You can come back after tea!

Mr D.A. TEMPLEMAN: I know, but my experience is that when one does a speech before dinner, no-one comes back in afterwards. I may have to call a quorum just to create an audience!

I acknowledge the importance of the Environmental Protection Amendment Bill 2010. I also acknowledge the trauma that the member for Maylands is going through. I had tears in my eyes as I listened to the member for Maylands. Every time she travels that road down to her home, she must wonder what is going to be dumped there next. I have heard about whitegoods, I have heard about car bodies, I have heard about trailers of household rubbish and of a whole house of furniture —

Dr G.G. Jacobs: I think you're filling in before tea!

Mr D.A. TEMPLEMAN: No; you know my contributions are always well thought out.

I had tears in my eyes. I was quite moved. It certainly is very true that somebody who lives in an area like the one in which the member for Maylands lives witnesses this sort of behaviour regularly. One of the things that is really important is that government departments that are responsible for land that they own—I am not talking about national parks but about tracts of land that may be designated, for example, for a development—also need to be brought to account in terms of the ultimate responsibility for the clean-up of dumped goods, because they are the landowners. I know that a lot of residents in and around the railway precinct in Mandurah, for example—the vacant land that is still in that precinct which is owned by the WA Planning Commission through the Department of Planning—continue to complain to me about the dumping of rubbish there.

Sitting suspended from 6.00 to 7.00 pm

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Mr D.A. TEMPLEMAN: Madam Acting Speaker (Ms L.L. Baker), it is good to see you in the chair. Before I was rudely interrupted by the dinner break at 6.00 pm, I was just about to launch into my discussion on this bill. I was relating to your comments earlier in your speech about the dumping of unwanted waste in areas around your home, as your home borders on a conservation park. Before the break I was not specifically relating to national parks, but I was highlighting that where government is the landowner it is very important and prudent for the various government agencies that have control over those lands to take greater responsibility. I gave the example before the break of the land surrounding the Mandurah rail station precinct. That land is going to be developed by LandCorp, but it has been one of a number of areas in Mandurah–Peel where the government owns the land but a lot of dumping has taken place.

Another thing that strikes me about the importance of this bill, and indeed the thrust of the bill, is the creation of this new regime of dumping and the associated quite significant fines that are attached to any successful prosecution. I think the illegal dumping issue is a problem, particularly in areas that are experiencing rapid growth. For example, in the Peel region, where there is rapid population growth, areas that are conservation reserve, or are earmarked for recreation reserves or for the Peel regional park, are relatively easy to get to and are prime targets for illegal dumping. The City of Mandurah and the Shire of Murray, which are the two local government areas that are most well known to me in the Peel, have had examples of illegal dumping in bushland and close to the wetlands and/or the water bodies of the Peel–Harvey estuary, which becomes a major concern. I commend the bill's intention, which sees penalties for tier 2 offences being \$62 500 as a maximum for individuals and \$125 000 for corporations. I think they will be a very significant deterrent.

I think you, Madam Acting Speaker, the member for Gosnells and, indeed, the member for Nollamara mentioned the fact that we must change the culture of the throw-away society. We must change people's attitudes to the fact that throwing things away seems to be the easiest and quickest alternative and/or not thinking about the lifecycle of a waste product. I think it is important for the Parliament to note that we have landmark legislation, which I heralded through this place. It was the Waste Avoidance and Resource Recovery Bill, known affectionately as the WARR bill, in 2007–08. That legislation focuses very much on the producer responsibility aspects and is and was aimed at bringing Western Australia into having a much more strategically focused approach to waste management. The WARR act allows a range of things to happen. It is really ultimately up to the will of the minister of the day to utilise the provisions in the WARR act and bring into Parliament additional provisions, which is what we are seeing here tonight with this bill, to begin to change the culture and the mentality that we have had since the colonisation of Western Australia.

We know it exists throughout Western Australia, in the Perth metropolitan area and in municipalities throughout the state. One has only to go to some of these municipalities and find out where all the waste dumps used to be. I was born and bred in Northam. At one of its waste dumps, or the local tip as it was affectionately called, back in the early history of Northam, people dumped onto the banks of the Avon River. I remember that as a kid I would go to a special park near the Avon River, down behind the trotting track, and it still exists in Northam. It was a great place to dig and find those wonderful torpedo-shaped bottles and all that sort of thing. It was one of many dumping grounds for the then Northam municipality. Can one imagine moving to do that now? The Burswood site of the casino and golf course is a well-known former dump, where at various times in the state's history there was the dumping of all sorts of refuse. It is one of the reasons that now, from memory, there are literally thousands of registered contaminated sites throughout Western Australia. Some of those sites are very contaminated, as we know. The strict environmental regulations and provisions now for any landfill, for example, are very significant, but it was not that long ago when waste, refuse and other organic and non-organic matter was allowed to be dumped into landfill. We have had this attitude where we have just dug a hole and buried it.

In the modern world there is only one way forward for waste management, and that is to attack waste at its source to ensure that producers of products that create waste or have a by-product that is waste take greater responsibility.

That is essential. One of the sad things about Australia's involvement in international markets through the exportation and importation of products is that new waste products are causing more and more problems for councils and departments such as the Department of Environment and Conservation in Western Australia. We know now that e-waste is a huge issue for many communities. The age-old adage was that the computer industry was going to reduce waste—that less paper would be used and there would be less waste because everything would be done electronically. However, that does not really seem to have happened. No sooner do we get one of these—for the benefit of *Hansard*, I am holding up my laptop, which is one of the computers so generously provided to members of Parliament—than it is obsolete within months. These computers have a life cycle of probably less than two years. If, once members of Parliament have finished with them, these computers do not

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appear in a school or with a community organisation or a group such as the Mandurah Musketeers, which is a wonderful community group that recycles a range of computers, they end up in landfill. Another option is for the computers to go out in the annual or biannual kerbside pick-up by the local council, along with all the big tellies with the big fat backs that are no longer in vogue. How many times are those televisions discarded during council pick-ups? People can drive through their neighbourhoods and see those beautiful monoliths of television technology sitting on the kerb. They are everywhere.

One of the good things about the council pick-ups is what I call the *Steptoe and Son* syndrome—someone else's rubbish is someone else's treasure. The utes and trailers appear. Some people are quite brazen about it; they are quite happy to be seen picking through the things that people turf out onto the verge. I admit that I once did the same myself—it was not too recently—when I was looking for some extra tin for my chook pen. I am well known in my neighbourhood so I had to don my hat and dark sunglasses.

Dr G.G. Jacobs: Well known as a local scrounge.

Mr D.A. TEMPLEMAN: Yes, I am well known as a local scrounge! I remember putting on my little cap and dark sunglasses and driving around the streets. The best time to do it is at dusk because very few people are about. Firstly, most of them are having tea, so they are not out the front of their properties but are usually inside. Secondly, if they are looking out, one should always try to do it when the sun is setting in the west —

Dr G.G. Jacobs: Where else does it set? You've got a choice?

Mr D.A. TEMPLEMAN: — because the sun will actually blind them while they peer out of their door to look at the person who is sifting through their rubbish. I actually got some very good tin indeed, so I was able to do that.

Mr W.J. Johnston: If you're that good a scrounger, you should be Leader of the House.

Mr D.A. TEMPLEMAN: That is very true.

I support council pick-ups. Some people know exactly what they are looking for. Some people have no problem with sifting through the rubbish, but they do not have any consideration about putting things back in a nice neat pile—they just throw it everywhere, which I find most disturbing.

My congratulations go to the Minister for Environment for the tier 2 offences and maximum penalties. They will be a significant deterrent, but we have to keep attacking the issue of waste at the source. One of the sad things about health requirements these days is that everything is triple-wrapped in plastic or other packaging. The waste is quite often bigger in volume than the product one has unwrapped, which is quite amazing. We have to attack the issue at source. This has to be done particularly in communities where there is population growth. Unfortunately, if the dump or transfer station is too far away or if there is a significant cost, some people will simply load up the back of the ute and will find the easiest place that they can slip into undetected to dump their rubbish. We have to start educating the wider population that that will no longer happen. I am sure the minister has a strategy.

[Member's time extended.]

Mr D.A. TEMPLEMAN: I am very interested in the roll-out of the education aspect of this legislation in terms of what is proposed to highlight to people that they will face significant action if they dump rubbish illegally; that is, of course, if they are prosecuted. The Minister for Water handles the environment portfolio in this place and during estimates. The member for Rockingham and I have asked a stock-standard question during the past two budget hearings about the number of prosecutions by the Department of Environment and Conservation in general. From memory, I think there have only ever been two prosecutions for illegal land clearing. There has been a very small number of prosecutions in the past year or so. Given that we are creating more teeth with regard to this issue, I hope that if people are caught doing this, they will be held accountable. People would be plain dumb to keep doing it after an extensive and effective education process. If they do keep doing it and are caught, especially now that there will be significant fines for this, they are plain dumb and they should be held accountable. There may not be a lot of figures available in the next budget, but I would certainly be interested in knowing the prosecution rates in the future. Of course, the rate of prosecution may fall because we might get the message out.

Local councils play a significant role in the education process for this legislation, because local councils, particularly in urban and semi-urban areas, are the first call for the notification of illegal dumping. People do not often go to the Department of Environment and Conservation first; they usually go to the local council. A little criticism I have of some councils is that they like to say that it is not their problem and that the person making the notification has to go to so and so. I hope local councils will not do this, because they have been one of the

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biggest complainers about illegal dumping. I hope they will participate in this process and enter into a partnership with the department now that there will be greater accountability for this practice. From memory, this is something for which local governments have been calling for a long time. I think local government would be very supportive of the measures in this bill.

