

## WASTE AVOIDANCE AND RESOURCE RECOVERY AMENDMENT BILL 2009

### *Second Reading*

Resumed from 18 June.

**MR M. MCGOWAN (Rockingham)** [5.57 pm]: I am happy to serve as the lead speaker for the opposition on this bill. Indeed, I have some knowledge of this matter as a former Minister for Environment and as the person who announced that the former government would be passing the Waste Avoidance and Resource Recovery Bill 2007. I say at the outset that the opposition will be firmly and absolutely opposing this legislation. We believe that this legislation is an attack on families in Western Australia and will increase costs for families. We believe that this bill is completely contrary to the purposes of the Waste Avoidance and Resource Recovery Bill that we passed in 2007. What the government is doing in this bill will be a cash grab from ordinary families in the Perth metropolitan area who put their rubbish into landfill. It will be a cash grab straight out of the wallets of ordinary families to fund the ordinary functions of the Department of Environment and Conservation. That was not the intent of the legislation that was passed by this house in 2007. This government agency should be appropriately and properly funded from consolidated revenue. That demonstrates where the environment has slipped to in the order of priorities of this government. It also demonstrates that although the government claims that it is not putting up taxes, it is doing exactly that, with exactly the same impact on ordinary families—it is ramping up charges for ordinary families, merely for putting rubbish in their bins. That money is not being used to fund recycling initiatives, which is what it was intended to do under the original waste levy proposal that was put up by the former government. I want government backbenchers to know exactly what the government is doing here, because I assume they do not know. The government is proposing to increase by about \$24 a year the levy that families pay through their rates for their rubbish removal. The government has also, concurrently, ripped about \$40 million out of the budget of the Department of Environment and Conservation, and it is proposing to put the money that will be raised by the levy into the budget of that department to make up for that shortfall.

**The SPEAKER:** Order! Members, I am going to leave the chair until the ringing of the bells at 7.00 pm. Although I do not normally make a public announcement when leaving the chair, I advise members who might be intending to go to the launch of the Japan-Western Australia book, which was to have been held in the courtyard, that because of the weather conditions, that function will now be held in the Aboriginal People's Gallery.

*Sitting suspended from 6.00 to 7.00 pm*

**MR M. MCGOWAN:** Before the break I was outlining to the house that the opposition will oppose this legislation, and there will be a number of speakers explaining why. In a nutshell, this new legislation to amend the existing legislation, which was passed in 2007, will increase annual waste costs for householders by at least \$24 per household, and it comes on top of a number of other increases I will go through shortly. As Minister for the Environment in 2006, I announced that the former Carpenter government would legislate to create the Waste Avoidance and Resource Recovery Act. The reasoning behind that was that we wanted to put the Waste Management Board and waste management on a substantial legislative footing. One of the initiatives contained within that legislation was for producers of material that could subsequently become waste to take greater responsibility for the creation of waste. That is known as extended producer responsibility, and it was contained within the legislation. It extended responsibility to producers of, for example, tyres, car batteries and the like—things that cause ongoing and lasting damage to the environment. There were schemes to put extended producer responsibility into effect.

The legislation was also to have provided—my memory may fail me here—some capacity, at some point in the future, to put in place an overall recycling scheme similar to that in South Australia for bottles, cans, plastic and the like. That was the basis of this quite revolutionary legislation. My colleague the member for Mandurah was responsible for passing it through Parliament. It did not receive a lot of attention, but that was the purpose of the legislation. The other purpose was to enable the Waste Management Board to acquire a decent income to put it on a proper footing. We obviously wanted to reduce the amount of waste going into landfill and to find alternative uses for landfill. The idea behind the Waste Management Board was for it to have a financial basis and the capacity to raise money. All of the proceeds of those levies were to be used to provide alternative means of dealing with waste. The example that I always remember—they exist in other jurisdictions—are the machines that can provide alternative uses for waste cement. Building waste is a huge problem; it occupies a large amount of landfill. There are machines that basically eat building waste, including cement, and turn it into materials that can be re-used. The waste levy was designed to be used by the Waste Management Board so that it could come up with innovative solutions for dealing with waste.

