

**NATIONAL ENVIRONMENT PROTECTION COUNCIL (WESTERN AUSTRALIA)
AMENDMENT BILL 2007**

Second Reading

Resumed from 28 March.

DR S.C. THOMAS (Capel) [4.34 pm]: We are debating some relatively minor amendments to the National Environment Protection Council (Western Australia) Act 1996. According to the explanatory memorandum, the effect of the amendments will be to allow the National Environment Protection Council and its service corporation - which I will get to later - to provide support and assistance to other councils, which is an interesting point; to provide a simplified process for making minor variations to national environmental protection measures; and to require five-yearly reviews of the National Environment Protection Council (Western Australia) Act. This act mirrors the federal act and a number of acts in other states. I intend to go through this process in a little detail. I will first examine the functioning of the National Environment Protection Council - now called the Environment Protection and Heritage Council - and some of its strengths and weaknesses, then look at whether the amendments proposed in this bill are sufficient for the management of that environmental process, and eventually get to those areas of environmental protection that seem to have been missed or neglected under the act and by the government through the proposed amendments, and see whether there are ways in which we can actually improve this process. Although this is a relatively short bill, we will require some explanation of why we have arrived at where we are and how we might make the situation better in future. I advise the minister to settle in; this may take a little while.

The National Environment Protection Council (Western Australia) Act was passed in 1996, but its history goes back further than that. It was first mooted at a Premiers Conference in 1990. In 1990 agreement was reached between the Premiers and the Prime Minister of the day that there needed to be greater coordination for environmental outcomes. A series of negotiations resulted on 1 May 1992 in the Intergovernmental Agreement on the Environment. One always has to be relatively careful about such agreements, because Western Australia is often tied to agreements that, in hindsight, it might have been better off not involved with. I am sure that members will be pleased to know that the agreement was signed off on behalf of the federal government by Hon Paul Keating - which instils us with confidence - and for the state of Western Australia by Carmen Mary Lawrence, which also instils us with enormous confidence. One might doubt that anybody remembers that intergovernmental agreement; I suspect Hon Carmen Lawrence will have forgotten it by now, as she has a relatively short memory. People have forgotten what was involved in this process, how an intergovernmental agreement on matters of environmental management was reached, and how it has gradually progressed to the National Environment Protection Council (Western Australia) Amendment Bill 2007. There are obviously some shortcomings in this bill that go back to the Premiers Conference, the intergovernmental agreement and the 1996 act. That is a rough history of how this has legislation come about. I will refer to both the National Environment Protection Council (Western Australia) Act 1996 and to some degree the intergovernmental agreement, because they are both particularly important documents as the basis for what we are debating.

I turn to the functioning of the National Environment Protection Council. Most people do not understand what it actually does. Members will be aware that the National Environment Protection Council is basically a group of ministers for the environment at state and federal levels, including the territories. I am sure it is a very nice meeting to go to; I suspect it moves around the country to meet. The object of the National Environment Protection Council (Western Australia) Act is -

... to ensure that, by means of the establishment ... of the National Environment Protection Council -

- (a) people enjoy the benefit of equivalent protection from air, water or soil pollution and from noise, wherever they live in Australia; ...

That is an interesting point -

- (b) decisions of the business community are not distorted, and markets are not fragmented, by variations between participating jurisdictions in ... the adoption or implementation of major environment protection measures.

In effect, it is about uniformity. It is interesting to note that people are to enjoy the benefit of equivalent protection from air, water and soil pollution. I wonder whether the people of Esperance would mind if their experience of being protected from air, water and soil pollution was replicated around Australia. I suspect that some of the examples we have seen are not of the highest standard. I suspect that most people would not enjoy the equivalent protection that has been received in Western Australia. I am intrigued because in time there will be a review of this bill. It might even have something to say about the performance of the states and their protection of their environments. That is an important point that I will come back to later. It is important

because various governments down the track might take a centralist approach, and if this state does not pick up its environmental act, it might start to head the same way as the proposals for health, education and a number of other areas. It is of significant importance that this state be held to account for its environmental vandalism over a long period. Those are the objectives of the National Environment Protection Council. The National Environment Protection Council's major role is to develop environment protection measures. Clause 14 of the act provides that the council may make protection measures that relate to the following areas -

- (a) ambient air quality;

We might have some concerns about increasing the level of hydrogen fluoride emissions from the Midland brickworks. I suspect that we are not doing too well in that respect. It continues -

- (b) ambient marine, estuarine and fresh water quality;

That is another area with which Western Australia has struggled. There have been a number of improvements, and I will come back to them later. It continues -

- (c) the protection of amenity in relation to noise . . .

- (d) general guidelines for the assessment of site contamination;

That is another very interesting episode in Western Australia. It is not necessarily all a bad news story for Western Australia as it has developed its Contaminated Sites Act, but we need to discuss that a little further as well to determine how that compares with the legislation in other states. It continues -

- (e) environmental impacts associated with hazardous wastes;

That is an issue that the state has probably struggled with in recent times. I look forward to the release of the report on lead exposure in Esperance, as I have done with a number of reports on the performance of the environmental sectors of Western Australia. It continues -

- (f) the re-use and recycling of used materials;

That is another very interesting topic that I will get to in a moment. The performance of the state in that area needs to be assessed to make sure that our level is relative to that of the other states. It continues -

- (g) . . . motor vehicle noise and emissions.

Motor vehicle emissions are set to a large degree at a commonwealth level. National environment protection measures must comprise one or more of the following: a standard, a goal, a guideline or a protocol. They are designed effectively to tell us how to set a goal and, potentially, how to reach that goal. That is one of the major functions of the council. It can make minor variations to national environment protection measures.

This organisation has effectively been in operation since 1996. I have looked at its budget. It is interesting to see how much state and federal funding is going into this process. That gives us an indication of how seriously both state and federal governments take the National Environment Protection Council. The National Environment Protection Council Service Corporation, which is referred to in section 35 of the act, effectively provides the council's services. How that occurs is a very long and convoluted process. The 2004-05 budget for the National Environment Protection Council was about \$1.36 million. It increased significantly in the 2005-06 budget to \$2.66 million. I do not have the 2006-07 report yet, so I cannot compare those figures. Expenditure in 2004-05 was \$1.31 million and expenditure in 2005-06 was \$1.4 million. Members might note that there was a pretty big discrepancy between the revenue and expenditure. In effect, the National Environment Protection Council had a net profit of about \$1.2 million. It has carried over a surplus of a couple of million dollars from previous years. Why would a representative body, which would meet relatively infrequently, need to run a surplus? Was it expecting to increase its work rate? We might be interested to know about the outcomes of this process. The Western Australian contribution to the National Environment Protection Council has gone up. In 2004-05 it was \$55 354 and in 2005-06 it was \$108 382. The contribution has nearly doubled, but the major increase was from the federal government, which has gone up from \$761 000 in 2004-05 to \$1.55 million in 2005-06. Again, that contribution has doubled. On a base level, it is significantly more. I will be intrigued to hear the minister at the appropriate time discuss exactly what we get for our money in that process. Interestingly, the core operating expenses of the council are \$926 000. There are additional expenses associated with projects that I will get to in a bit. However, of that amount, \$670 000 is for wages. Interestingly, the executive officer of the council earns \$160 000 to \$170 000 a year, which is not a bad little earner. I suggest that it is a relatively significant wage. I would expect the performance of this body to be very high.

Let us look at the outputs of the National Environment Protection Council. As I said before, its major role is the production of national environment protection measures, or NEPMs. Seven measures have been made since 1998, although the bill was passed in all states of Australia in 1996. It took a little time to make the first

measure, and that is fair enough. At this stage there is not an enormous amount of throughput. The ambient air quality measure was made in 1998. The council tried to set uniform air quality standards across Australia. A review of that NEPM was conducted in 2003. I will come back to that matter in a moment, because how air quality is measured and how the measuring devices are set have been neglected on occasions by the Labor government. I will go through some of those failures in more detail because they may give an indication of how we might improve the performance. In 1998 a national environment protection measure report was done on the movement of controlled waste. I am sure that the Minister for the Environment will be able to tell us more about that because I suspect that it might be relevant to the transport of nuclear materials. I am sure that the NEPM on controlled waste might have mentioned that matter. I hope that the minister will provide a brief run-down on that also.

I will move on. The site contamination NEPM was released in 1999. In June this year the full council agreed to review the site contamination NEPM. That is very timely, given the implementation of the Contaminated Sites Act in Western Australia. As a small digression that relates to the matters we are discussing, I inform members that the Contaminated Sites Act will be an interesting development for the government of Western Australia. I do not think that the government has realised exactly how many contaminated sites in Western Australia will have to be dealt with over the next decade. The Contaminated Sites Act will catch an enormous number of sites that nobody realised would take the level of mitigation that will be required.