Again I hope the government also recognises its role in both the reporting of and the education on these measures in this bill, as it will be ultimately the local authority and the communities, residents and ratepayers within that local authority that will benefit. Therefore, for people who live in beautiful bushland areas near Yalgorup National Park, in the southern part of Peel, in the southern part of Dawesville and in bushland and wetland areas in and around the Peel–Harvey estuary environs, it is our collective responsibility to make sure we look after those areas. It will be a good thing if the amendments to the legislation contained in this bill are well broadcast and well articulated, and the message is made bluntly but clearly. I will therefore be interested to see and hear the response from local governments, in partnership with the Department of Environment and Conservation and other authorities that have a stake in this illegal dumping issue, and indeed their commitment to work to ensure that we get success from this bill.

I also hope the bill will highlight to people that it is their responsibility, when they are seeking to dump something or get rid of a waste product from their property, to find the best way of re-using that waste. I hope it will also highlight to people that in their community there are groups that will take on some of those products. The minister would be aware, however, that some community groups continue to be burdened with other people's rubbish that they cannot use. Some community organisations, such as the Salvos and the Samaritans, recycle or use recycled clothing, or bric-a-brac as it is called. I love that word—bric-a-brac. I have always loved that word—bric-a-brac. I have no idea what it means; anyway I love it!

Dr G.G. Jacobs: You would like tick-a-tack then!

Mr D.A. TEMPLEMAN: Yes!

Those community organisations like those in my electorate of Mandurah have a perennial problem, and I am sure this happens in other places. The Mandurah Murray Mayday Club collects clothing in bins at the front of its premises and quite regularly we hear reports of people dumping anything and everything they can in those bins—sometimes animals and other live things, even though some premises have surveillance. I think it is a perennial problem, but we have to educate the wider population and take responsibility—all of us—for the waste that not only comes into our home, but also goes out of it. Yes, recycling is critical and crucial, and re-use is critical and crucial, but really the point of sale is crucial as well. When we purchase something, we need to look also at that extended responsibility issue.

I wish the minister well with this bill. I wish her well also in her ongoing work with the other ministers and with the federal minister on progressing initiatives such as a container deposit scheme—the best scheme would be a national scheme; the e-waste issue, which I know has been before the ministerial council on previous occasions; and the issue of waste oil, which again is an ongoing one. We had a real problem in Western Australia a few years back with the disposal of waste oil, but this is important stuff, and if we are really going to have a sustainable Western Australia, it is central to ensuring that we have a sustainable Western Australia into the future. I therefore commend the bill to the house and I look forward to other members making a contribution. I look forward to perhaps in the next budget, if the Minister for Water is indeed in his position representing the minister —

Dr G.G. Jacobs: There is some doubt, is there?

Mr D.A. TEMPLEMAN: The minister said that.

Dr G.G. Jacobs: Do you know something I don't know?

Mr D.A. TEMPLEMAN: I am not a feaster on carcasses! I do not like to do that. The minister knows me and he knows how much I respect him. However, I will be looking forward to estimates next May when we grill the minister, as we do. The minister always leaves this place a few shades paler than usual after the grilling that the member for Rockingham and I give him. The lambasting that he got last time about the dead cat —

Dr G.G. Jacobs: About the dead cats?

Mr D.A. TEMPLEMAN: The minister has never forgotten that; I know it is etched in his memory! I know that it has left a big —

Dr G.G. Jacobs: It was totally irrelevant to the bill.

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Mr D.A. TEMPLEMAN: It may have been, but I know it has left a deep scar on the minister's persona! But that will heal with time!

I think I will leave my comments there, but I think they have been very positive—as positive as I can make them—and I am looking forward to listening to other speakers on this amendment bill.

MR M.W. SUTHERLAND (Mount Lawley — Deputy Speaker) [7.25 pm]: I have listened with great interest to what has been said today by various members of this place. I think we all have the same problems. Madam Acting Speaker (Ms L.L. Baker), your experience certainly sounds to have been horrific, but I think all of us who have a bit of bushland in our constituencies have the same problem. I also commend Mary Gray, one of my constituents, who is the president of the Urban Bushland Council. She looks after our bit of bushland, which is the Inglewood triangle. This is but a mere postage stamp compared with the bushland that the member for Nollamara and other members have in their constituencies. Unfortunately, this habit now of dumping all types of unwanted household furniture at the side of roads and outside blocks of flats is becoming all too prevalent. I think that this bill sends a very clear message to those miscreants who think that they can just take households of furniture when their tenants shift out and either dump them outside their house or go and find a secluded spot and place them there.

I must say that last night I was reading the *Eastern Suburbs Reporter* in bed, and of course there was a great advert by the City of Stirling, which has been singing the praises of its single-bin system —

Mr M.P. Whitely: You've been married how long and you were reading the *Eastern Suburbs Reporter* in bed?

Mr M.W. SUTHERLAND: Yes, member for Bassendean, things have taken a turn for the worse!

I was reading an article and could not believe the amount of money that the City of Stirling had spent to say how good the single-bin system is. The member for Nollamara pointed out that it must be terrible to stand at the conveyer belt and pull out glass, aluminium and other products because people would not know what was left there!

I certainly believe in recycling. The City of Bayswater, where I live, has three bins: one for putrescible waste, one for garden refuse, and the other for recyclables. To me, that seems to be the more sensible way. Other members spoke about car chassis. There are people who will pay about \$70 to pick up a car chassis. They smash the windows, put the car body on the back of a truck and take it away. Unfortunately, people still dump cars in secluded spots and on roads.

The big problem, of course, is to deal with this ever-increasing mountain of waste. As we know, in certain European countries people who sell whitegoods, televisions et cetera are forced to pay a levy to ensure that those goods are recycled back into the system. The big problem that we have in Western Australia, which was pointed out by the member for Rockingham, is our inability to create more landfill sites. Our landfill sites are filling up at a very rapid rate. Having been a member of the Mindarie Regional Council, I know that the cost of lining those sites and making sure that there is no leaching into the groundwater is very expensive indeed, and we have to find ways to treat the secondary waste. Unfortunately, the building of secondary waste treatment plants in Western Australia has not been a great success. I think the one down south has had huge teething problems. The secondary waste treatment plant at Mindarie has had problems as well. It cost over \$80 million to build and within a number of months the tumbler cracked. As a result of the tumbler cracking, the rubbish could not be turned and the whole system had to be stopped, and of course all the waste had to go into landfill, which just compounded the situation.

While on a number of overseas trips, I have made it my business to look into how other countries deal with secondary waste treatment. I have been to places in Japan and Taiwan, and I think the member for Rockingham referred to the smokestacks and the use of secondary waste to generate power; in other words, the rubbish is put into boilers and burnt. I have visited two waste facilities that are like hospitals. They are housed in huge warehouses. The trucks come in, they are totally sealed off, and there is no odour. They even take the fly ash, or the ash that comes off the burnt rubbish, and make bricks and road base from it. That is something we have to look at. As stated earlier, people are very sensitive about what goes on in their backyards. They are not happy if a secondary waste treatment plant is sited near to where they live; they are also not happy if there is a plan to install an incinerator to burn the waste. The problem is not only the landfill, but also the transportation of the rubbish to the landfill. Trucks have to travel from Perth all the way up to Mindarie, and trucks from south of the river have to travel to various sites, which is a pollutant in itself.

We really have to consider all the ways we can reduce waste. There needs to be education programs around the recycling of bottles and cans; we have all had the experience in our past of collecting bottles and cans and

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handing them in to get money. I am sure that if we were able to go down that track, it would alleviate a lot of litter in the first instance, because we have all seen bottles, cans, and plastic bottles especially, lying all over the place. This is something that we all take an interest in, I am sure, because it is a bipartisan issue and we all have the same problems in our constituencies. I have been into really smart areas and found furniture lying all over the sidewalk; members must wonder what goes through people's minds when they dump the stuff on the sidewalk.

I also commend this bill to the house; I think it is a move in the right direction. People who go around dumping chemicals and furniture and discharging chemicals into drains will now know that there will be a severe penalty; I hope it deters them in the future.

MR W.J. JOHNSTON (Cannington) [7.32 pm]: I rise to make some remarks on the Environmental Protection Amendment Bill 2010.

I make the observation that people who have visited or lived in Japan are always amazed at how the Japanese spend so much on dealing with the waste stream. They have four or five waste collections a week in Japan because they actually require their citizens to separate their waste completely at source so that waste can be dealt with in a much more effective way. It is really remarkable to see how a country with such a large population in such a small area can so much more effectively deal with its waste stream than we do.

I found it interesting when I was told by the operator of a waste disposal facility in Sydney that one of the most difficult things for them was separating car batteries out of the domestic waste stream. When one of the waste facilities tendered for the work in Sydney, it did not expect the amount of highly toxic waste found in the domestic waste stream. As an example, at that waste facility, 50 car batteries a week are entering the facility out of all the trucks that turn up to unload each week. The point there, of course, is if that waste was going direct to landfill, those car batteries would end up direct in the landfill; that is happening now. Serious issues surround the management of the waste stream, and this bill is related to that process because we are dealing with the question of illegal dumping. I will make some specific remarks, as have a number of members, on issues around illegal dumping in my community, but I wish to make a couple of other observations before I get to that.