**Extract from Hansard**

[ASSEMBLY - Tuesday, 18 August 2009]

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Mr Mark McGowan; Speaker; Mr David Templeman; Mr Chris Tallentire; Mr Paul Papalia; Mr Rob Johnson;  
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The previous government made some appointments to the Waste Management Board, particularly Barry Carbon. I appointed Mr Carbon to the Waste Management Board—he was the former chair of the Environmental Protection Authority—on the basis that he knew a lot about the environment, administration and the use of waste. Mr Carbon was to drive that agenda forward, using the income generated by the waste levy. As I said, the member for Mandurah, as the then Minister for the Environment, passed the legislation, and it was very good legislation. There was to be a very significant change in, and long-term improvements to, the management of waste in Western Australia.

What does this legislation do? This legislation uncouples the waste levy from spending on waste management. The government is saying that it no longer needs to spend the entire proceeds of the waste levy on waste management; it can now use the proceeds of the waste levy for other purposes. A minimum amount of what is collected—I think it is about 25 per cent—will be used for waste purposes; that is, the recycling initiatives I was talking about. The remainder can be siphoned off and used for other purposes.

This is a bastardisation of what was originally proposed under the legislation that the previous government put in place. To use the funds that are generated by the waste levy for alternative purposes is a misuse of those funds. This bill also reveals where the environment portfolio stands under the current government. The environment portfolio—alone amongst all the government portfolios—has had its budget significantly cut, and it will be required to make up that cut through the imposition of a levy on households. That is a significant indicator of how low the environment portfolio is on the list of this government's priorities. Of all the agencies, it is this agency that has suffered a massive cut to its budget, which it is then required to make up by making an imposition on the wallets of ordinary families throughout metropolitan Perth.

The total cut to the agency in the last budget was roughly \$39 million, and the government expects this legislation to raise that additional \$39 million for the agency, whilst retaining \$13 million for waste purposes, as was intended by the original legislation. It is expected that the waste levy will raise a total of \$52 million, of which \$39 million will be spent on non-waste purposes, and \$13 million on waste purposes—the re-use and recycling initiatives I was talking about. The remainder will go to the day-to-day operations of the department.

No other department has had that done to it; only the Department of Environment and Conservation. Every day there is evidence, from their language and bearing and from the attacks they make on the environment portfolio, of what the Premier and the Leader of the National Party actually think about the environment. I will shortly go over the sort of ideology that has been created around that agency and that now drives government policy in this area.

My experience, having been a minister in 13 or so different portfolios, is that there was no-one more professional than the people working in the environment portfolio. There was no-one more professional in any of the agencies for which I was responsible. I did not meet anyone more dedicated or hardworking than the senior officers or, indeed, the ordinary foot soldiers of that agency. They are out there, day in, day out, performing the roles of rangers, inspectors and office staff. They have total commitment to the agency, above and beyond the call of duty. In the bushfire season, when these people are not working in their ordinary jobs, vast numbers of them—hundreds, if not thousands—are trained to don overalls and fight the bushfires. What other agency in the state has that expectation of its people? Obviously, the Fire and Emergency Services Authority does, but that is what it does. What other agency expects its people to do that? These people do it voluntarily and in dangerous situations. I have found the government's denigration of the current chief executive officer distressing and unnecessary, and its undermining of the portfolio that I have seen take place over some issues has been unnecessary, appalling, wrong and untrue.

We debated this legislation in the estimates hearings. The Minister for Water was the person responsible for that legislation during estimates. Obviously, the waste levy was the most significant issue. I asked him some questions about it. I might say that he was disarmingly frank in his responses. I found his responses far more enlightening than when we asked questions of ministers responsible for their own agencies. This minister, being a demonstrably decent person, just gave the answers as he saw it. Obviously, that meant that we got a lot more information than we might have done. It was a very enlightening interchange. I might go over some of the things that this minister said, which I think explains very well what this levy is all about.