I will refer briefly to landfill sites. Landfill sites near the water line in particular are ticking time bombs. Anybody who has a history with local government, such as the Acting Speaker (Mrs J. Hughes), will understand that the management of those sites is an extremely complex matter. New landfill sites are required to be lined. Some sites are single-lined, others are double-lined and some have a clay base. Various forms of lining can be used, particularly for the landfill sites that are close to the watertable, to stop contamination drifting from the landfill site into the groundwater supplies. I will raise another issue with regard to groundwater later. The Contaminated Sites Act will catch a large number of problems because there are very few lined landfill sites around Western Australia. How will the government manage the landfill sites that are close to the watertable? Even now they are probably leaking contaminants into the groundwater around the south west corner of Western Australia in particular. It is an enormous issue. Interestingly, if a landfill site is active, even though it must be registered under the Contaminated Sites Act, nothing is required to be done about it until the landfill site is closed. Therefore, if a landfill site is functioning and is a major contamination issue, under the Contaminated Sites Act, the owner of the site has a vested interest in keeping it going for as long as possible because it puts off the time when the owner will have to bite the bullet and begin the remediation process. The remediation process will cost this state hundreds of millions of dollars because many landfill sites are sitting on watertables in the south west land division.

Mr G.M. Castrilli interjected.

Dr S.C. THOMAS: That is another issue that I will raise in a minute. Who is checking what is going into the landfill? There are landfills in this state that are being kept open. Unfortunately, the biggest loser will probably be local government. Local governments are stuck in the process. They are trying to do the best they can. In many cases they do not have the wherewithal to pay for the rehabilitation and mitigation that will be required to manage those sites. I am aware of some local governments in the south west that will have that problem. Some of the local governments are keeping open sites that are contaminating groundwater on the basis that they cannot afford to close them down. Who will have to foot the bill at the end of the day? It will be the state government of Western Australia. Unless I see something in the National Environment Protection Council's activities that suggests that the federal government will contribute to it - I am looking for a lot of fairy dust to make sure that occurs - the state government will be slugged hundreds of millions of dollars.

Mr G. Snook: He will have a bit of pixie dust and it will be all done - more like a bit of bulldust!

Dr S.C. THOMAS: I am not sure where that is going.

That will be a massive issue for the state. Local governments across the south west will struggle with what to do with the landfill sites. In all honesty, I must give some congratulations because the Contaminated Sites Act has picked up this issue. It has made the people who are involved in the industry very aware of it, which is a plus. Unfortunately, the government has buried its head in the sand on this issue and is not dealing with the process. It has been suggested that the next round of annual reports will be the first round of annual reports that introduces the concept of the Contaminated Sites Act and the compliance costs that might go with that. I will read all the annual reports across the board this financial year because I expect that some massive compliance costs will be set aside in the future to deal with many of those contaminated sites. It is not only local government that will have to deal with it. The Water Corporation and wastewater treatment plants face exactly the same issue, as does the private sector. The government has looked at this and decided that it will concentrate on the private sector

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because the private sector will have to stump up the money to fix the sites. We have yet to see the government put aside money for the government-controlled sites. I have a grave concern that local government will be hung out to dry on this issue. Local governments will be unable to afford to mitigate the landfill sites that are under their control and the state government will say that that is too bad. It will cost millions of dollars to mitigate some of those local government sites. If there is an unlined site sitting anywhere near the watertable, the local government must pick up the landfill and then find somewhere to put it. It cannot be just left where it is. That is a problem with the Contaminated Sites Act. The issue that has not been addressed regarding all contaminated sites is where the wherewithal will come from to mitigate those sites. That is a key concern. It is a major concern that the government has hundreds of millions of dollars of activity that is unfunded and unbudgeted for because nobody has got to that process yet.

I will read some of the NEPM reports. The NEPMs are to come out of the National Environment Protection Council. The acronyms might make things a bit confusing, but I will try to minimise the confusion. In 2001, the NEPM reported on diesel vehicle emissions. Again, it has been agreed that that report will be reviewed in April 2007. In June 2000, the NEPM reported on the National Pollutant Inventory, which deals with emissions into land, air and water. That is an extremely interesting issue, and I will spend some time dealing with it. Once again, the performance of Western Australia will need to be assessed in relation to emissions into land, air and water. I could make some cheap political mileage out of the Esperance lead contamination, but I suspect that, because of the performance of the government, there will be enough of that on Thursday to last all of us for some time. Therefore, I will talk about that at a later date. I will talk briefly about emissions into water. I spoke earlier about contaminated sites and the heavy metals and other contaminants that are leaching into the groundwater. The contamination of groundwater by herbicides and pesticides is a matter that might even concern the Acting Speaker's electorate in the local government areas of Joondalup and Stirling, in particular, but also some other areas. That is an enormous issue. For the information of members who do not have seats in the plush northern suburbs, I suspect that the Acting Speaker is aware of some of the processes.

The groundwater tables in the northern suburbs vary significantly, but there is an enormous amount of run-off in that area. The superficial aquifers in the northern suburbs refill relatively quickly. I refer, for example, to the Gnangara mound. The northern suburbs have a number of sinkholes, which are effectively sumps. Basically, sinkholes are areas that contain highly porous surface materials. The sinkholes collect water in heavy rains and the material gradually ekes its way down into the superficial aquifers. It is not like the situation with the Yarragadee, in which it takes thousands of years for material to get to the bottom of the aquifers. As a result of the sand in the northern suburbs, the run-off moves into the superficial aquifers relatively quickly. In a number of places those sumps are difficult to maintain. They are basically big holes in the ground with a fence around them that tend to collect weeds relatively quickly. There are fast and slow ways of removing those weeds. Local governments, which have responsibility for the sumps, have a contract with people to control the weeds, and those people spray them. For convenience, a number of chemicals have been used in those sprays and they have caused enormous damage. I will mention some of the chemicals that have been used. In particular, hexazinone is one that members should be aware of. It is a powerful herbicide that is banned in a number of places around the world. In combination with diuron, it acts as a fertiliser. Members may be aware that diuron acts as a wetting agent. It has a synergistic effect. That combination is a potent herbicide mixture. Over time, the trees nearest the sumps have died. At last count, approximately 8 000 trees in Perth's northern suburbs had been killed. Everybody is embarrassed about what has been going on. The government has announced an inquiry into the matter. However, I hear that it is struggling to establish the terms of reference for that inquiry. I am a bit concerned that nothing will happen. The Department of Environment and Conservation is looking into the matter. In fact, it has already released a number of reports. I will not name the individuals involved. If the government is interested, I can find those reports and refer to them. They suggest that the chemicals used have done enormous damage. Our groundwater has been contaminated, particularly in the northern suburbs of Perth. That contamination is not killing only trees near the sumps. Given that the sumps are in collection areas, they can be found around, near and sometimes within parks. Some of the old tuarts that have been alive for 300 years are dying because of the herbicides that are contaminating the groundwater. That is an issue in the northern suburbs of Perth that we should be talking about, and that is before we deal with the potential health issues for not only those who take water from superficial bores to put onto gardens, but also their kids who play in those gardens.

These issues are all speculative; there is no evidence to suggest that health issues have occurred because of that contamination. However, thousands and thousands of trees are dying. Those responsible for the problem are sneaking in, knocking down the dead trees and planting smaller trees in their place. Unless we change the program and the sprays, when the tap roots of those trees get big enough to reach the groundwater, the same thing will happen all over again. There must be a review and it must be done as a matter of priority and urgency. That is not occurring. The minister should give a brief ministerial statement about this matter. What links

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prevent this government from doing that? A Corruption and Crime Commission investigation into this process has been going on for a number of years. However, it is bogged down because the CCC has far more exciting matters to investigate. What is going on? Does the government have links with the City of Bayswater council? That is what the CCC was investigating. Is this another example of the Labor Party's seedy ties getting in the way of good environmental and other outcomes? Is this another hint of the corruption that has occurred and that continues to occur? We need to have answers and we need them now. That is an issue that relates to the National Pollutant Inventory and the national environment protection measures of June 2000.

There are other chemicals in Western Australia's groundwater that must be looked at. I have not started on atrazine. Although it is banned in other countries around the world, it is still not banned in Australia. One of the difficulties is that the ability to test these chemicals is not as easy as one might think. It is not a matter of taking a water sample to one's local Department of Water office. A limited number of labs can test for residual levels of these chemicals. To a large degree, when it comes to the contamination of air, soil and groundwater in Western Australia, it is a matter of do not look, do not find. Something must be done quickly.

The air emissions record of both the Gallop and Carpenter governments is remarkably average. It would be good if the National Environment Protection Council considered the performance of the states. A previous environment minister - there have been a few in the past couple of years - increased the amount of hydrogen fluoride emitted into the atmosphere. There was a five-fold increase in the emission of hydrogen fluoride. The role of the NEPC, through its air quality program, is to properly monitor air pollution. The government has fallen on its tail in terms of its monitoring. A five-fold increase in the emission of hydrogen fluoride was allowed and endorsed by a previous Labor environment minister. Under that minister's watch, the monitoring program that went along with the measuring of hydrogen fluoride was eliminated. The government not only allowed a five-fold increase, but also, when the monitoring stopped, nothing happened. I suspect that that is part of the problem - the monitoring has disappeared. I suspect that we might read about the same problem on Thursday when we read the report about the lead in Esperance. The ability to adequately monitor emissions in Western Australia, whether we are talking about water, air or soil, has fallen away, and that is a problem that this government must address as a matter of high importance.

The Department of Environment and Conservation is struggling to maintain its number of officers. It is suffering from a crisis of confidence. Perhaps that is a crisis of confidence in the government, which would probably be warranted given the government's performance. The department is failing to keep staff long term. It is difficult to secure and keep good environmental staff, because the mining sector has a lot more money to offer them. They are enticed to move into the mining sector. Department of Environment and Conservation employees have a crisis of confidence in the government, because pollution in Western Australia is not being adequately monitored, which has resulted in the problems that have been experienced in Esperance. That is a failing of the government.