The first observation is about waste oil. A number of companies in Western Australia do a good job of going round to all the little car places and other places that need to dispose of engine oil and other waste oils, and go up to the north west of the state. From my relationship with one of these operators I know that a truck is sent up once a month or something to some of these very, very distant mining sites, as well as having other trucks running around the metropolitan and regional areas. The company that I know about is not a metropolitan company, but obviously it sources most of its oil from the metropolitan area. That company then processes that oil and it is reused for other purposes. One of the interesting things about engine oil is that the oil itself, apart from burning in the engine, does not degrade, and although it becomes dirty, it can be cleaned and reused as engine oil. That practice is not common in Western Australia for a range of reasons, but that can be done. Most of Valvoline's oil in the United States is recycled oil. For a rev head such as me, it is one of those oils that people use in high-performance vehicles, and in America they reuse engine oil. One of the properties of engine oil is that it can be reused; although it burns in an engine, the oil that is put in can be got out. It has impurities in it, which is why, every 20 000 kilometres or whatever, a mechanic changes the oil.

As I say, three or four companies do a good job in recycling that oil for other purposes, but there is an issue in that there is an economic incentive to dispose of that oil improperly because those companies have to finance that process of recycling. At the moment, the recycled oil does not pay for the waste stream management. There has been some discussion around extended producer responsibility, but there is a very simple solution, which is to levy oil at the retail point, or at the point at which the larger consumers use it, to pay a subsidy to maintain the waste oil recovery system. While this legislation specifically deals with the dumping of waste oil and other issues, that would be a major way of assisting those companies to deal with the waste oil. They are doing a good job in this state, and it would ensure that for those businesses that are tempted to dump illegally, while applying penalties is appropriate, providing an economic incentive to them to recycle would be even better. It is a bit like removing phosphorus from fertiliser; it is clearly better to simply tell the manufacturers and retailers of fertiliser in this state not to sell fertiliser with phosphorus in it. I find it interesting that that is what the manufacturers of fertiliser would like to happen. That was being implemented by the former Labor government, but a decision was made to reverse that when the new government came in, and phosphorus is still in fertilisers in this state, clogging up our waterways and creating an environment for algal blooms and other negative impacts on our river system. The government is not doing what the manufacturers want, which is to make the manufacturers take the phosphorus out at source. I am saying that while these penalties are welcome, it would probably be better if we looked to fix the system earlier.

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I point out that the Standing Committee on Environment and Public Affairs from the other place examined the waste stream for municipal waste—that is, the 25 per cent of waste that comes from households—rather than the 75 per cent of waste that is generated by construction and industrial sources. The Standing Committee on Environment and Public Affairs comprises two Liberal members, a National Party member, a Greens (WA) member and Hon Kate Doust from the Labor Party. It handed down an interesting report. Paragraph 9 of the report's executive summary reads —

At present, administrative structures for waste management in Western Australia are fragmented, although local government has made considerable efforts via regional councils to generate economies of scale and avoid duplication. The Waste Management Authority appears to be marginalised, without adequate resourcing or powers.

Paragraph 10 reads, in part —

The Committee is of the view that many of these issues could, and should, be addressed by an independent, well-resourced, Waste Authority.

That committee, with a majority of government members, made some interesting findings that could advance the management of waste in this state. I will draw the minister's attention to some of those findings. Finding 1 reads —

The Committee finds that Western Australia is statistically the worst performing State in Australia with respect to both landfill use and the rate of resource recovery from waste material.

Finding 5 reads —

The Committee finds that Western Australia is the worst performing State in Australia with respect to the lining of landfill sites.

I have drawn attention to the unwanted and dangerous chemicals in the municipal waste stream, but I am sure members can imagine what chemicals are coming out of industry waste streams. Finding 19 reads —

The Committee finds that more could be done at the State Government level in terms of planning strategies for large-scale resource recovery infrastructure projects, such as assisting in site selection and in the maintenance of appropriate buffer zones between existing sites and new residential developments.

Finding 23 reads —

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

Those are some of the findings of the Standing Committee on Environment and Public Affairs, which has a majority of government members. It also made 15 recommendations. I will not read out all of them; I am sure the minister will be pleased about that. However, I will draw his attention to a couple of them to show the inadequacy of the government's response to the report of the committee, on which there is a majority of government members. Recommendation 1 reads —

The Committee recommends that the *Waste Avoidance and Resource Recovery Act 2007* be amended so as to require the Waste Authority to table in the Parliament each year a detailed financial statement setting out all expenditure of funds raised from the landfill levy.

Clearly that recommendation is driven towards the accountability of government to ensure that the waste levy is being used appropriately. The government's response was as follows —

The Government supports the intent of this recommendation as it relates to expenditure for the WARR account. The Waste Avoidance and Resource Recovery Act 2007 WARR Act requires the Minister to table in Parliament an annual report of the Waste Authority on its operations and procedure for the previous financial year.

The point I make about the response is that the government supports the intent of the recommendation but is changing nothing. It will continue to hide the use of the money that is available to deal with the waste stream. This bill will increase the penalties, but the government has missed an opportunity to do something practical. It has turned down its own committee's recommendations. Recommendation 2 reads —

The Committee recommends that the Government resolve the issue of funding for staff and resources for the Waste Authority as a matter of urgency.

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Again, the government's response is to support the intent of this recommendation. It is happy to endorse the spirit of the recommendation, but it is not prepared to do anything about it. The government's response continues —

The funding for staff and resources for the Waste Authority is set out in a Service Level Agreement SLA, agreed between the Waste Authority and the CEO, and approved by the Minister. The SLA is funded from the WARR account.

That is true. However, other things are funded from the WARR account, including the ordinary operations of the department. Here is an opportunity for the government to do something, as was recommended by its own committee, but the government has chosen to ignore it. Whilst the Labor Party supports this legislation, this is a missed opportunity to do so much more than simply increase the penalties.

I turn to the some of the issue in my local community. The electorate of Cannington is blessed to have the Canning River running through its centre and bushland on our northern reaches along Queens Park. We are also very lucky to have many excellent local volunteer groups. I refer to Canning River Regional Park Volunteers, which has been going for 20 years. I was very pleased recently to attend its twentieth anniversary celebrations. I refer also to the Bannister Creek Catchment Group and the Wilson Wetlands Action Group, which celebrated its tenth anniversary earlier this year. It is led by Russell Gorton, who was the City of Canning 2010 Citizen of the Year. Other volunteer groups include the Friends of Queens Park Bushlands, the Two Rivers Catchment Group and the Friends of Brixton Street Wetlands. The latter group is actually located in the electorate of the member for Forrestfield. It is located on the border across the rail line.

Mr A.J. Waddell: It works hard enough to be thanked by two members.

Mr W.J. JOHNSTON: Absolutely! I am pleased to support its work.

The South East Regional Centre for Urban Landcare is in Beckenham. These great groups are doing excellent work. They constantly remind me about issues of dumping. On a number of occasions volunteer groups have drawn my attention to illegal dumping in Canning River Regional Park, in waterways that feed into the Canning River, in Queens Park bushland and in other areas around the electorate of Cannington. Some of this is done by commercial operators who try to avoid the expense of disposing solid waste in appropriate landfills. To the extent that that illegal dumping is increasing, the increased penalties for those people is welcome. It will be interesting to see how effective the enforcement procedures are because one of the problems at the moment is that people get away with the illegal dumping of waste. Madam Acting Speaker (Ms L.L. Baker), during your second reading remarks you made detailed comments about issues in your electorate. Clearly government members have also made similar observations. The current enforcement regime is not working. When the responsible minister reports to Parliament in the future, it will be interesting to see whether there is an increase in the number of prosecutions and whether the government has been more successful in cracking down on those who do the unthinkable thing of spoiling our natural environment. Canning River Regional Park, in particular, is a spectacular benefit for the people in my community. I have personally used that space. I know of many people who enjoy the opportunities it provides.

I draw attention to the book *End to End: A Year in the Canning River Regional Park*, by Pam Agar. That book records the bird life and the flora and fauna in that park. It is a fabulous book. It is available from the Canning River Eco Education Centre, which is a great achievement of the former member for Riverton, who worked so hard to ensure that that centre was built in Kent Street. I encourage people in my community to make best use of Canning River Regional Park, and, if they have time, to join those volunteer groups that make such a great contribution to our local community and work very hard to not just maintain those parklands but make them better. At the Canning River Regional Park Volunteers' twentieth anniversary, and also at the Wilson Wetlands Action Group's tenth anniversary, both groups showed slides and photos to demonstrate the difference that they have made in restoring the natural environment of the park and the wetlands and ensuring they are brought back to life. I look forward to the investment of more money into Hester Park in the suburb of Langford, because if the government was prepared to invest in that park along with the City of Gosnells, the standard of that park could be raised to what has been achieved in Canning River Regional Park.

As I have said, this bill is a welcome step forward in increasing the penalties for people who abuse the environment. It will be interesting to see what the effect of this bill will be. The government could have done more than it is doing in this bill. The report of the Standing Committee on Environment and Public Affairs of the other place laid out a number of opportunities for the government to do a bit more, and it is disappointing that the government has decided not to take up those opportunities.

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MR M.P. WHITELY (Bassendean) [7.52 pm]: I will make a relatively brief contribution to this debate on the Environmental Protection Amendment Bill 2010. My current electorate, Bassendean, covers a fairly small portion of the metropolitan area. It covers only 22 square kilometres. That contrasts greatly with my former electorate, Roleystone, which covered about 1 700 square kilometres and about 30 per cent of the Perth metropolitan area. So I was far more exposed to the issue of waste dumping in my former life as the member for Roleystone than I have been as the member for Bassendean. But I want to take this opportunity to put a few comments on the record about the great work that is being done by the Bassendean Preservation Group in the bushland that does exist in my electorate, in the Ashfield Flats area, which it does a great job of maintaining.