He obviously outlined that there needed to be further legislation to effect changes to the waste avoidance and resource recovery legislation. That confirmed a suspicion that we had that we could not use the existing legislation because the changes were outside the purview of that legislation. He confirmed that it was a \$39 million reduction in the budget of DEC and, therefore, that would need to be made up by the imposition of this levy on ordinary families—families such as mine in Rockingham that will have this additional levy attached to their rates bill every year. He confirmed all those things and then he, Dr G.G. Jacobs, Minister for Water acting on behalf of the Minister for Environment, stated —

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By way of a little background, the Minister for Environment requested the Waste Authority to recommend increased landfill levies as a means to reduce the amount of waste going to landfill sites and thereby increase the amount of recycling in Western Australia, particularly in the case of inert construction and demolition waste. Consistent with this reform, the government has as part of stage 1 of the economic audit process endorsed the increase. The government recognises that the levy increase may be seen to encourage some unscrupulous individuals to illegally dump their waste in beautiful forests, parks, rivers or wherever.

I will repeat that —

The government recognises that the levy increase may be seen to encourage some unscrupulous individuals to illegally dump their waste in beautiful forests, parks, rivers or wherever.

He then went on to state that there was going to be an increase in fines to attempt to prevent that. However, he said, and I repeat —

The government recognises that the levy increase may be seen to encourage some unscrupulous individuals to illegally dump their waste in beautiful forests, parks, rivers or wherever.

**Dr G.G. Jacobs:** What is the point? What point are you making?

**Mr M. McGOWAN:** I thank the minister for interjecting. I did not want to repeat him again. My point is this: the minister said that it would increase the amount of recycling. That is just not correct. The legislation will reduce the amount of waste going to landfill, but it will reduce the amount of waste going to landfill because the cost will go up fourfold, and, as the minister correctly identified, people will use alternative mechanisms to dispose of their waste; it will not be to landfill. The whole idea was that the levy would be increased so that the government could spend the money from the increased levy to provide alternative options. The government is not going to spend the increased amount of money that will be available as a consequence of this legislation on alternative options. So the government is doing half the puzzle. If the government increases the levy on the basis that it will provide alternative options for people, that is understandable, but what the government is doing is increasing the levy, but there are no alternative options that are lawful. Therefore, what alternative will people adopt? They will adopt the alternative of dumping waste in our beautiful forests, parks, rivers or wherever, as the minister intimated in his disarmingly frank answer. That is exactly what is going to happen.

I went on further in the debate to indicate that there would be an increase in illegal dumping because people who had to pay four times as much for the disposal of their waste would look for alternative measures, particularly when the levy was not going to be used to pay for those alternative measures. The minister indicated that there would be some cracking down as a consequence. I asked how much cracking down there is and how many people are currently being charged and prosecuted in relation to these issues using existing law. The current figure that I received by way of supplementary information—unfortunately, I could not find it for my speech today, but I remember what it was—was two. Two people have been prosecuted for illegal dumping. I know that illegal dumping goes on all the time. When I was the minister, I went out and inspected it. I know sites where it takes place. Some of the country roads inside the city—as we know, there are country roads inside the city —

**Dr G.G. Jacobs:** Country roads in the city?

**Mr M. McGOWAN:** There are. If the minister goes to some of the south-eastern suburbs such as Byford, he will find that there are hundreds of kilometres of what are, in effect, country roads. I saw huge amounts of dumped rubbish that should have gone to landfill—huge amounts of it. Catching the people who do that and prosecuting them effectively is difficult. It is very hard to catch someone who does this and prosecute him.

**Mr M.P. Whitely:** I used to live across the road from a park in Roleystone. We would go for walks there, and we would constantly see people dumping trailer loads of rubbish. We were never able to catch them, because they would come at times when there was no-one there.

**The DEPUTY SPEAKER:** Member for Bassendean, thank you for that information.

**Mr M. McGOWAN:** It is all right. I accept the interjection. That is fine. According to the figures that the minister provided me by way of supplementary information, two people, as I recall, have been subject to prosecution in recent years. I may be out by one; it may be three. But two people have been subject to prosecution. It is complex and convoluted to get people to that point. Therefore, when the minister says that the government will crack down on these people and that it might introduce some legislation in the future to deal with this issue, it is largely a waste of time.