The site contamination NEPM was released in 1999 and there is agreement to review it in 2007. Unfortunately, the air toxic NEPM of April 2004 did not deal with hydrogen fluoride, which is a shame, because its release occurred during the period of the Gallop government; that is when much of the damage caused by hydrogen fluoride was done. It concentrated on other chemicals. Formaldehyde is a topical chemical. Members would be aware of concerns about formaldehyde coming into Australia via imported clothing. Toluene is another chemical mentioned in that report. The report that dealt with chemicals of concern missed some of the ones that Western Australia was dealing with. I think we have just about finished dealing with them all.

The other one is the used material packaging national environment protection measure of July 2005. Its purpose is to encourage recycling, particularly of packaging. There are some concerns with that also. Members will be aware that the Amcor paper recycling factory in Perth has been closed, and now most of that recycled material is sent to Sydney. It is difficult to argue against that because, in effect, the paper and cardboard was collected here and processed, then put on a truck and driven to Sydney where it was mostly used as packaging from Sydney to Asia. The company decided it was more economic to put that cardboard on the truck in Perth, take it to Sydney and put it through a larger, more efficient plant that is operating in Sydney. The cost involved and the relatively small volume that Western Australia contributes means that, to a large degree, it is not economically viable. Unless some sort of subsidisation program is introduced, it is likely to be more cost effective to process material in Sydney. Glass from Perth is already recycled in Adelaide on a regular basis and, as I said, recycled packaging now goes out through Sydney to Asia. The effectiveness of used material and packaging is a concern. Some of that stuff is more related to commercial activity than it is to government policy.

Mr A.D. McRae: What did you say about glass?

Dr S.C. THOMAS: Glass goes from Western Australia to Adelaide for processing.

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Mr A.D. McRae: The unit in Canning Vale closed two years ago. One of the reasons was they could not get a sufficiently high quality supply out of Western Australia's very low recycling rate.

Dr S.C. THOMAS: It is because of that and the overall size, as I mentioned.

Mr A.D. McRae: Absolutely.

Dr S.C. THOMAS: Both of those are issues that impact on recycling. One more NEPM issue that I have not mentioned is a product stewardship proposal that is under development. I am intrigued to see how that will come out because it might relate to things such as container deposit legislation.

Mr A.D. McRae: Are you in favour of that?

Dr S.C. THOMAS: I will debate that when it comes up.

Mr A.D. McRae: Are you generally in favour?

Dr S.C. THOMAS: I can speak for 10 minutes on the pros and cons and give the member for Riverton an answer, but I will not give him an answer on the pros and cons of the process in 10 minutes that I do not have.

Mr A.D. McRae: Generally, do you have some sympathy for it?

Ms J.A. Radisich: What is the vibe?

Dr S.C. THOMAS: I am not modern enough to have a vibe! Men of my generation have a gut feeling; we do not have vibes!

Mr A.D. McRae: Seriously, what is your gut feeling? I am generally sympathetic towards it.

Dr S.C. THOMAS: I am happy to talk to the member for Riverton afterwards about the pros and cons of it.

Mr A.D. McRae interjected.

Dr S.C. THOMAS: You will have to protect me, Mr Acting Speaker (Mr A.P. O'Gorman) because I am a frail -

The ACTING SPEAKER: The problem with inviting interjections is that, when the member does not want them, members still make them. If he does not invite them, members probably will not make them. I ask the member for Riverton to let the member for Capel get on with his speech.

Dr S.C. THOMAS: I do not remember inviting any, but that is okay. I will continue because there are some important issues to be faced that should or could have been picked up by the National Environment Protection Council. There are also some concerns about the functioning of the National Environment Protection Council that we need to discuss, particularly in relation to the amendments, some of which are quite simple. The original act, from memory, contained provision for a five-year review of the NEPC act and its operation, but nothing further from that. It originated from a 1992 ministerial agreement. Obviously, no mechanism was included to ensure a further review after the first five years. It seems reasonable for a further five-year review to be undertaken. I will get to the other amendments in a minute.

A number of issues concerning the development of the NEPC, I guess, point out some of the failings of the current government's activities, which could be included in a national environment protection mechanism of some sort, perhaps as part of the council's agreements. If they are not included at this stage, they should be. We need to be careful that the federal government does not use this legislation as an opportunity to cherry pick environmental issues that it wants to get involved in, and leave the rest for others. It needs careful negotiation. It is quite right and appropriate for the federal government to involve itself in environmental outcomes, but it should not get involved in day-to-day environmental management. It does not have the resources to do that. To do so, it would have to take over the various departments of the states and territories. In this case, that would simply move the decision-making process from Perth to Canberra. I cannot for the life of me see how we would necessarily gain good environmental outcomes by removing the decision-making process as far as possible from the activity on the ground. That is something we must be careful about, because it does occur. We would not like to see that occur constantly. I have a particular passion in that direction. We need to make sure that decisions are made as close as possible to the people. That is the experience and the joy of local government, of course. Local governments are generally closest to the people and they maintain decision making at the local level. I would like to see that continue as much as possible for environmental outcomes. I do not believe that for the most part, Canberra, whether it be government or bureaucracy, is in a better position to make environmental decisions for the benefit of Western Australia than we are in Perth. That is an important point to note.

I will talk briefly about one of the functions of the NEPC, which is to look at waste management and recycling. Let us talk about the uniformity of waste because, interestingly, the state government has increased the waste management levy in this state to be closer to that in other states. In Western Australia it has increased from \$3 to \$6 a tonne and will increase to \$9. From memory, the New South Wales levy is about \$27 a tonne. It has increased significantly. Most people across Australia recognise that some issues will arise with the dealing of waste and that the levy has been too cheap in the past. There are some real concerns about the levy. The first is that the money needs to be used in the most effective manner. It must be put back into the management of waste. I want the government to consider two things: firstly, government policy is aimed at zero landfill. I raised earlier the issues concerning contaminated and landfill sites that will cause great problems across Western Australia. That is a very important fact. However, properly selected landfills, particularly lined and double-lined landfills, in appropriate places will end up being environmental positives rather than environmental negatives. In landfill sites now, energy is being generated from the breakdown of the landfill material and methane and propane is being taken out to produce energy. There will be positives. Zero landfill will probably be both an environmental and financial impossibility. We will simply be left with an ideology that I do not think we can follow. Ideologically, there will be problems trying to achieve zero landfill, and that is a concern. Properly placed landfill will be an important part of the future of Western Australia. That needs to be reflected in what happens at a federal level and across the entire NEPC process. The issue is that the money that comes from the landfill levy should be, and was originally designed to be, spent in two areas: firstly, to assist and promote recycling and to assist the people who are involved in recycling; and, secondly, to assist and promote research into the best way to manage it. Since I have been a member of Parliament, that process has stopped. This government is now doing what a lot of governments, presumably Labor governments, have done in the past; namely, using this fundraising process as an exercise in manipulation to provide the outcomes it wants. It can become a photo-opportunity fund rather than an environmental outcome fund. That is a concern with this particular fund. Hopefully, the minister can tell us that some money is finally flowing back to the recyclers. However, today that is a rare event, because the minute it went from \$3 to \$6, the levy and the fund simply increased. The levy was being spent on staff for the Department of Environment and Conservation, while at the other end the fund was building up. I am told - perhaps the minister can confirm this or repudiate it - that there is in excess of \$20 million sitting in that fund. That fund needs to be spent on recycling programs in Western Australia.

Re-use and recycling issues are not being addressed, the results of which can be seen in the South Metropolitan Regional Council. Ostensibly, it is a good unit, trying to enhance recycling. I applaud the SMRC and the people who work there for trying to do the right thing. However, for a number of reasons they are struggling. A major reason for their struggle is that they are trying with leftover money, from a local government perspective, to run an adequate re-use and recycling program. This is a major unit that takes the waste from five local governments in the south west. Nobody doubts the original ideals behind building the Canning Vale Regional Resource and Recovery Centre; however, it was not built to specification and it has not been able to do the job, particularly in containing the odours. Interestingly, the issue of odours comes under air pollution, so we are reworking that issue again. However, that group, trying its best to get into recycling and make it work, has been largely neglected by the state government. The Department of Environment and Conservation has removed its operating licence, given it back again, and shut it down for two weeks. What did that gain? Did it fix the odour emission problem? There have been some improvements, but the odour emission problem has not been fixed. The DEC has been unable to do so and the government needs to take a hand. The government needs to inject sufficient finance to fix the problem once and for all. At the moment this government is playing the blame game. That is a shame because the minimisation of waste is an important process.

The second problem with this issue is the biological waste by-product associated with the process. It is in effect a fertiliser. It does not contain a high degree of nutrient; however, it is not a bad source of carbon. Although a relatively good product that increases the carbon in soil by a significant amount, it is, unfortunately, not a saleable product, because when a farmer uses a highly soluble fertiliser, his pastures boom and he thinks, "I have a good result." However, when that same farmer uses a carbon-based fertiliser, his pastures get just a little boost. It takes many years for the carbon to accumulate in the soil to get the sort of boost that results from the single application of highly soluble phosphorous or nitrogenous fertilisers.

Mr G. Snook: So the farmer is not going to use it.