Of course the other great site in my electorate that needs to be developed for public use, in a manner similar to Ashfield Flats, is the Pyrton site. I am somewhat disappointed and frustrated by the slow rate of progress that has taken place on that site since we crossed over to this side of the chamber. Pyrton was progressing nicely with the demolition of the old hospital buildings on that site and it was on track to be rehabilitated to become, as I like to call it, the mini Kings Park of the north east metropolitan area. But unfortunately, under the guidance of the former minister, the member for Vasse, and now the current minister, the member for Nedlands, nothing has happened on that site. That is causing a great degree of frustration to people in my electorate.

Those are the major two bushland sites in my current electorate. Fortunately we have not had a lot of problems with illegal dumping on those sites. That is probably due to the fact that they are overlooked by residences and are used continuously by residents, so people go further afield to dump their rubbish. It is probably also due to the fact that the Pyrton site is heavily fenced. I believe we need to open the site to public access as a priority. Nonetheless, the one upside of that fencing is that there are no opportunities for dumping on that site.

When I was the member for Roleystone, illegal dumping was an issue that was close to my heart. I used to live on Canning Mills Road in Roleystone, just at the top of the ridge in what is known as West Roleystone. That was a wonderful place to live. I lived directly across the road from Darling Range Regional Park. Darling Range Regional Park is an A-grade reserve. It is a beautiful place to go for a walk, and a great place for passive recreation, although unfortunately on occasion we would be under threat of being driven over by people riding motorbikes illegally. However, people used to regularly dump all sorts of rubbish in that park. It was very common to see refrigerators and other whitegoods that had been dumped there, and also piles of building rubble and asbestos. The prospect of catching people committing those sorts of activities is fairly low. Unlike the area in which you live, Madam Acting Speaker (Ms L.L. Baker), we do not have a chocolate avenger running around with a caped crusader to keep people in line. All I had was a kelpie at the time, and we did not have the same sort of —

Dr G.G. Jacobs: Appeal!

Mr M.P. WHITELY: Appeal, yes. We did not have the same sort of magical powers that the Acting Speaker seems to possess in her neighbourhood. Nonetheless, continuous dumping was going on in that park, and I suspect that very few people were caught. On occasions it might be possible to identify people from some of the domestic rubbish that they had dumped if they had been so dumb as to leave an electricity bill in their rubbish or something like that. But primarily if people were a bit clever about the way they dumped their rubbish, there was very little chance of them being caught. It does not matter how we set up the system. That is always going to be the case. So I suggest that what we need to do under those circumstance is make the penalties sufficiently high to deter people, so that on the half a per cent chance that they get caught, they will end up with a such a large penalty that they will think twice about doing it. I have heard comments made by other members about the need to educate people. Frankly, I think that some people are beyond education, and we need to hit them with a big stick if they do the wrong thing. If our chances of catching these people are minimal, I think we need to hit them with a very big stick when we do catch them. That will scare them off from doing it. I am, therefore, supportive of the thrust of this legislation. I put on the record my great enthusiasm for hitting people who dump rubbish, with no care for the environment, no care for their neighbours and no care for anyone else, other than their own selfish interest, very hard with a big financial stick. To that extent, I support this legislation. Of course, this legislation has a very narrow target. The problem of dealing with waste is enormous, as other members have mentioned.

In my former life as the member for Roleystone, I was deeply immersed in this issue. I had a number of issues going on in my electorate. I had the Cardup landfill site. That was a controversial site, because there were issues about the landfill leaching into the groundwater. There were claims that the landfill had been placed on an inappropriate site, because there were fractures in the rock underneath the site and in the lining of the site that might cause waste to leach into the ground and contaminate the groundwater supplies of people around the site. I do not know the validity of those concerns. The science was difficult to determine accurately. But certainly that was one issue. That made me acutely aware of the concerns about relying on landfill.

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The other issue that I had when I was the member for Roleystone, and probably the biggest—I had some whoppers—was the plan by the City of Gosnells to put a SWERF in a thin industrial strip between Kenwick and Maddington. That was back in about 2003–2004.

Mr A.P. O’Gorman: You might need to explain what a SWERF is!

Mr M.P. WHITELY: A SWERF is a solid waste to energy recycling facility.

What was proposed was a pyrolysis plant, which is a fancy gasification plant that effectively incinerates the gasified remains of municipal solid waste and uses it as an energy source. If I wanted to describe it in a dumbed-down manner, I would describe it as rubbish incinerator, but it was a bit more than that because it involved gasification of the MSW source before those gases were burnt. That was a highly controversial proposal. The City of Gosnells was very enthusiastic about establishing this facility in my former electorate, because the city saw it as a revenue stream. The City of Gosnells was going to take the waste stream from other councils, and get a royalty from the operators of the solid waste to energy recycling facility, Brightstar Environmental, as a revenue stream.

Local residents were extremely concerned about this facility going into Kelvin Road, which is between Maddington and Kenwick—it is a thin industrial strip sandwiched by two suburbs—for a number of reasons. Some of those reasons were less valid than others, but one reason that resonated with me was the concern about what was coming out of the stack—the former Minister for Environment, the member for Rockingham, spoke about that with incineration facilities. The great concern with the SWERF, this pyrolysis plant, was that dioxins and furans would be emitted into the environment and would lay down over the surrounding suburbs and introduce the possibility of people being exposed to carcinogens et cetera. At the time, the proponents and the City of Gosnells were saying this was proven technology, the best technology, world-leading technology and marvellous stuff; and we needed to go full steam ahead with this as the answer to dealing with the waste stream. I spoke a little last week about my BS antenna. One skill that I have is my BS antenna, and whenever anyone says it is world-leading technology, the best technology in the world and they roll out glossy brochures, my antenna starts to twitch. And my antenna started twitching when I heard the claims made by Brightstar Environmental and the City of Gosnells about the benefits of the SWERF. Nonetheless, I did not want to be a nimby politician and I would give them a chance to prove the SWERF.

The world’s only SWERF had been built in Wollongong, New South Wales, but it was operating at a fraction of its capacity; it was operating in a testing phase. The way licences are developed in New South Wales is, basically, the operator gets to test up its plant. Brightstar Environmental had a licence to operate the SWERF at, from memory, about 10 per cent capacity whilst it proved up the qualities of the plant; in other words, while it proved up the fact that the plant did not emit noxious gases and other emissions into the nearby environment. Despite the fact that this SWERF, as I recollect, had never operated at more than about five per cent of its commercial capacity, Brightstar claimed that this was a proven technology. It made that claim on the basis that it had developed a small-scale pilot plant somewhere in Queensland that had operated on burning wood refuse from a sawmill. Brightstar said that it had managed to gasify wood refuse and to go through the process with this product and that it produced such a low level of noxious emissions that it was within acceptable standards. I thought that was not proving it up because the waste stream there was actually a homogenous waste stream, and the problem with municipal solid waste streams is that no matter how much one encourages people to put the right thing in the right bin, they are not homogenous waste streams; there are always nasties in the waste. People will use their rubbish bins to throw away whatever! I said to Brightstar that if it wanted my support to put a facility in Kenwick, it could prove up the technology by running the Wollongong plant at a fully operational level for one year and having independent emissions testing. When I asked Brightstar to do this, it jumped up and down on the spot and said that I was being entirely unreasonable. Brightstar went to others within government—the Premier and Deputy Premier at the time—and said that I was a rabid local member who was playing politics with this. That further set my antenna twitching, because I did not think there was anything unreasonable in asking this company to prove up its technology. If it is the world’s best technology and the future in dealing with the waste stream, then take that year to prove it up. How much money would it make, because surely it could then export this technology around the world? Frankly, the company was not happy about doing that at all. It complained about that, and it engaged a “visiting expert”. They got David Bellamy out here. I have always held David Bellamy in high regard; I thought he was a world-leading expert. They got him out here to sing the praises of the pyrolysis plant, which taught me something about the nature of world-leading experts these days! This also set my antenna twitching.

The Environmental Protection Amendment Bill has a limited scope. It is all about dealing with waste, which is the issue at the heart of what we are dealing with. The proposal to have the SWERF in Kenwick taught me some

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other valuable lessons; that is, one needs to be very suspicious about claims that are made in this field. If there was one best technology, it would have been developed and it would be universally accepted. At the time, I went and looked at other waste facilities. My first trip on the parliamentary impost account was to Wollongong to look at a rubbish plant. I am envious when I hear some of the stories of members travelling to Japan to look at technology, when my trip was to Wollongong. I then went to a place in northern New South Wales to look at a composting facility that was claimed to be the global solution to what was happening. I think that was close to the Bedminster system that operated in Canning Vale. The problem with all of these technologies comprising rubbish in, rubbish out is that we have a heterogeneous waste stream that has nasties in it. It is impossible to get people to sort their rubbish properly. Unless one takes a big stick to people to get them to do it and have appropriate measures that make people do it, we have this problem where the waste stream contains —

The ACTING SPEAKER (Ms L.L. Baker): I am pointing to the relevance.

Mr M.P. WHITELY: Madam Acting Speaker, it is right up there with the chocolate avenger actually!

The ACTING SPEAKER: I am just trying to get you on track.

Mr M.P. WHITELY: I will start talking about the chocolate avenger then, and perhaps that might be more appropriate!

Mr R.F. Johnson: I thought you were only going to speak for a little while.

Mr M.P. WHITELY: I got to my feet and I became enthusiastic. I was concerned because a local council was pursuing the issue of evaluating technology off its own bat. Frankly, local councils do not have access to the technology or the expertise to do that; they do not have the skill base to make the sorts of assessments that need to be made. I know that a lot of councils are organised along regional council lines, which is a step in the right direction. However, at the time we were talking about this, I was arguing that we take a larger approach; that is, if the state government does not take the central role in it, at least it should take a far more active role than it had previously. We cannot let these sorts of decisions about technologies be made in a piecemeal way by organisations that do not have the expertise or resource base to do that. The other thing I learnt from this whole debate is that when we are dealing with waste, we cannot build systems that are based on some sort of optimistic belief about human nature and how people behave; we have to build systems that cater for the worst in human behaviour.