**Dr G.G. Jacobs:** The only legislation we have is for littering.

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**Mr M. McGOWAN:** Yes, and people can be prosecuted under that legislation. However, the problem is that by taking the entire increase in the levy of \$39 million—a fourfold increase—and not spending it to cater for these matters, the government will not have any greater capacity to crack down. That is the purpose of the levy. The levy is there to reduce waste going to landfill. Obviously, if the waste board saw fit, it might want to employ more inspectors to take up the case, and that would be great. However, there is no additional resource for that. The additional income that will be generated from this levy will just go towards the ordinary day-to-day operations of the department, and I can tell the house that the department has very important responsibilities above and beyond driving on country roads looking for people with a trailer who will stop and tip waste out the back of the trailer. There will not be any resource for the government to do this. As the minister intimated, there will be an increase in illegal dumping, and these funds will merely go to propping up the agency because the agency's funds were cut so incredibly badly in the recent state budget. The government did not do this to anyone else. It did not do this to any agency bar Environment. It is the one agency that the government has done it to.

**Dr G.G. Jacobs:** The member has not considered that these changes would—in fact, are likely to—attract —

**The DEPUTY SPEAKER:** Just hold it a minute, please. Member for Bassendean, will you please stop making comments at me from the side.

**Dr G.G. Jacobs:** These changes will likely attract construction and demolition recyclers from the eastern states that want to establish operations in Western Australia. Our existing industry has a latent capacity and will crank that up and provide options for recycling. The member is basically saying that there is no option, but, if we change the culture, we will encourage recycling and stimulate the recycling industry, if we like, to provide options. When people know that there is going to be an increase in the levy, that, in fact, will be a commercial driver for the development of the recycling option industry in Western Australia.

**Mr M. McGOWAN:** That is a fair point, but it is also a commercial driver for people to dump their waste. The government cannot say that there will be a fourfold increase in the cost of providing waste to landfill and not say that some people will have an incentive to dump it somewhere else. In fact, the minister admitted that in an earlier debate. I accept that we should be doing more recycling, which was the purpose of this legislation and of the money raised. That is the whole point I am making. The money that was generated was supposed to go towards those sorts of initiatives. That is what it was supposed to be for.

**Mr M.J. Cowper** interjected.

**Mr M. McGOWAN:** I am pleased to accept the member's interjection. If he wants to further interject on me, the speaker on his feet can accept interjections, if he so chooses. I am happy to welcome the member for Murray-Wellington's interjection.

**Mr M.J. Cowper:** How do we compare with other states in this matter? Has the member done that research at all?

**Mr M. McGOWAN:** I visited other states; as minister, I visited New South Wales. New South Wales has a far higher levy arrangement and I think some of its levy might be spent on alternative purposes. However, that was not the way we structured the original legislation. New South Wales undertakes some pretty significant waste management initiatives. It has to, because Sydney is not like Perth. The city of Sydney is bursting, so it has a zero waste ambition, I suppose we could call it. One plant that I saw—I think there might be more—basically takes all the rubbish that normally goes to a tip and converts it into mulch—the entire thing; thousands and thousands of tonnes of it. Standing at the front gate, one can see the trucks rolling in one after another; there are lines of them full of rubbish. That facility is very expensive to run; it does not pay for itself, but it is subsidised by the levy, and that is how it operates.

This government is retaining the levy for those purposes at a very low level and all the extra money generated will be used for other purposes. That is what this legislation will do. All the extra money that will be generated will come straight out of the pockets, not of the member for Murray-Wellington's constituents, but certainly mine. Therefore, every household will pay another \$24 or \$26 on top of what was already in the state budget.

**Dr G.G. Jacobs:** The member talked about Sydney. Does he realise that the levy for putrescible waste in the metropolitan area is \$58.80 and that 50 per cent of that goes to the City and Country Environment Restoration Program, as the New South Wales government calls it, and the remainder goes to consolidated revenue?

**Mr M. McGOWAN:** I do not understand—how much? Does 50 per cent go back to the department and is the other 50 per cent used to recycle waste?

**Dr G.G. Jacobs:** No. Essentially, 50 per cent goes to what is called the environmental restoration package and 50 per cent of those moneys collected from the levy go back to consolidated revenue in New South Wales.