Dr S.C. THOMAS: So the farmer is not going to use it. We cannot give this stuff away! The government needs to look at this process, take the bull by the horns and find out what this product can be used for. It could potentially be used as a fertiliser. However, it will take six or seven years of constant use to see a positive result and in the meantime the government may have to subsidise the process. The government is not looking at potential alternatives. We should be looking at what else we can do with that fertiliser. This is a six-ring carbon chain - a basic form of life. As human beings, members might not like to think that they have the same chemical

composition as garbage, but they do. Some of us have simply progressed a bit further from the garbage bin than others - but I will not go there! We have the same sort of six-ring chemical structure.

The options include burying the material. However, the biological carbon base breaks down and the carbon comes off, producing greenhouse gases that can be harvested. This happens in landfill sites all the time now. We harvest the breakdown of the carbon and produce CH₄ - or a carbon ring, depending on how many carbons are put together - as well as methane, propane and all of those gases that provide energy. This can be done. The carbon material can be used as a fuel source. It is already used as a fuel source in some of the power-producing countries around the world, including Western Australia, where carbon-based energy sources are mixed with coal. That is the sort of thing this government could do to add value to the product without demanding that farmers put it on their soil as a fertiliser, when the farmers are not going to do it. The landfill levy needs to be spent on that sort of vision, not just accumulated or spent on the wages of who knows what - perhaps a couple of spin doctors employed to assist the Minister for the Environment. However, once again, the government is dithering on environmental outcomes and that is a real concern.

I am going to run out of time, because there are a whole heap of environmental issues that come out of this bill, but there is one that I would particularly like to look at now, and it relates to the first of the documents that resulted in the National Environment Protection Council, and that is the first intergovernmental agreement that came into effect on 1 May 1992. I refer members to clause 1 of schedule 6, "Biological Diversity", which, along with biosecurity, are major concerns and which are both major failings of this government. Members should not get me wrong: they are not just a failing of this government; other governments have failed to address the issue of biosecurity.

I might digress just briefly to refer to the equine influenza outbreak. Much has been said about that outbreak and our biosecurity failure. Members would be aware that horses coming from overseas are quarantined on arrival in this country. The problem occurs in the quarantine station, because there is not an absolute quarantine between animals and between people and animals. The disease is spread by contact with human hands or clothing and bits of gear. This is a biosecurity problem. The only way to keep equine influenza out of the country is to close the border. I believe that was called Fortress Australia at one stage. Closing the border is the only way the government can prevent disease coming in. If we do not do that, it is not a matter of if there will be a breakdown in the biological controls but rather a matter of when that breakdown occurs. That is a concern, because the breakdown will eventually occur in the same way that we are now talking about the breakdown in the control of equine influenza in the eastern states - which I suspect is already too far gone to control. The disease will probably become endemic, as it has in many other countries in the world. There is probably time for one last-ditch effort to try to control it, but this is still a national emergency. However, in Western Australia we have managed to fluke it and none of those horses came here carrying a virus. What do we do? Do we shut the border down? People will still want to bring horses in and out of the state. If we shut the border, it will prevent mares going east to be mated for breeding purposes. If this government shuts the border, people will be screaming for it to be reopened in the same way that the federal government had people screaming to open the border because the equine sector could not bear the restrictions being placed on it. The same thing will occur in Western Australia. The outcome will be interesting. I suspect that equine influenza will get into the state. It has already escaped and if it becomes endemic in the eastern states, somebody will eventually bring it in. If it does become endemic in the eastern states, the long-term chances of keeping it out of Western Australia are almost zero. I suspect that when the disease arrives, the calls will come relatively soon to let it in and be done with it. Western Australia will live with it the first year and then live with it being endemic.

Mr J.E. McGrath interjected.

Dr S.C. THOMAS: No, not down in Kalgoorlie; it will be somewhere up here in Perth - South Perth would be a good spot! Those calls will be made, Mr Acting Speaker.

The National Environment Protection Council, which is now known as the Environment Protection and Heritage Council, should be but is not looking at the issues of biosecurity and biodiversity. The Intergovernmental Agreement on the Environment highlighted these serious and significant issues and the NEPC was supposed to be the mechanism by which Australia would deal with the process. That has been lost, which is a real shame. Issues of biosecurity include cane toads in the north, starlings in the south, and weeds everywhere. I have not yet found the appropriate weed to send to the current minister.

Mr D.A. Templeman: The appropriate what?

Dr S.C. THOMAS: The appropriate flowering weed; I sent one to one of the minister's predecessors. The problem is that the minister's birthday is in November, and not many weeds flower at that time, so I am struggling to come up with the appropriate birthday gift for the minister.

Mr D.A. Templeman: Can't you preserve one, and keep it for me?

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Dr S.C. THOMAS: They are never the same frozen, but I am working on something for the minister for this year.

Several members interjected.

The ACTING SPEAKER (Mr A.P. O’Gorman): Order!

Dr S.C. THOMAS: Thank you, Mr Acting Speaker; we digressed a bit. Interestingly, someone yelled out the name of a plant that is actually a weed. It has not escaped anywhere that I am aware of at the moment, but it is on the list of weed plants.

Mr G.M. Castrilli interjected.

Dr S.C. THOMAS: No, it was not that particular weed. Send him an arum lily.

Unfortunately, I have run out of time and I do not have the time to go through more of the failures of this government in its environmental responsibilities. Some of the corrections that this bill makes are very modest; it could have gone much further in improving the National Environment Protection Council. I do not mind five-yearly reviews, but let us make them actually say something. Let us have an assessment of the performance of the NEPC and all the national environment protection measures it produces to see whether they have any real value. It is a personal bugbear of mine that all these ministerial councils and other groups can have a nice little talkfest without any action at the end of the process. I would like to see the five-yearly reviews looking at the outcomes of this process and deciding whether the whole damned shebang is worth it. I would like to take a long look at the outcomes of national environment protection measures. Most importantly, are national environment protection measures actually protecting the environment? In relation to measures referring to discharges into the environment, I have given major examples of pollution and environmental damage that have occurred under the purview of the government, and the NEPM, as far as I am aware, has not been brought into play. We must examine the value of this group. That is something the five-yearly reviews can hopefully address.

Another point of the bill is to provide a simplified process for making minor variations. I would have thought that that is an obvious point, and I cannot see any point in making the bureaucratic process of producing NEPMs more difficult. Minor variations, such as changing the allowable level of something this government is allowed to contaminate the environment with, like hydrogen fluoride, from two grams per second emission to 1.5 grams, should be able to be made without going right back through the ministerial council. I think, from memory, the full council gets together only once a year for a bit of a love-in.

Mr D.A. Templeman: Twice a year.

Dr S.C. THOMAS: A twice-a-year love-in - twice as much love as I thought!

Another point is to allow the National Environment Protection Council Service Corporation to provide support and assistance to other ministerial councils. Theoretically, that sounds good enough. It must be asked whether that is a requirement. It is spending roughly \$1 million a year producing a report every year or two. Is the outcome of that process adequate? Who is looking to find out whether these things are really needed and whether, once they are established, they are performing as they are required to? The opposition will not oppose the bill.

Mr D.A. Templeman: You’re not?

Dr S.C. THOMAS: No; we just thought we would give the minister a bit of advice.

MR A.J. SIMPSON (Serpentine-Jarrahdale) [5.35 pm]: I will speak on the National Environment Protection Council (Western Australia) Amendment Bill 2007. The environment is a very crucial part of today’s society and the issues surrounding it must be looked at very hard. The thing that concerns me is that, in my electorate of Serpentine-Jarrahdale, there is large-scale construction of new houses both in the township and south of it. The place has turned into a large sandpit with the new houses being built. I get up in the morning and go for a walk through the new housing developments and am constantly amazed how much waste there is in the process of building a house. I do not think we have actually captured that process in legislation. Whenever governments look at placing any sort of restriction on the building process, there is always a backlash from builders saying that it will add to the cost of building. We need to change the way we think.

Earlier this year, the government ran a program called Beat the Peak, when it could not support the growth in power consumption. Like many members, I was bombarded with letters from constituents arguing that the government should be able to provide enough electricity, and so forth. What amazed me, however, was that a couple of months after that a program was launched calling on people to turn off the lights on Wednesday nights to save two and a half tonnes of greenhouse gases, and people rushed to get involved in that process. When

people are asked to conserve electricity for the sake of the environment, there is no problem, but when they are asked to do it to reduce power demand, there is a problem. People's perspectives on that kind of issue are interesting. Change is happening, and we understand now more than ever the importance of looking after the environment and fixing environmental problems.

An issue the minister raised a few months ago was the front lawns of new houses. I agree with what he was talking about. When I walk through a brand new subdivision, I see houses being built on blocks smaller than 600 square metres with front gardens the size of postage stamps. Instead of putting in gardens, the owners are growing front lawns that will have limited use. They look great, but we must wonder whether this is something else we need to consider. Like many other things, there is a need to change our culture, and ask ourselves why we do things. However, there is no way I would expect people to rip out their front lawns.