I will not be seeking an extension, Madam Acting Speaker, I will curtail my comments on the chocolate avenger!

We have to build systems that cater for the worst in human behaviour. This bill increases penalties for people who actually have very little chance of being caught. In my view, the higher the penalty the better and, therefore, to the extent that this bill goes towards that, I support it. To the extent that we look at the problem of dealing with waste in general, I think we have to be prepared to be interventionist. We have to be prepared to build a culture around waste that is led by regulation. I am sure that people in Japan did not develop the culture of sorting their waste without measures to ensure compliance in the first place. The member for Cannington talked about some of those innovations in Japan. We have to be prepared to get people to do the right thing by, in appropriate circumstances, penalising them. Therefore, I support the broad thrust of this legislation. I think it scratches the surface of the entire issue that needs to be dealt with, but to the extent that it achieves higher penalties that may create fear in some of those people who, frankly, do not do the right thing and will not do the right thing just by persuasion, I think the Environmental Protection Amendment Bill is a worthwhile bill.

MR A.P. O'GORMAN (Joondalup) [8.11 pm]: I rise to speak on the Environmental Protection Amendment Bill just briefly, I hope, and I will reflect on some of the things that have happened. I arrived in Perth some 30 years ago —

Mr R.F. Johnson: That was a very dark day in Perth!

Mr A.P. O'GORMAN: No, it was actually quite good in Perth at the time. I think the dark cloud came a few years after! I think the member was about six or seven years after me and that is when the dark cloud came over.

It was funny when I left Ireland because I left on 1 April. My tickets were supposed to be at Heathrow Airport but when I arrived there were no tickets, so I thought somebody was having a bit of an April Fools' Day joke on me. However, I eventually got my tickets and came to Perth. One of the things that really impressed me about Perth, the surrounding areas and the suburbs was how pristine and clean it was—the lack of rubbish around the place. People seemed to have a great deal of pride in their city and bushland and those sorts of things. Over the years I think that has deteriorated, but then we have to keep asking ourselves: why does it deteriorate? It is people's attitudes, and a lack of respect; respect not being passed from one generation to another. But also in my

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10 years or so in this place, I have noticed that every time a bill is passed, there are certain reactions to that bill. I think this bill has been introduced because of a previous bill that was passed in this place—namely, the Waste Avoidance and Resource Recovery Amendment Bill that imposed extra charges. I think it is very pertinent that this bill has come in within 12 months of that other bill being enacted and we have to ask ourselves: What is the implication? Why all of a sudden do we need another bill in this place to bring about fines of \$62 500 for individuals and \$125 000 for corporations? I do not dispute the need for those greater fines to be enforced or to be levied on people if they are caught, but we have to ask ourselves why.

I have asked this question of a number of people in my electorate. In fact, a person in the member for Ocean Reef’s electorate has approached me a number of times. He runs a mini bin company. He tells me that the average cost for a bin is getting up to around \$400. When people ring him up and his wife and they say that to send a skip of that size is going to cost \$400, lots of people just turn that down now, but they still have rubbish to get rid of. Therefore, we have to ask ourselves: where are they getting rid of that rubbish? I asked him that question. I asked, “If they’re not taking your mini skip and having the waste disposed of appropriately and paying the appropriate fees, where are they getting rid of it?” He said, “Why don’t you come with me one Sunday morning? I have got a nice four-wheel-drive and we will take a trip to the Gngangara mound and I will show you exactly where they are dumping it.” He said he can guarantee that if we surveyed that place before the waste avoidance and resource recovery legislation came in, we would know that the amount of rubbish deposited in the Gngangara pine plantation, right on top of our most important source of water in this city, has quadrupled. He said there are tracks in the bush that he cannot even get down in his four-wheel-drive anymore because there are car bodies, motorbikes and trailers. He said that on any Sunday morning we could just about see a stream of traffic going through the Gngangara pine plantation where people are dumping their old washing machines, fridges and all those sorts of things. Therefore, when the government brings bills into this place, it needs to think of the full extent and the unintended consequences of bringing that legislation in. That Waste Avoidance and Resource Recovery Bill actually instigated the bringing in of this bill.

However, there were issues of waste being deposited around our state aside from what was generated because of the Waste Avoidance and Resource Recovery Bill, and one of those things, which is picked up under the Litter Act, is shopping trolleys.

Mr M.W. Sutherland: Yes, that’s another problem.

Mr A.P. O’GORMAN: The member for Mount Lawley is agreeing with me. The dumping of shopping trolleys is the scourge of our state. I am sure that many members have on many occasions had to go out and pick up numerous shopping trolleys. I know that I used to do it. At one point I used to take the drop-down tail-gate trailer from my business and go around Joondalup. Within about 14 minutes I think I could fill that trailer and put no more in it. I was picking up in 15 minutes 15, 20 or 30 trolleys that were abandoned around the streets. Therefore, minister, I hope that this bill will also pick up that type of dumping whereby lots of people dump shopping trolleys around our streets and our lakes. If people know my electorate, they know about the fantastic Lake Joondalup in Yellagonga Regional Park, but time and again we see shopping trolleys dumped in that lake. I noticed that there was particular reference in the second reading speech to rubbish that has been dumped in waterways. I am sure that the member for Ocean Reef would agree with me that at Ocean Reef Marina on regular occasion we will also find shopping trolleys dumped in and around the water’s edge and, in fact, in and around the bush all around those areas.

Mr A.P. Jacob interjected.

Mr A.P. O’GORMAN: It is all along the coast. It is the scourge of our state, and those big supermarkets, the Coles and the Woolies—I will name them although I normally do not name them—are the ones that will not do anything about it. I have had numerous conversations at times about the issue of dumped shopping trolleys and there is a simple solution. Some of these trolleys are \$150, \$200 or \$300 and as they are getting more sophisticated I guess that the price of those trolleys goes up. For about \$50 extra the supermarkets can actually put a coin-operated gadget on the trolleys that locks them together so that people will return them to get their two-dollar coin back. Some people say that it is a cause for more crime in that we will have young people on the streets knocking old ladies over to get their shopping trolley to take it back. That has been quoted to me, member for Mount Lawley. It is a disgrace that we allow these big organisations that want more and more of our market share to allow their shopping trolleys to leave the premises or the precinct that they are supposed to stay in. I think we need to start tackling that issue. Indeed, minister, I hope that when this legislation comes in, we will prosecute Coles and Woolies for each and every trolley out there and fine them \$125 000. It does not bother me in the least if we do that to them.

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The City of Joondalup had a local law put in place, which was disallowed, probably rightly so, because it did not actually give those organisations appropriate time to retrieve those trolleys. The legislation was looking at rather large fines and it was deemed to be ultra vires and not within the act to allow the city to do that, but we do have to tackle these shopping centres. We do have to tackle these big organisations that allow their trolleys to go outside the car parks and to be abandoned. Two groups of people should be fined for this in my opinion. The first are those who walk out of a shopping centre car park, take their groceries to their house, unload them and then just push the trolley down the street. That is one group of people who should be fined. That will be a \$62 500 fine, which makes for a very expensive shopping basket. The other group of people who should be fined are the owners of the shopping trolleys. I think that most average stores are running about 150 shopping trolleys. If the leakage rate is 10 or 20 per cent, somewhere around seven to 15 trolleys can be out there. At \$125 000 a time, that is a fair incentive for those organisations to spend \$50 and at least put coin-operated gizmos on those shopping trolleys so that people do not take them outside shopping centres. Many of the shopping trolleys around Joondalup and Lakeside on numerous occasions are at the side of the road. I saw this happen in front of me. A shopping trolley was on an island in the centre of a road. A truck went past. The vibration of that truck caused the trolley to start moving. The trolley rolled off the island and across the road, where other drivers had to avoid it. I will therefore be really interested to see when this legislation comes into force that we prosecute those criminals who take shopping trolleys out of shopping centres and on to the roads. I notice lots of members opposite nodding.

Mrs L.M. Harvey: Criminals?

Mr A.P. O'GORMAN: It is criminal if a trolley is the cause of an accident in which somebody gets hurt. It is criminal because those corporate people have at their disposal ways and means of stopping the shopping trolleys leaving shopping centres. There are many ways. I have mentioned the gizmos. I cannot think what they are, but they are coin-operated. There are other electronic gizmos that can surround a shopping centre so that when people walk past an electronic barrier a shopping trolley's wheels will lock up. There are many ways of doing it. Those big organisations that take money off us for our groceries do not have the decency to protect our community from their rubbish. I hope the minister takes that into account. I also hope he takes into account that we have to resort to this fairly heavy-handed legislation because of a previous bill that was passed through this place that has prevented people from being able to afford to phone their local mini-skip man to get a skip to their house so that they can dump their household rubbish in it and have that household rubbish disposed of appropriately. People find it difficult to dispose of fridges, washing machines, televisions and all those sorts of things. They do not get picked up with people's ordinary rubbish. Luckily, the City of Joondalup has kerbside bulk rubbish collection twice a year, which is a great service. However, sometimes, apart from those two bulk rubbish collections, people have fairly bulky rubbish that they need to get rid of. Unfortunately, previous legislation of the minister's government has prevented people from being able to dispose of those bulky goods at a reasonable cost, and so we are now starting to see on the Gnangara mound, which is the most important water source in the metropolitan area, more and more car bodies and fridges, and trailer-loads and traffic heading into the Gnangara pine plantation. I ask that once this legislation is enacted, the minister will have Department of Environment and Conservation officers there to make sure that we stop that continuous flow of garbage into what should be the most pristine areas protecting the water mound.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [8.23 pm]: Madam Acting Speaker (Ms L.L. Baker), thank you for the opportunity to make a contribution to this debate tonight. It has been interesting to listen to the different reflections of various members on their experiences where they live and in their electorate, not least of which was your contribution to the debate, Madam Acting Speaker. What struck me about it is that there is complete abhorrence across the chamber for rubbish and what it does to our natural bushland, our streetscapes and, in particular, our waterways. As observed, this bill will introduce penalties for people who dump waste into waterways. It will increase fines for people who are caught dumping, not only in waterways but in other areas. I join other members in saying that what we are doing is important. The inadequate penalties that are currently in place needed to be increased. The government's decision to increase them to \$62 500 for an individual and to \$125 000 for a corporate offender is probably a reflection of the level of concern in the community about rubbish dumping.

As members are aware, I am the member for an outer metropolitan electorate that has a good deal of bushland, some of which is pristine. However, Kwinana is no different from all the other districts of the Perth metropolitan area that are struggling to deal with the issue of waste management. The issues of how waste management interacts with the community are acutely felt in an area such as Kwinana where people are already very much aware of the impact of industry and other noxious activities on not only the natural environment but also the community in the built-up areas. I have made the observation in this place before that when I go around

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doorknocking I seek out those issues that are of concern to most people. One of the issues that people in Kwinana often raise with me is the fact that in recent times they have lost their landfill facility. Some years ago the Town of Kwinana opted to sell its landfill facility to an industrial waste company. Since then people have lost the passes that enabled them to take rubbish to the local dump. Ironically, people in the City of Rockingham still enjoy the privilege, because they get to utilise a dump that the City of Rockingham leases from the Town of Kwinana. The irony of that is not lost on a lot of people in the community. There is an emerging mountain on the northern side of Thomas Road in Kwinana of an industrial waste site that is increasing in size and is perhaps going to overtake Chalk Hill as the biggest landform in the area as the company that operates the site slowly builds layer upon layer upon layer of industrial waste. Kwinana also has a green waste facility to which councils across Perth bring their green waste. That facility mulches and blends the green waste with some of the proceeds of the local water processing facility to create a veritable stew of decomposition in order to make A-grade mulch, which people then buy back at vastly inflated prices to put onto their gardens. That facility is also from time to time smelt and appreciated by the people of Kwinana. I have already mentioned the dump that the City of Rockingham uses. The people of Kwinana do not have that opportunity to take their waste to a landfill facility.

We make these laws because we do not like the idea of people dumping household waste and other materials in bushland or, perish the thought, in waterways, yet in these sorts of areas people are often struggling to work out what sorts of facilities there are for managing their waste problems. We must draft this legislation to always achieve a balance. This is the stick to stop people dumping waste in bushland and waterways, and to make sure that we keep the natural environment as pristine as possible. But state and local governments also have a responsibility to provide appropriate services to the community for the processing of waste and other household rubbish so that people are not tempted to load up their trailers and drive out to some bushland somewhere to offload the proceeds. A proposal is being investigated in Kwinana for a high-temperature furnace or incinerator for other waste. The glossy brochures state that it would emit very little —

Mr M.P. Whitely: What is the name?

Mr R.H. COOK: I must confess that the name eludes me at the moment. The Town of Kwinana and the Rockingham Kwinana Development Office recently sent a delegation to look at similar facilities in Japan. They said that the facilities were very impressive and very clean, and that this is an effective way to eliminate waste.

Dr K.D. Hames: I chaired a committee on waste recycling and management in 1994 or 1995. Judy Edwards, who later became Minister for the Environment, was on that committee with us. We went to Switzerland and then to America to look at a similar facility. It looked very impressive. I was trying to get one at Rotto as a trial. It could have treated all the human waste and the rubbish waste and produced energy and water, but sadly there were not enough in the world for us to see how well they worked. That was the trouble.

Mr R.H. COOK: They sound too good to be true. Some people in the Kwinana community still believe it is too good to be true. It will be interesting to watch how that develops. The technology and programs involved in waste disposal are increasingly efficient and effective, but we must also be mindful of the fact that people still have a need to dispose of waste in an appropriate fashion. The government's effort of increasing the infill levy by 300 per cent does not assist that process. We must make sure that we are supporting local governments at all times because they have the very difficult task of managing the waste that is produced, dealing with it in an environmentally friendly manner and recycling as much of it as possible. They are making an important contribution to the overall sustainability of our community. As I mentioned, there is a proposal for a high-temperature incinerator, which I am told produces little briquettes that are very effective in subsequent use, be it for road materials, paving or something of that nature. That sounds extraordinary. I wish local governments well not only in Rockingham and Kwinana—they are the ones I have worked with directly with these things—but also across the metropolitan area. The Town of Kwinana recently was in negotiations via the Water Corporation for the use of some land to the north of Kwinana for a very high-tech waste disposal facility for local government authorities in the south eastern suburbs and Waroona. That proposal also met with a level of opposition from the community.

These issues will continue to vex us forever more, whether it is through the incidental waste of shopping trolleys, as the member for Joondalup pointed out, or a build-up of household waste as a result of an increasingly consumer-driven society, as the member for Mandurah pointed out. We need to put in place a balanced environmental management regime so that we balance the penalties for people who dump rubbish with the services and facilities that people need to manage their rubbish effectively. That is one of the great challenges in front of us. I will finish by thanking the member for Gosnells for his contribution to this debate. As usual, it was comprehensive and very well considered. I look forward to the passage of this bill.

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DR G.G. JACOBS (Eyre — Minister for Water) [8.34 pm] — in reply: I thank members for the opportunity to respond to the debate on this very good legislation, the Environmental Protection Amendment Bill. I thank the nine members who made a contribution to this debate tonight. I intend to address some of the issues those members raised. Firstly, I thank the member for Gosnells, who made the first contribution to this debate for the opposition. He talked about a gap in environmental legislation. I agree with him. There is a need for this bill to cover the dumping of rubbish in bushland or of drums of fish oil or toxic chemicals on land or in waterways. Being the Minister for Water, I have an interest in the pollution of surface and groundwater sources in Western Australia. The member for Gosnells quite rightly pointed out that there are two separate offences in this legislation rather than one. One offence concerns publicly accessible water, which are the rivers, public lakes, estuaries, inlets and state coastal waters. The bill talks about dumping in those publicly accessible water sources. It also talks about dumping on land. In the time available to me, I want to talk about certain points raised by the speakers in this debate. The member for Gosnells recognised that the fines for bodies corporate of \$125 000 and individuals of \$62 500 might in fact be too low. I believe that the feeling of the other eight speakers was that it was probably about right. I think the member for Bassendean would recognise that the stick is probably big enough, as far as a fine is concerned. Obviously it will be a lot more substantial than it is at the moment, because this has historically fallen under the liquor act—sorry, the Litter Act. That was a Freudian slip!

Mr B.S. Wyatt: You have been imbibing too much.

Dr G.G. JACOBS: I did not imbibe anything with my evening meal! This is what we call a tier 2 offence. They are much higher than the existing fines but of course significantly less than the fines for serious offences such as pollution and serious environmental harm.

The member for Gosnells also questioned the remediation costs and raised some clean-up issues. Recovery costs are already covered in the act. I refer to section 99Y of the Environmental Protection Act 1986 headed “Orders for costs, expenses and compensation”, which states —

- (1) If a court convicts a person of an offence against this Act, the court may, if it appears to the court that —
 - (a) ...
 - (i) seizing, storing, treating, selling, destroying, disposing ...
 - (ii) the prevention, control, abatement ...
 - (iii) making good any resulting environmental damage;
 - or
 - (b) ... order the offender to pay to the CEO, —

In this case it is the chief executive officer of the Department of Environment and Conservation, otherwise known as the director general —

public authority or person the reasonable costs and expenses so incurred, or compensation for the loss or damage so suffered, as the case may be, in such amount as does not exceed the prescribed amount and is fixed by the order.

There are, obviously, remediation costs within that prosecution framework as people, if members like, are pinged for a serious offence—a tier 2 offence—of dumping waste.

There were quite a few references to the Waste Avoidance Resource and Recovery Act 2007 during the second reading debate. An inference may have been drawn that, essentially, the Environmental Protection Amendment Bill 2010 was required because of the WARR act, which encouraged people to dispose of waste illegally because of the increased levies they had to pay. I was in this place when the WARR act was brought on, and the government conceded that there was the potential for that increased waste disposal to happen. The government flagged that it would reconsider the Litter Act and its inability to deal with such problems. However, of course, the entire dumping issue was around long before the WARR act. Mr Acting Speaker (Mr A.P. O’Gorman) stated that a change in culture has occurred since he first arrived in Perth: Perth now has an issue with the culture of littering and dumping, which we had before we had the WARR act. The government believes that we need to seriously do something about it, and, probably, not a man or woman in this house would not agree with that.

The member for Gosnells talked about, essentially, educating some of the ignorant population on this by not only informing people of the new regime and the new fines, but also telling them that the Department of Environment and Conservation will be working with organisations—local governments and the Keep Australia Beautiful Council of Western Australia—to educate and inform the public. I was interested to receive this card about

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illegal dumping sent by the Keep Australia Beautiful Council—these have the potential to be deposited in letterboxes. The card made reference to dumping on vacant land, reserves, alleyways and roadsides; dumping outside charity bins; dumping on vacant residential lots; and Mr Acting Speaker will be pleased to know that it also featured an appropriate pictorial about abandoning shopping trolleys and then littering in waterways, which, obviously, I was very pleased about.