Another problem with new houses is that few people put much thought into the solar orientation of their houses. If houses were designed with the living quarters facing north, a considerable amount of money could be saved on heating and cooling. However, because of the notion of so-called sustainability, which involves cramming houses onto 700 square metre blocks and trying to fit as many houses as possible into a given area, with minimal public open space so that developers can extract the maximum profit out of the land, that does not happen. Another thing that amazes me is the number of houses that have black roofs and, on the outside, big three-and-a-half horsepower reverse-cycle air conditioners. This is something that a lot of local governments could look at. Any attempt to change is always met with a reaction. Some people will say that they have a right to choose to put black roofs on their houses. It is their choice, but in Australia's hot and dry climate, black roofs absorb more heat. Construction style is another issue. We seem to be hell-bent on double-brick houses, but it has been proven that it is possible to build just as well with brick veneer, or single brick with stud walls. However, people do not like to build houses like that because they are not seen as quality housing. It is all a perception thing. In the eastern states, that is all they build, and everyone accepts them. They say that it is not so much the house as the location.

I will move to other environmental issues. The Cardup landfill is located in my electorate. It has been going for about 12 years, and has six or seven years of life left in it. One of the cells has been filled, and the first cell is in the process of being joined to the second cell, which is called a modified footprint. There has been a lot of concern in the community because it has been built in an old shale pit that has had the gravel removed. There have been concerns that the rubbish tip is leaking and so forth. I have independently tested the water in the bores and have yet to find any proof to back up that claim. That does not prove that the tip is not leaking; it is just that I cannot find the proof that it is leaking. I have visited the tip many times and looked at how it operates, and I am quite convinced that it is running as efficiently as possible. However, the community is concerned that the tip is leaking and it is concerned about the impacts of the site. However, I cannot find any proof that it is leaking.

I live in the real world and, like everybody else, I put my wheelie bin at the front of my house every Tuesday morning and I expect it to be emptied. If it is not, I ring my local council and ask what has happened. I have to accept that in the real world, we all put out our rubbish and we are all part of this process. Putting rubbish in a hole and burying it is not the best solution. The member for Capel spoke about the Regional Resource Recovery Centre, which is on the northern edge of my electorate. That centre is turning all the rubbish into compost, but the downside is that the centre is 400 metres away from houses and the odours from the centre are driving the people who live there insane. We have two options: the first is to put the rubbish in the ground and bury it, and the second is to turn it into compost. The government must look at this issue. I always take a rational approach and think about how I would fix the problem if I were in government. It is an interesting issue. I believe that the RRRC is doing a fantastic job of turning rubbish into compost, but I am not totally convinced about the process. There has been a lot of talk about the Bedminster system. My research indicates that these facilities have been closed down and alternatives have been found to dispose of rubbish because the system does not work, but that is another issue. The compost that is generated from the rubbish is three or four per cent glass, so there is a problem with using it in fertiliser. On the plus side, the first cell at the Cardup site has been filled and holes have now been bored and methane gas is being sucked out to be turned into power. About 3 500 houses are being powered from the first cell. When the tip is finished, it is estimated that the methane gas will generate power for between 5 000 and 6 000 houses for the next 10 to 15 years. That is the positive side of it.

The community is concerned about the effects of the tip on the area. Again, I cannot find any proof that it is causing a problem. However, my concern is who will do the monitoring and who will check that all the leachate has been sucked out of the bottom of the tip and so forth in 10 or 15 years when the cap has been sealed. There are some issues that must be addressed. As I have said, I live in the real world and my rubbish bins have to be emptied. There are two types of tips. One can turn the rubbish into compost. The government has said that there will be no more landfill sites in the state, which is great. The member for Capel said that the RRRC has

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funded five local governments to the tune of \$70 million. It has taken the bull by the horns and has decided to invest in this technology to turn rubbish into compost. At the end of the day, the state government charges a levy for every rubbish tip, and some day the government will have to take responsibility for this issue. All rubbish tips come under the responsibility of the Minister for the Environment.

Those are the two issues that I wanted to put on the table. Concerns about the environment are growing every day and they must be recognised. We have to deal with the processes in the community and make the environment a safer and better place in which to live. We must also help to regenerate the environment. We have seen the effects of climate change and so forth. The member for Moore spoke to me the other day about the lack of rainfall in the wheatbelt area near Dalwallinu, which is where my family has a farm. It is a drying climate and those areas are struggling. Saturday's *The West Australian* referred to the haves and have-nots of the wheatbelt. The environment is an important issue to everyone in our state.

DR J.M. WOOLLARD (Alfred Cove) [5.44 pm]: When the minister gave his second reading speech on the National Environment Protection Council (Western Australia) Amendment Bill 2007, he explained how Western Australia has contributed and will continue to contribute to establishing national environment protection standards through its involvement with the National Environment Protection Council. The National Environment Protection Council comprises environment ministers from the Australian government and from each state and territory government in Australia. It was established to ensure that Australians are protected from air, noise, water and soil pollution and that business decisions are not distorted and markets are not fragmented by variations in major environment protection initiatives. The chairperson of the council is the federal Minister for the Environment and Water Resources. The chairperson and each minister have equal voting power. Decisions can be made only with a two-thirds majority. It is very interesting that although the Australian government contributes 50 per cent of the funding for the National Environment Protection Council, it does not have the power of veto. This body could be fairly active on behalf of the states. It was created as an outcome of the Intergovernmental Agreement on the Environment that was reached at a special Premiers Conference in October 1990, and it came into effect in 1992. In fact, schedule 1 of the act refers to the Intergovernmental Agreement on the Environment. The agreement was signed on behalf of Western Australia by the then Premier, Carmen Lawrence. The intergovernmental agreement covers several areas, including the principles of environmental policy. The parties agreed that the development and implementation of environmental policy and programs should be guided by set principles, such as sound environmental practices and procedures as a basis for ecologically sustainable development. That "buzzword" goes back to 1990. This agreement was to benefit the Australian people and environment and the international community.

Dr S.C. Thomas interjected.

Dr J.M. WOOLLARD: I will come to that, member for Capel.

The agreement states that the parties considered that strong, growing and diversified economies can enhance the capacity for environmental protection. The agreement also refers to the precautionary principle, intergenerational equity, and the conservation of biological diversity and ecological integrity. It goes on to refer to the application principles. The act was to be reviewed every three years. I note that it will now be reviewed every five years. The agreement also refers to resource assessment, land use decisions and approval processes. Another part of the schedule details fairly clearly the environmental impact assessments. It also refers to environment protection measures. A lot of people were well informed about these areas in 1990. The agreement also refers to biological diversity, the National Estate and World Heritage. It is interesting that in the 1990s the environment and heritage were considered together. At one stage, this Parliament had a minister with the portfolios of environment and heritage. Heritage now comes under the Minister for Housing and Works. That might explain why we are seeing very little done to preserve our heritage buildings. I have previously mentioned in this house that there is a conflict of interest between those two portfolios because if the Minister for Heritage was to maintain heritage buildings, the funding would have to come from her other ministerial portfolio of Housing and Works. That is probably why so many people are very unhappy with what the government is doing with Donnelly River.

I am sure that the current minister has looked at schedule 5 of the National Environment Protection Council (Western Australia) Act 1996, which is headed "Climate change". The act states -

1. The parties acknowledge the potentially significant impact of greenhouse enhanced climate change on Australia's natural, social and working environment, as well as on the global community and global environments. The parties accept and support the need for Australia to participate in the development of an effective international response to meet the challenge of greenhouse enhanced climate change and note Australia's participation in the development of an international convention on climate change.

2. The parties note their endorsement of the decision to adopt an interim planning target to stabilise greenhouse gas emissions . . .
3. The parties reiterate that a National Greenhouse Response Strategy based on the interim planning target must include positive measures for:
 - limiting emissions . . .

Several times in this house we have asked the Minister for Climate Change what is happening with climate change. It is interesting that this bill has come before the house. I am sure that I am not the first member to look at this act for the first time since it came to Parliament in the 1990s. Successive ministers have held the portfolios of biodiversity, climate change, heritage and the national estate. What has been done in the area of climate change? We keep asking the minister when he will put climate change on the table. When will we debate in this house all the government's promises on climate change? We continually hear that Kevin Rudd will act on climate change, although we have not heard much about it recently. We know what the Rudd government would do in Tasmania.

Several members interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, members!

Dr J.M. WOOLLARD: I am not sure why members are getting excited. I am just talking about this bill. Since 1990, our ministers have gone to biannual conferences to look at these issues, particularly climate change, but where are we at? Does every state government not have a Labor Premier? They do. I have mentioned the voting power in the National Environment Protection Council (Western Australia) Act. A decision that is made by the council can be put into effect, provided that there is a two-thirds majority. The member for Capel has referred to some of the measures that have been put into effect under the act. However, nothing has been put into effect regarding carbon emissions. We are making minor amendments to the act. Who looks at the act anyway? The government has not looked at it. It certainly has not been brought to the attention of the house. Neither this government nor the other state governments have used this legislation to do something about national environmental protection. It is all very well for the Minister for Climate Change to say that Western Australia has contributed, and will continue to contribute, significantly to establishing national environment protection standards. I recommend that members read the initial agreement upon which the act is based. We can then ask this government and the other state governments what happened. What is the bill all about? The National Environment Protection Council comprises ministers from each of the states. Although the commonwealth provides 50 per cent of the council's funds, it does not have the power of veto. The original commonwealth legislation was introduced in 1992 and was passed in February 1994. Each of the states then enacted its own legislation, and the Western Australian legislation came into effect in 1996.