Local government and the Keep Australia Beautiful Council are on board with this, and the Keep Australia Beautiful Council has worked very closely with the Department of Environment and Conservation; in fact, a couple of officers from the Keep Australia Beautiful Council actually work in the enforcement area of the Department of Environment and Conservation. I mention that to indicate that all organisations are on board, and that this government is certainly very serious about using that partnership to educate and inform the public.

One of the changes this bill will make is to significantly increase the fines for illegal dumping. The current maximum penalty under the Litter Act is \$1 000. I have to tell members that this government intends to also increase fines under the Litter Act very soon, because infringement notices issued under that act attract a penalty of \$75 for the illegal disposal of a cigarette butt. The government intends to increase that fine up to around \$200, and, as I think someone in this place said, that is a very, very common littering offence. The fine for other litter will be increased to \$500. Currently, if someone is prosecuted for littering, the maximum penalty is \$1 000; the intention is to increase it to around \$5 000. Some moves are already afoot to increase littering fines, which is, if members like, consistent with the campaign around this bill to deal with dumping.

The member for Gosnells talked about extended producer responsibility, which is not, if members like, directly relevant to this bill, but the government supports a national approach to product stewardship. The container deposit legislation, again, is not directly relevant to this bill, but it is being addressed nationally by the Environment Protection and Heritage Council, and that measure would certainly be consistent with this government's mood in the whole environmental area, both in littering and dumping.

On the subject of inspections, for the information of the member for Gosnells, there are over 200 trained inspectors in DEC who will enforce this new offence. They also have the power to enforce other offences under the act; and, of course, other DEC staff work throughout the state and they will also assist in enforcing these offences. I have been provided with some information for members that states that it is anticipated that the majority of waste dumping offences will be investigated by DEC inspectors, of whom, as I said, there are about 200.

A lot of speakers tonight raised the issue of local governments being at the forefront of this matter. I think the member for Mandurah particularly made the call that local governments should also take up this issue. A lot of local governments certainly have the desire to be involved and be part of the partnership for the enforcement of these new offences. Local governments are at the forefront of dealing with litter and waste issues, so it is appropriate that local governments should have the potential capability to prosecute for the offence of dumping waste when they consider it appropriate, in concert with the chief executive officer of DEC. It is not "them and us"; DEC and local governments will help enforce these new offences.

Circumstances may arise, of course, in which police consider it appropriate to prosecute for a dumping offence. For example, someone may be pulled over for travelling along with a trailer with a dicky tail-light, but that person may also be found, in the course of the police inquiry, to have dumped waste or intend to dump waste in conjunction with the other criminal offence. It is, therefore, appropriate that police also have the potential capacity to prosecute for this offence. I think the member can see that we are serious about this. We have the instruments by which to put it into practice. I agree with the member for Gosnells that other pieces of legislation, including the building laws, relate to the disposal of waste. Of course, the whole point of the Waste Avoidance and Resource Recovery Act was to encourage recycling.

The member mentioned the dumping of tyres, which is one of the many types of dumped waste. We are looking to stop the dumping of tyres in our efforts to prevent the dumping of all waste. I thank the member for his comments that this legislation is a positive step forward with the promotion of this legislation to make a difference to our environment to stop the practice of dumping.

May I talk to the member for Maylands? I really enjoyed her speech, but I cannot find the notes that I made on her speech.

Ms L.L. Baker: I can give it again, minister!

Dr G.G. JACOBS: No; don't! But I congratulate the member for being almost a crusader in her area.

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Several members interjected.

Dr G.G. JACOBS: She is indeed correct. I encourage the member by saying that, yes, there are very good people in her local DEC office; I think she mentioned Doug and Rebecca.

Ms L.L. Baker: Well done, minister.

Dr G.G. JACOBS: They are very responsive. That is what this is all about. However, there is also a pollution hotline—an 1800 number. There is also the Keep Australia Beautiful 1300 766 541 number. I rang that number this evening and it worked. If no-one answers, people are able to leave a message and a person will get back with the details. The pollution hotline is a 24-hour hotline.

It is appropriate for the member for Maylands to take details of a person suspected of illegal dumping, including details of the person's vehicle and trailer, the vehicle registration number and whatever. The government and DEC officers are serious about following up these reports.

It is interesting, member for Bassendean, to know, when departmental officers investigate a dumping, how often clues are left behind by illegal dumpers. One of my advisors down the back of the chamber showed me a picture of an illegal dumping in which paperwork documented someone's HBF account details, with an address, among the rubbish. The department has the ability to follow up those cases.

This is good legislation. I still cannot find my notes in response to the member for Maylands' very good speech.

Ms L.L. Baker: I am devastated, minister!

Several members interjected.

Dr G.G. JACOBS: Here we go!

The member spoke about where to take car bodies. The member mentioned a father and son who —

Mr R.H. Cook: Put them in a tree!

Dr G.G. JACOBS: Yes. The member for Nollamara would tell us that people could bury car bodies, as did her father, and that the tree above that buried car body flourished.

There is the possibility for scrap metal dealers to take old cars. If they will not dispose of vehicles legally and continue to dispose of them illegally, we will follow that up.

In regard to remediation efforts, if offenders are caught and prosecuted, remediation costs will be served in that prosecution. If an offender is not caught in a state forest or on public land, but is caught on private land, this legislation provides that, in order to stop the illegal dumping, the owner of that private land will not have to pay. One might say that to pay is pretty unfair. However, if the waste is dumped with the owner's knowledge, the government believes that it is important to send the message that there is a responsibility for both the person who dumps the waste and the owner of the land on which it is dumped, particularly if there were issues of collusion and if it were shown that there was a detrimental effect on Ellen Brook or some other local waterway.

Ms L.L. Baker: Minister, by way of interjection, does that mean I can be charged if somebody pulls into the back of my property where they can't be seen and tips a whole bunch of building refuse onto my firebreak?

Dr G.G. JACOBS: No.

Ms L.L. Baker: I am just checking!

Dr G.G. JACOBS: No, the member would not be charged because she would have had no knowledge of the dumping and because the material was in fact dumped illegally on her private property.

The member for Maylands asked: who is responsible for what? The Department of Environment and Conservation is responsible for the Environmental Protection Act. Local government and police can access the new offence and also retain the fines.

When is waste littering and when is it illegal dumping? Basically, three criteria distinguish between someone throwing a tissue out of a car window and someone depositing a whole trailer-load of tissues on a property or into a waterway. The criteria refer to volume, environmental impact and the type of waste dumped. The member referred to trailer prunings and a bit of oleander dumped on a state forest road. If, in fact, the volume of the material left on the road was sufficient, it could fulfil the dumping criteria, particularly if there were noxious weeds among the lawn clippings. A trailer-load of waste is probably sufficient to meet the criteria of dumping rather than littering, but there are enough descriptives in the definition of waste in the bill to ensure that the good people of DEC, those 200 trained experts, would look into such cases. If the member for Maylands talked to

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Doug and Rebecca, they would initially have a look at the matter, and they can talk to one of the 200 trained inspectors who will go out and look at the situation and work with Doug and Rebecca to build up a prosecution case to take the matter to court. It is about working with all the agencies, and also the people within those agencies.

Can people report dumping? Yes, people can report dumping and it will be deemed, depending on the circumstances, to be either littering or illegal dumping. DEC will investigate.

Do we have signage? Yes, but we recognise that it gets vandalised. Are there excuses for dumping? Ignorance of the law is no excuse. A genuine accident or an emergency may be a defence if evidence can support that action. I think I have dealt with the education program sufficiently.

I will finish because I see the Leader of the House looking rather expectantly at me to wind up. However, I genuinely wanted to respond to all these matters because we might not then have to go into consideration in detail. The member for Nollamara talked about bushland management and how important it is to look after the Mirrabooka bushland site, which is now a Bush Forever site. It is important to protect all areas of the state, even those that are fenced. People continue to vandalise fences so that they can get into an area and dump waste. The Environmental Protection Amendment Bill is about providing appropriate penalties for illegal dumping.

The member for Nollamara said that prosecution is difficult. She asked how the government will get traction given that prosecution is difficult. I have been advised that existing offences under the act, such as pollution causing serious or material environmental harm and the discharge of waste in circumstances likely to cause harm or pollution, have elements that require proof. Sometimes it is difficult to prove that short-term environmental harm has occurred or that it has the potential to occur. That makes them unsuitable as offences involving inert waste or containers that are not leaking if there is no short-term environmental damage. That is why it has been difficult to successfully prosecute in the past. This bill will make it easier to prosecute and that is why the government is introducing that act as an offence. Currently it is difficult because the act provides that the offence has to result in short-term serious environmental harm. If we cannot prove that drums of chemicals that have been dumped by the side of the road are going to produce environmental harm or pollution, the offender receives a slap on the back of the wrist as a littering offence even though it is a dumping offence, which is why the government needed to amend the legislation. The bill will introduce that act as an offence and it will be prosecuted.

The member for Mandurah, fortunately, did not talk about dead cats as he did during the debate on the Waste Avoidance and Resource Recovery Amendment Bill. I agree with him that we need to change the culture of obsolescence—"we have finished with it, we'll chuck it out and get a new one". Much of what he referred to did not relate to this bill. The education rollout is very important. I cannot provide the number of prosecutions in land clearing; that information can be sought during budget estimates in May next year. I can, however, provide the number of prosecutions for littering. Since July 2008 there have been four prosecution for littering.

Mr D.A. Templeman: How many?

Dr G.G. JACOBS: Four.

Mr D.A. Templeman: Since when?

Dr G.G. JACOBS: Since 1 July 2008.

Mr D.A. Templeman: Is that all?

Dr G.G. JACOBS: Hang on! I understand a further 10 are pending. Over the same period, more than 10 000 infringement notices were issued for littering. The only matters that are prosecuted are those that are contested. If a person receives an infringement and decides not to pay, the matter goes to court.