Section 14 of the National Environment Protection Council (Western Australia) Act 1996 states -

14. Council may make protection measures

- (1) The Council may, by instrument in writing, make a measure, to be known as a national environment protection measure, that relates to any one or more of the following:
 - (a) ambient air quality;
 - (b) ambient marine, estuarine and fresh water quality;
 - (c) the protection of amenity in relation to noise . . .;
 - (d) general guidelines for the assessment of site contamination;
 - (e) environmental impacts associated with hazardous wastes;
 - (f) the re-use and recycling of used materials;

It can deal also with motor vehicle noise and emissions. It is a very broad act and it could be used in many areas. I will certainly let the environmental groups that I work with know about it. Maybe they will lobby the minister to do something in some of these areas.

What are the national environmental protection measures? The member for Capel previously mentioned that there are seven national environmental measures. I thank the minister for the briefing he provided. During that briefing I asked about carbon emissions. The current national environmental protection measures relate to air toxics and establish procedures to collect information regarding hazardous air pollutants. The NEPMs relate also to air quality and set standards for the monitoring of and reporting protocols for air pollutants such as carbon

monoxide, sulphur, lead and nitrous oxide. The NEPMs relate also to photochemical oxidants, measured as ozone; the assessment of site contamination, by establishing guidelines for assessing contaminated sites; diesel vehicle emissions, by establishing guidelines to assist jurisdictions to develop programs to minimise exhaust emissions from diesel vehicles; and the movement of controlled waste between states and territories, by establishing a national approach for tracking hazardous waste when it is moved interstate, and also for the recovery or disposal of that waste. I wonder whether we might look at that provision when we debate the nuclear bill. The National Pollutant Inventory will concern carbon emissions. This environmental measure will assist environmental management by government, industry and the community by providing improved information on released emissions. I will come back to that in a moment. The last NEPM concerns used packaging materials and it provides a regulatory support for national packaging. That concerns the recovery, re-use and recycling of domestic consumer packaging materials.

One of the key provisions that we should look at is the National Pollutant Inventory. As I said before, the inventory was produced by the Environment Protection and Heritage Council to assist in reducing the existing and potential impacts of emissions of substances and to assist government, industry and the community to achieve desired environmental outcomes by looking at emissions of substances in relation to air, land and water. The inventory aims also to disseminate information in a useful and understandable form.

Sitting suspended from 6.00 to 7.00 pm

Dr J.M. WOOLLARD: Before the dinner break, I described the National Pollutant Inventory and I was about to bring the Council of Australian Governments into the discussion. We had been discussing greenhouse gas emissions. On 14 July 2006, COAG agreed that a single streamlined system should be introduced to cut costs and red tape. COAG agreed to the proposal to streamline emissions and energy reporting and it stated that the report should be based on the preparation of a national purpose-built piece of legislation for cost-effective mandatory reporting. The report was to include advice on timing, thresholds and governance arrangements. COAG agreed that the National Pollutant Inventory would not be used as a vehicle for reporting greenhouse gas emissions and that no further work would be undertaken by the Environmental Protection and Heritage Council on incorporating greenhouse gas emissions reporting in the NPI pending finalisation of the report. On the one hand, the legislation was about looking at national pollutants. However, COAG suddenly came in and said that they should not be included. COAG said that every effort should be made to reach an agreement on a national purpose-built piece of legislation for greenhouse gases by December 2006. The states and territories reserved the right to use the National Pollutant Inventory if the commonwealth, states and territories failed to reach agreement on national purpose-built legislation at COAG's next meeting, which was December 2006. Will the minister advise me of the outcome of those meetings?

Mr D.A. Templeman: Which meetings?

Dr J.M. WOOLLARD: The COAG meetings. Initially, greenhouse gases should have come under the National Pollutant Inventory. However, COAG said no, it did not want the National Pollutant Inventory to look at greenhouse gases.

Ms M.M. Quirk: The Prime Minister said that at the COAG meeting.

Dr J.M. WOOLLARD: I am referring to the COAG agreement.

Ms M.M. Quirk: The states wanted it, but the Prime Minister did not.

Dr J.M. WOOLLARD: The Minister for Corrective Services said that the states wanted it, yet the states have had the power to do something since this legislation was introduced in 1996. The intergovernmental agreement on the environment was the founding base for the National Environment Protection Council. The member for Girrawheen was not in the chamber when I listed all the areas that were to come under the National Environment Protection Council, which included biodiversity and climate change.

[Member's time extended.]

Dr J.M. WOOLLARD: COAG stated that although the NPI documentation includes reference to reporting on greenhouse gas emissions, the only reference to that issue was at the meeting in 2006. The economic, social and environmental challenges of climate change have been high on the agendas of both COAG and the Council for the Australian Federation. COAG agreed to establish a mandatory national greenhouse gas emission and energy reporting system, which was to be determined by the Prime Minister's task force. Bringing that back to this bill, as a consequence of these developments the NEPC Committee, with the commonwealth dissenting, directed that greenhouse gas emissions reporting be included in the proposed NPI NEPM variation as an option for consideration by the NEPC at its June 2007 meeting. Although there has been much debate in the house, and although one major party has blamed the other major party, the states have had the ability to lobby their

ministers. As I said before, decisions can be made with a two-thirds majority and cannot be vetoed by the commonwealth. There is absolutely no excuse whatsoever for the states to say that they are waiting on the commonwealth. We are signatories to the act and now we are making amendments to the act. The act has been in force since 1996. All the areas I looked at before are detailed in the bill; namely, biodiversity, climate change and toxic waste. For the past six years this government - previous governments have been in a similar position - has had the ability through this agreement to effect change in those areas, but it has not done so. I am very pleased that we are considering this legislation. I was not aware that we had such a powerful tool to introduce changes that will benefit Western Australians and Australians generally. I am therefore very pleased that this bill has come to the house. However, I do have a couple of problems with the bill.

The minister said that the main effect of the amendments to the National Environment Protection Council (Western Australia) Act were to allow the National Environment Protection Council to provide assistance to other ministerial councils. The explanatory memorandum states that a review of ministerial councils by the Council of Australian Governments resulted in the NEPC and the Environment Protection and Heritage Council meeting jointly. It was subsequently agreed by the NEPC that the NEPC Service Corporation should extend its secretariat and project management services. If we refer to the funding for this, it is 50 per cent from the commonwealth and the other 50 per cent from the states and territories, determined by the population; therefore, five per cent of the funding comes from WA. However, this bill is about increasing the capacity of the secretariat. That is not really a measure that is for WA. I believe the current secretariat is based in Adelaide. We are therefore helping to build a little empire.

Mr D.A. Templeman: That's not true.

Dr J.M. WOOLLARD: What is not true?

Mr D.A. Templeman: You are saying that we ultimately contribute to the secretariat and we are getting no value. The fact is that there is a contribution to the secretariat for salaries, premises and obviously support work in terms of the business of the council. The council determines the key projects or the key issues that are progressed. Western Australia, like all other states and territories, has input into those projects or issues. A number of issues are covered and quite often one state takes the lead in one particular issue. However, it is not correct to say that Western Australia does not get any value for these contributions.

Dr J.M. WOOLLARD: No. I am saying that the minister is actually helping to build an empire that Western Australia does not have. If research needs to be done, yes, we should be working with the other states, but we should be building our own in-house expertise, and we should be building the empire.

Mr D.A. Templeman: Quite often, member -

Dr J.M. WOOLLARD: The minister knows that I normally take interjections but I have only four minutes and the minister has 30 minutes to respond.

Mr D.A. Templeman: I will address them.

Dr J.M. WOOLLARD: If the minister does not mind, I will bring his attention to some of my other concerns about the bill and he can address them during his reply.

I am concerned that the structure of the act will change and that now this money will be used to support other councils as well. I accept that at the moment it appears that the minor variations to be made to the act are amendments to typographical errors; however, time will tell just what those minor variations are. I do not know whether I am happy with the clause for a five-year review. If we are making amendments and minor variations to the act, perhaps the review should remain as a three-year review. The first few clauses of the bill refer to administrative changes and my concern is that these administrative changes are being made for a group over east. Our minister attends these meetings on a biannual basis. Considering that the act came into effect in WA in 1996 and that to date only seven of the recommended measures in such a broad area have been made, I wonder whether we are getting value for money.

I have talked about employment. I believe the bill will contribute to a little empire building over east. I also had some concerns with clause 13 relating to the reporting arrangements. There is to be a change to the reporting arrangements. I have only one minute left and I cannot find the section of the act that I had a concern about.

To summarise, I believe that the powers in this act should have been brought to the attention of this house a long time ago. This state government, like the governments of other states and territories, has had the power to influence the outcome of many environmental issues. This government has not taken those opportunities. I am pleased that members are now aware of this. I will certainly be looking at the provisions of the international governmental agreement, and I will certainly be questioning the minister about what is happening at the council meetings attended by the minister so that we can get some effective change at a local level.