Mr D.A. Templeman: Where did the 10 000 figure come from?

Dr G.G. JACOBS: From July 2008.

Mr D.A. Templeman: Is that in just over two years?

Dr G.G. JACOBS: Yes. The infringement notices have penalties of \$75 for a cigarette butt and \$200 for other litter, with \$1 000 being the maximum penalty. The Minister for Environment has informed me that we intend to increase those penalties. In the majority of cases it is not in the public interest to initiate a prosecution because an infringement notice is an appropriate enforcement tool in such circumstances. As I said, since July 2008, 10 000 people have been issued with an infringement notice. Prosecutions are undertaken for only the most serious littering offences or if an infringement notice is contested.

Acting Speaker; Mr Chris Tallentire; Ms Lisa Baker; Ms Janine Freeman; Mr Mark McGowan; Mr David Templeman; Mr Michael Sutherland; Mr Bill Johnston; Mr Martin Whitely; Mr Tony O'Gorman; Mr Roger Cook; Dr Graham Jacobs

I thank the house for its support of the bill. Nine members spoke on the bill, including the member for Joondalup, who referred to shopping trolleys.

Mr D.A. Templeman: What about the education aspect of this and the promotion of the changes?

Dr G.G. JACOBS: With the greatest respect, the member for Mandurah did not return from his evening meal early enough.

The Department of Environment and Conservation will have more than 200 officers trained in the area of dumping. When the member for Mandurah was absent from the chamber, I made reference to his comment about local governments. Local governments are on board; we are encouraging them. Local government officers will have the ability to prosecute. They can work with DEC. DEC will run prosecution training courses for officers if that is what local governments want. The prosecution fee will go to local government when the local government prosecutes. The only thing that we ask is that a local government communicates its decision to prosecute with the CEO of the Department of Environment and Conservation so that we are all on the same page. We understand that it is a dumping prosecution and that it does not fall within a tier 3 offence. It is a tier 2 offence. The Keep Australia Beautiful Council works closely with DEC. In fact, two KABC officers work in the enforcement unit in DEC. The postcard I am holding is an example of what will go into letterboxes. It describes illegal dumping and contains pictures that help explain that people should not dump on vacant land or outside charity bins. A lot of people dump their stuff outside a charity bin if it is full. That is not acceptable. The postcard refers to dumping in residential lots and to abandoning shopping trolleys. I am sure that the member for Joondalup is happy with that. It also refers to littering waterways. Being the Minister for Water, I am happy about that. That is the type of education campaign that will go ahead after the bill is passed.

I thank members for their support. This legislation genuinely looks at —

Mr A.P. O'Gorman: Can an organisation that owns shopping trolleys be prosecuted under this bill for the abandonment of a trolley?

Dr G.G. JACOBS: The issue is whether a solitary shopping trolley is a tier 2 offence, whether it is a tier 3 offence or whether it is isolated. The three criteria involved in dumping are volume, the environmental impact —

Mr A.P. O'Gorman: If there are 150 in the community around shopping centres, that is volume. But they are being taken away from shopping centres by individuals and dumped. There is a large volume around the neighbourhood.

Dr G.G. JACOBS: It is the use of the shopping trolley. Even in my little town of Esperance I have taken quite a few shopping trolleys back to Woolworths in the back of my car. They are a beast of a thing to transport in the boot of a car, too, I can tell the member. If it was a single trolley that had been left on my verge, or whatever, that would be different from 10 trolleys that had been left on my verge. Another consideration is the environmental impact that it would have. The member talked about the danger that a trolley might roll onto the road and someone would run into it. All those things would need to be considered. Many of the solitary shopping trolleys that are left behind by people, either because they are too lazy to take them back or because they do not have a vehicle, so they fill up the trolley with all their stuff and trundle it home and just leave it there, would come under the Litter Act. That would depend upon the nature, the volume and the environmental impact. So, in answer to the member's question, those matters would be considered by the prosecution agency, which is the Department of Environment and Conservation. I agree with the member for Joondalup that too many people are just leaving shopping trolleys lying around the place. It is an important issue. It is obviously also an important issue for the Keep Australia Beautiful Council.

Mr R.H. Cook: Do you support the member for Joondalup's proposal that someone be fined \$62 000 for leaving a shopping trolley behind?

Dr G.G. JACOBS: As I have said, again, it is volume. If someone left 100 trolleys outside my place, perhaps so; but if someone left a solitary trolley there, I think it would probably fall under the Litter Act. Of course we intend to increase the fines under the Litter Act to more appropriate levels than just a maximum of \$1 000.

I thank members for their contribution to the bill. Indeed, I believe this legislation will make Western Australia a better place.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Acting Speaker; Mr Chris Tallentire; Ms Lisa Baker; Ms Janine Freeman; Mr Mark McGowan; Mr David Templeman; Mr Michael Sutherland; Mr Bill Johnston; Mr Martin Whitely; Mr Tony O'Gorman; Mr Roger Cook; Dr Graham Jacobs

DR G.G. JACOBS (Eyre — Minister for Water) [9.11 pm]: I move —

That the bill be now read a third time.

MR C.J. TALLENTIRE (Gosnells) [9.12 pm]: I wish to make a brief contribution to the third reading debate on the Environmental Protection Amendment Bill. I thank the minister for his comments in response to the second reading stage of the bill. I note that we saw around the chamber a commonality of views, where people expressed their frustration about the amount of littering and dumping that is taking place in this state, a shared desire that action be taken, and a belief that this legislation will go some way towards solving the problem of littering and dumping. That is encouraging. I thank the minister for his comments. I also thank the minister's advisers, who have stayed here diligently to ensure the minister is in a position to deal with any details that might arise. I was especially pleased to hear from the minister that section 99Y of the act does deal with the issue of remediation. There are foreseeable circumstances in which a penalty might be imposed on a person. But the real cost to the state of Western Australia in dealing with the problem of dumping could be far more than the actual amount raised through the imposition of the penalty. If noxious weeds have been dumped in an area, the eradication of those weeds may cost many hundreds of thousands of dollars. So it is nice to know that potentially under section 99Y a person may be charged through the legal process to pay for those costs. Many of the other examples that members have raised would also incur costs. The extraction of a car body that had been dumped in state forest would certainly involve a cost. So it is nice to know that the perpetrators of these sorts of offences may be charged for that.

During the second reading debate many members noted the strong action that is being taken by the many volunteer groups that look after our natural areas, our nature reserves and our Bush Forever sites. Many people are engaged in looking after places of beauty and recreation. Unfortunately, however, much of their work is focused on this terrible problem of having to clear out rubbish and dumped materials. So it was pleasing to hear that these groups are maintaining their enthusiasm for this important work. It would seem that this enthusiasm exists in many electorates across the state.

The media campaign to inform the public of these new penalties is very important. I note the minister's comments about the postcard that has been put out by the Keep Australia Beautiful Council. That is a positive step. I would also like to be reassured that this remediation issue will be presented in the media campaign, and that it will be targeted to sectors that we know are prone to offend in this area. Many speakers mentioned the problem of the dumping of building and demolition waste in bushland areas. We need to target the people involved in the building industry and send the strong message that the dumping of building waste is not acceptable, and they will incur not only a penalty but also the cost of remediation. I also welcome the news about the establishment of a pollution hotline.

Something that struck me during the course of the second reading debate is the wide range of portfolios that is touched by this issue. Mention was made of Bush Forever sites. As I understand it, those sites come under the responsibility of the Minister for Planning. This is also fundamentally an environmental issue, so in many cases DEC officers will be involved. The Minister for Agriculture and Food may also be involved, because there may be a problem of weed eradication, hence the involvement of people involved in biosecurity, or of waste being dumped in state forest. The Minister for Water may be involved, because, as he mentioned, there is a risk associated with the dumping of toxic materials, or indeed shopping trolleys, in our waterways, because that may cause mass fish kills. Local government may also be involved. Ultimately there is also a potential for the police to be involved. A range of portfolios may in some way be touched by this problem of illegal dumping. So it is encouraging to note that stronger penalties will be put in place. But I would like to be assured that there will be some sort of cross-agency responsibility for this area as well. Perhaps a working group should be established at senior government officer level to ensure that there is a sharing of knowledge and an understanding of the responsibilities and powers of officers in investigations and prosecutions, so that this legislation is applied across all agencies. I, like all members on this side of the house, am pleased to support this legislation.

DR G.G. JACOBS (Eyre — Minister for Water) [9.19 pm] — in reply: I will not make a long speech. But I would like to thank the member for Gosnells for his contribution in leading the debate, and all the other speakers in this debate, for giving in-principle support to this very important legislation. I would also like to thank my very patient advisers, who have been sitting at the back of the chamber almost all day: Mr Stuart Cowie, acting director, sustainability, Department of Environment and Conservation; Mr Tim Macknay, senior legal officer, Department of Environment and Conservation; and Josh Harris, policy adviser to the minister. I ask them to also pass on my thanks to Cara Babb, principal policy adviser, Office of the Minister for Environment; Youth.

Extract from *Hansard*

[ASSEMBLY - Tuesday, 16 November 2010]

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Acting Speaker; Mr Chris Tallentire; Ms Lisa Baker; Ms Janine Freeman; Mr Mark McGowan; Mr David Templeman; Mr Michael Sutherland; Mr Bill Johnston; Mr Martin Whitely; Mr Tony O'Gorman; Mr Roger Cook; Dr Graham Jacobs

I will pass on salient aspects of this debate to the minister in the other place. I also thank members for their positive and congratulatory comments to the minister, which I will also pass on, in introducing an important piece of legislation for Western Australia.

Question put and passed.

Bill read a third time and passed.