Dr Steve Thomas; Mr Tony Simpson; Dr Janet Woollard; Mr David Templeman; Mr Rob Johnson; Acting
Speaker

MR D.A. TEMPLEMAN (Mandurah - Minister for the Environment) [7.17 pm]: I thank all speakers, including you, Mr Acting Speaker (Dr S.C. Thomas), and the members for Alfred Cove and Serpentine-Jarrahdale. I appreciate the concerns that have been raised by all members. There are a number of issues that are appropriate to respond to and I will respond to them. However, I will first go back to the purpose and effects of this amendment bill. The process that established ministerial councils and the business of ministerial councils may appear to many members as complex and sometimes frustrating. In my time as minister I have attended a couple of important ministerial council meetings in the child protection and community development sphere and now in the environment and climate change sphere. The amendments to the act have all been agreed to nationally through the NEPC. They were based on a statutory review of commonwealth, state and territory National Environment Protection Council acts. The review is referred to as the McMichael review. The aim of this bill is to ensure that we bring Western Australia into line with the commonwealth act. Basically we have in place a streamlined system in which our legislation is mirrored with that of other jurisdictions. The main effect of the amendments in the bill is to allow the NEPC Service Corporation to provide support and assistance to other ministerial councils. That amendment came about as a result of the review of the ministerial councils that took place. It became apparent that there was a need to ensure there was a capacity to provide support, and to expand that support and give assistance if necessary.

The other main effect of the amendments will be to provide a more simplified process for making minor variations to national environment protection measures. This amendment is important because under the current arrangement, even a minor amendment has to go through an extensive consultation process that basically stalls a lot of the action and work of the committee. We are simply saying with this amendment that minor issues or minor variations to the NEPM can be dealt with. They will still be canvassed by all of the key stakeholders, and Western Australia will still have an opportunity to make sure that the minor amendment or variation is responsible or appropriate, but the amendments actually streamline the process. We are trying to ensure that these ministerial councils actually get on with the important work that they are set up to do.

It is important to understand that although ministers might attend the two meetings a year, and there are a raft of issues and reporting items, much of the important preliminary work is done by the secretariat and by representatives from the states and territories in preparation for decisions by ministers. Western Australia makes a significant contribution to this process, as do the other states and territories. Indeed, one quite often finds that different states have different areas of specific expertise that they can bring to the process. Western Australia, for example, is a leader in contaminated sites legislation. I will talk about that a little further, because the matter was raised by the member for Capel and the member for Alfred Cove. A resourcing requirement is necessary to ensure that Western Australia makes a positive and effective contribution. Members should not forget that the resourcing requirement is not only a cash contribution to the secretariat, but also an active engagement of staff from the agency in progressing a number of issues. This also includes the contribution of staff time and, in Western Australia, travel issues.

I understand that the member for Alfred Cove has raised these concerns about the cost, but I am really quite puzzled by her comments about "empire building". I do not believe that that is an appropriate or accurate assessment.

Dr J.M. Woollard: I don't think the output has been very great over 11 years. When you look at the -

Mr D.A. TEMPLEMAN: The member made the claim that because the secretariat is located in Adelaide and there is a need to expand the business of the secretariat, it is somehow empire building. Quite frankly, I do not agree with the member.

I raise a number of other issues in response to some of the comments made by the member for Alfred Cove and other members who have made contributions to this debate. I want to clarify for the member for Alfred Cove the particular issue that she highlighted about the relationship between the national environmental protection measure and the National Pollutant Inventory. I will give the member for Alfred Cove some information. At the last meeting, the Victorian government - particularly the former Victorian Minister for Environment and Climate Change, John Thwaites - was very keen to push the NPI as a greenhouse reporting scheme. It was hotly debated at the last meeting and the commonwealth government opposed the idea. The states and territories believed that it was important to have national leadership, which was not delivered at that meeting. Of course, we know that since then the commonwealth government has, under pressure, developed a stand-alone, purpose-built emissions reporting scheme, which - this is the important point - will make the NPI redundant for carbon dioxide emissions. The federal Minister for the Environment and Water Resources, Malcolm Turnbull, recently introduced the National Greenhouse and Energy Reporting Bill to federal Parliament. This bill is fundamental to the establishment of an emissions trading scheme, and most provisions are supported by the Western Australian government. We argued that a national scheme was the best way to go, but we have had no national leadership.

That is the simple fact. That is why the states and territories decided that if the commonwealth government would not show any leadership, we would go out on our own.

That pressure has now brought about a response from the federal government. The member for Alfred Cove must understand that the Howard government has cynically used this bill as an instrument to undermine the states by using the commonwealth corporations power; that is a simple fact. Western Australia will, quite rightly, stand up for its state rights. The Howard government has made a habit of blatant and cynical use of the corporations power; we need to highlight that.

The member for Alfred Cove specifically asked about the use of the National Pollutant Inventory in the NEPM for greenhouse emissions reporting. She may not be aware that the commonwealth National Greenhouse and Energy Reporting Bill was introduced without consultation. The Howard government has introduced the bill without consultation or good faith. The member for Alfred Cove is critical of the process, the states, and the state government. However, I do not think she understands the politics involved in the way the federal government has addressed this issue. It is very disappointing that the federal Howard government has, in my view, been absolutely recalcitrant in the way in which it has attempted to address this issue.

Members will be aware that the Minister for Energy recently informed the house about the impact that the commonwealth bill will have on the Western Australian renewable energy target. The Western Australian government has made a submission to federal Parliament seeking changes to the bill. The government wants a national system but we have had to drag the Howard government, kicking and screaming, to the table. A lot of work has been put in by the states and territories. The federal government has been deceitful.

I turn to some other important points. The member for Alfred Cove asked what the government was doing about climate change. It is important to acknowledge that the government has implemented and continues to implement a range of innovative projects, schemes and policy decisions that are absolutely committed to addressing the challenge of climate change, now and in the future. The government, through the Premier's climate change action statement, has already embarked upon a range of projects that cross portfolios. These projects fall within the package of climate change initiatives but are also reflected in a range of policy areas. One example is our commitment to an effective and efficient public transport system. This government has invested \$1.65 billion in the southern suburbs railway. That will have a direct impact on the amount of CO₂ emissions into the atmosphere, because it will take thousands of cars off the roads. That is a genuine commitment and a genuine effort by this government to recognise the importance of investing in public transport infrastructure. That is despite the record of members opposite when in government on public transport infrastructure and the southern suburbs railway.

Mr C.J. Barnett: Where did the first \$300 million come from?

Mr D.A. TEMPLEMAN: Can the member for Cottesloe tell me how many centimetres or metres of railway his government built during its eight years in government? The former government did not build any public transport infrastructure in this state. This government is doubling the integrated public rail system in the metropolitan area by taking it to the southern suburbs, yet all the member for Cottesloe and other members opposite can do is slam that project. That is a 100-year project. That project demonstrates that this government is absolutely committed to ensuring that we address greenhouse gas emissions and the challenge of climate change by investing in public transport infrastructure that is aimed at getting people out of their cars. Perth is the most car-dependent city certainly in the nation, and one of the most car-dependent cities in the world. Despite the fact that we have invested in this important public transport infrastructure, all members opposite can do is attack. The former government closed the Fremantle rail line. It even opposed the expansion of the rail line to the northern suburbs. The former government failed to recognise the massive population growth in this state. It is this government, under Premier Gallop, and now Premier Carpenter, that has recognised the importance of delivering public transport infrastructure in this state.

That is just one example of this government's approach to climate change. The Premier's climate change statement established the low emissions energy development fund. That fund is expected to lever up to \$100 million in commonwealth and industry funding. It focuses on renewable energy and carbon sequestration, and the development of a Western Australian clean energy industry. It is focused on innovation. It is focused on working with industry to create new markets so that we can continue to reduce our emissions into the atmosphere. We have also focused on a 60 per cent reduction in emissions by 2050. That is a science-based policy initiative. Where is the Liberal Party's target? There is none. We have focused also on a target of 15 per cent renewable energy by 2020. The Minister for Energy released a discussion paper on a mandatory renewable energy target scheme for the south west interconnected system only last week. It is about this government focusing on achievable targets and making sure that we understand what is behind the science so that we can implement initiatives to achieve those targets.

Over the past few years we have also introduced legislation that relates to not only climate change but also a range of important environment initiatives. Mr Acting Speaker (Dr S.C. Thomas), you highlighted in your speech the contaminated sites legislation that was introduced by this government. That legislation is recognised in this nation as the leading legislation in this area. In fact, other states and territories are looking at how they can implement elements of that legislation in their own jurisdictions. The Premier's climate change statement also implements a range of programs that focus on the need for households, neighbourhoods and communities to respond to the challenge of climate change. One of those innovative programs is energy audits. This government will be conducting free audits of 10 000 homes in Western Australia. We want to help people reduce water and energy usage in their households. We also want to deal in a more effective way with waste management issues. We have implemented the Solar Schools program in Western Australian schools, and that program will be expanded further over the next few years. That is also an important education program for students in those schools. We are proposing to implement a 5 Star Plus rating program for all new homes. That important initiative will ensure that all new homes are plumbed to use grey water and rainwater tanks. Our initiatives will also include the phasing out of inefficient water heaters so that gas and solar heating will become the norm. These are important initiatives. We will be requiring all large landfill sites to capture methane from the breakdown of waste and to use that methane for energy production. The member for Serpentine-Jarrahdale highlighted the Cardup waste facility in his electorate. I will come back to the member's comments later.

In responding to the comments of various members on this legislation, it is important to highlight that we have also focused on the need to introduce enabling legislation in those cases in which voluntary schemes have failed. We recognise that Western Australia needs to improve its poor recycling rates. Western Australia has the lowest recycling rates in the nation. That is despite the fact that this state has supported the national packaging covenant, which is aimed at trying to get industry to self-regulate to support recycling initiatives. However, these sorts of important initiatives have failed. That is why it may be necessary in the future to introduce a container deposit scheme. Later this year, we will be introducing the Waste Avoidance and Resource Recovery Bill. That bill will establish a head of powers for extended producer responsibilities. We need to put the responsibility back onto those who produce the waste to come to the party and deal with waste at source. That bill will enable the polluter pays principle to be put into practice. The WARR bill will also establish a statutory waste authority that will be focused on driving recycling and better waste management.

I recognise that an important player in this matter - it was mentioned by a number of the speakers earlier - is, of course, local government. I will be attending a summit with local government on Monday. I have been speaking with Mr Bill Mitchell, the president of the Western Australian Local Government Association, about the need for the state and local governments to work together on not only waste management, but also climate change. Two weeks ago, I signed, along with the president of WALGA and the chief executive officer of the Municipal Officers Association, an agreement that focuses on state and local governments working together on climate change initiatives. Many councils in Western Australia now recognise the huge implications that arise for them, and obviously also for their communities, from the challenge that is climate change. What we have seen from the federal government, though, is an absolute denial of climate change as a major issue. In fact, again it had to be dragged kicking and screaming to the table. It has been the Rudd-led federal Labor Party that has pushed the envelope and spoken seriously about climate change. Howard is a great sceptic. We need only look at Dr Jensen in Western Australia and his group of sceptics and some of the harebrained schemes that he has suggested -

Mr A.D. McRae: Dr Jensen actually suggested two things: firstly, that as climate change is also occurring on Uranus -

Mr G. Snook: On what?

Mr A.D. McRae: Also known as Uranus! - climate change on earth was not caused by humans. Secondly, he said, "Well, if it is, we can just put up giant sunshades."

Point of Order

Mr R.F. JOHNSON: It has been the convention of this house that when we have the second reading debate, the minister will stand when all members have spoken and respond to the comments and the queries of those members.

Mrs M.H. Roberts: You are wasting time.

Mr R.F. JOHNSON: Is the minister in the chair now? Just be quiet, please; okay? It has been the convention, and probably the practice under standing orders also, I think, that the minister responds to the questions and the comments that members on this side of the house or any other members have made. We are now getting a completely new debate about federal affairs and about the Prime Minister. It has nothing to do with the response that the minister is supposed to be making.

Dr Steve Thomas; Mr Tony Simpson; Dr Janet Woollard; Mr David Templeman; Mr Rob Johnson; Acting
Speaker

The ACTING SPEAKER (Dr S.C. Thomas): Members, I am now on my feet and I expect some degree of respect, if not for me, at least for the chair. In regard to the member for Hillarys' point of order, it is unfortunate that many of the issues raised were actually raised by the member for Alfred Cove, and the minister has been responding to a number of those issues. However, I say to the minister that there is only a certain amount of time in which he will be allowed to do so. I ask that he move forward as quickly as possible to the substance of the debate.

Debate Resumed

Mr D.A. TEMPLEMAN: Thank you, Mr Acting Speaker. I will of course do that.

We have heard these harebrained ideas about climate change from the opposite side, including from Dr Jensen, the current member for Tangney, who, as the member for Riverton said, and he was exactly right, suggested that the best way to deal with climate change was to string up in outer space a large shadecloth, hundreds of kilometres long, to shade the earth from ultraviolet rays. That was not my idea; that was the idea of the respected federal member for Tangney, Dr Jensen. We know that we have had very few positive suggestions and initiatives from the other side about climate change. All we have had is a barrage of scepticism, a reluctance to move and a reluctance to respond. It is only because of the actions of state and territory governments in ministerial councils and other gatherings and summits, and of course through the Rudd-led federal Labor Party, that Howard and others in his government now finally understand that this is actually an important issue for our communities; that it is important that we talk about what we need to do at a range of levels, whether it be at local government, state or federal level. One would hope that there would be leadership at the very top, at the very senior level of government in the federal sphere. I must say that that has been lacking in the current federal government. Hopefully, in a few months we will see a change of government and a strong focus on this important issue that faces us all.

Mr Acting Speaker (Dr S.C. Thomas), I listened intently to your contribution. I certainly acknowledge your knowledge and comments on a range of these issues. However, I will deal with the contaminated sites legislation that we now have in place and address a couple of issues that the Acting Speaker raised in his contribution, so that I can perhaps allay any fears that he may have about the workings or the implementation of that legislation. The Acting Speaker would be aware, of course, that the act came into effect on 1 December. It has a range of requirements, but it specifically relates to the reporting of sites that are known or suspected to be contaminated. The implications of that fall on owners and occupiers of land, including, of course, the government for the land it owns. There are requirements on people who have caused or contributed to contamination. This legislation, which was introduced by this government, was a very widely consulted piece of legislation, and a very important one.

I will quickly run through a couple of key points that I think are important. As the Acting Speaker is aware, there was an amnesty on reporting until the end of May this year. Certainly, a large number of industry and other owners of properties and corporate bodies, for example, have reported suspected contaminated sites to the department. Very steady progress has been made on addressing contaminated sites. There has obviously been a need to prioritise sites according to the potential seriousness of the alleged or possible contamination. Therefore, the department has set about ensuring that that particular process is put in place quickly. The Acting Speaker asked a question about what happens with government-owned sites. I think he was asking about what moneys had been made available. The Acting Speaker may be aware that the government sites fund was established, along with the Contaminated Sites Act, to provide for remediation of government-owned sites. The amount involved was approximately \$10 million. Some of the money from that fund has been allocated to the remediation of the Bellevue waste control site. Of course, money is still available for the remediation of other government sites, which the department continues to categorise in terms of priority. I am sorry, member?

Mr R.F. Johnson: The member for Cottesloe said you're more boring than I, and I said that you're a lot more boring than I.

Mr D.A. TEMPLEMAN: That is all right. I am almost finished.

Mr R.F. Johnson: Why don't you sit down?

Mr D.A. TEMPLEMAN: I will do that shortly. The Acting Speaker raised a number of other issues about contaminated sites. I can assure the Acting Speaker that the government recognises that this process is an important one. The Acting Speaker mentioned monitoring and ensuring that there is appropriate resourcing of that. I can assure the Acting Speaker that that is a very important element of what we are attempting to carry out.

The member for Serpentine-Jarrahdale highlighted a range of issues. He put forward his views on a range of issues regarding improving passive solar design in housing. He spoke about building materials that are used in housing and construction and the need to look more closely at more appropriate building and construction

initiatives. I can assure the member that those are again highlighted in the Premier's climate change statement. A range of initiatives are attached to that statement, and they are aimed at addressing some of the concerns that the member highlighted. He also highlighted the south Cardup landfill site. I noted the comments that he made on that issue.

Mr M.P. Whitely: I didn't think he showed the level of concern that a local member would on that issue.

Mr D.A. TEMPLEMAN: That is the member's point of view.

The other issue I will highlight is that this government has already put in place a range of important groundbreaking initiatives, to do with waste, contaminated sites and the protection of our biodiversity, as well as acknowledging the challenge that climate change presents to us. This government is absolutely committed to ensuring that we protect the very important elements of our environment. We are the government that moved to save the old-growth forests in the south west of Western Australia; we are the government that created new marine parks and reserves; we are the government that ensured Ningaloo Reef is protected into the future; we are the government that highlighted the need to end the logging of old-growth forests and which created 36 new national parks and nature reserves. This government has made sure that environmental protection is an absolute priority; this government has ensured that river systems are focused on, particularly the iconic Swan and Canning Rivers; and this government has already moved to ensure that we reduce waste and we put in place the principle that the polluter pays. The simple fact is that this government has already made huge achievements in terms of the environment and addressing climate change, and it is absolutely focused on ensuring that we protect for the future those very important environmental assets that our children and grandchildren will be able to enjoy.

Let us just remember that if the Gallop government had not been elected in 2001 the forests of the south west would continue to be logged. Let us remember that if it were not for the election of the Gallop government, and the Carpenter government in 2005, we would have a Mauds Landing-type massive development on parts of Ningaloo Reef. Let us also remember, as we move towards the next election cycle, that it is the Labor Party that will oppose nuclear power. I ask every member opposite - the members for Dawesville and Murray are not here tonight - whether they want to have a nuclear power plant in the Peel region? Do members want to have a nuclear power plant near the seat of Moore? If members want to have that technology and introduce that, that is the choice they will have at the next election. At the next election people will have a very clear choice. The Labor Party will say that we will not have nuclear power; there will not be nuclear power if people elect the Carpenter government for another term. People in the gallery and those young schoolchildren who visited today and who will visit over the next number of months and into next year will be reminded by us that a Liberal government will introduce nuclear power into this state. It will be a Liberal government that will put at risk communities throughout the state if voters support it. The choice will be very clear at the next election. We have a very strong record on environmental policy, practice, legislation, initiatives and achievements. The list goes on. We will keep on ensuring that the environment remains an absolute priority for Western Australians because we recognise the fragility of our natural environment. We know that we can do this in balance so that we continue to have a strong economy and strong jobs growth. We will also ensure that we protect the very important environmental and conservation values that make Western Australia unique and the best place to live in this country.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr D.A. Templeman (Minister for the Environment)**, and transmitted to the Council.