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**Mr M. McGOWAN:** Under this government's arrangement, the amount of money generated that will be spent on waste purposes is—I will have to do the maths in my head—roughly 20 per cent, the remainder will go —

**Dr G.G. Jacobs:** It is 25 per cent, in fact.

**Mr P. Papalia:** Who owns the waste recycling facilities in New South Wales?

**Mr M. McGOWAN:** I do not know the answer to that; I cannot quite recall. However, it is 20 —

**Mr P. Papalia:** The government.

**Dr G.G. Jacobs:** So what's the member's point?

**Mr M. McGOWAN:** If the government owns it, that answers the member's question.

However, 25 per cent—\$13 million—of the total amount of \$52 million will be spent on waste purposes and 75 per cent will not be spent on additional environmental purposes. That 75 per cent will simply prop up the money which was already in the department but which has been pulled out. Therefore, the money that was in the department for its ordinary operations before that money was pulled out in this budget will be topped up by this levy. I suppose what I am saying to the member is that it is not additional money for environmental purposes. It is not additional money; it is just a replacement, and is to be used for the ordinary functions of the department.

This charge on households comes on top of the other charges that have been put in place under this government. I will go through these additional charges. There was an additional \$552 for electricity. Originally, the electricity prices were to slowly increase over a long period, but that was truncated to about two years. What was to take seven or eight years was truncated to two years. The additional imposts on my household include that \$552 for electricity; \$65 for water; \$46 for public transport; all the increases in charges for boats that we have seen in the budget and the recent additional fishing charges; \$690 to park my car in the city; and a \$15 charge, as I understand it, on child care. In total, the additional fees and charges for an average family, including the levy that we are talking about today, is roughly \$1 000. Although the government can say with some truth that taxes have not gone up, charges have gone through the roof in the past eight to 12 months since members opposite have been in office. I know that some of those charges are unavoidable, but this one is avoidable and it comes on top of all those additional charges. Since this government has been in office, the additional state charges total roughly \$1 000 per household.

I will talk a little about the fact that the Department of Environment and Conservation is the only agency that is having this regime applied to it for the ordinary cost of its operations. The idea that has taken root in the mind of the Premier, which he has perpetuated widely around the state, is that but for the environment agency and the approvals processes run by the environment agency, everything would be happening in this state. In his mind, if it were not for the behaviour of this evil agency that slows everything down, so much more would be happening in this state. I want to ensure that the house is totally aware of why Western Australia had such good economic fortune. I will name a couple of the projects that are driving the state's economy. The Boddington Gold Mine project; the Pluto project on the Burrup Peninsula, which I might add the Premier opposed; some of the expansions to BHP Billiton Ltd's iron ore mines; the expansion of the Argyle diamond mine; the expansion to the Worsley Alumina Pty Ltd refinery; and, indeed, the soon to commence Gorgon project. All those projects, particularly the ones that are already operational, took place under our watch. I approved some of them myself as environment minister, subject to some of the strictest conditions that were recommended by the Environmental Protection Authority. Those particular projects have been keeping this state's economy afloat. The approvals for those projects on my watch—in particular Worsley, Pluto and Gorgon—were all put in place by those highly professional officers who run the environment agency. They not only apply the very strict conditions on our major projects, but also analyse them properly; they are not railroaded. Those officers have managed to put those approvals in place, ticked off by the former government, which means that our economy is running the way it is today.

I want to outline the figures to members. I put questions to the Minister for Mines and Petroleum about approvals during the course of the Gallop and Carpenter governments. Some 170 new projects commenced operation in this state. Hence all of them, virtually, would have needed environmental approval; that is, 170. That was a doubling in the number of mining and petroleum projects in this state. Everything that happened during the previous 170 years was doubled in the course of seven and a half years in terms of the number of projects. If members look at the list of major projects, it includes gold, titanium, mineral sands, petroleum, nickel, iron ore, base metals and alumina projects. There is a massive increase in capacity in the state. There were 170 increases on our watch. Despite the rhetoric of the Premier, I might add that 20 projects have closed in the past year. Up until that point, that is what took place.

We all know that things can be better; everything can always be better—even I could be better—but part of the rhetoric surrounding approvals is that nothing happened. That observation has obviously taken root among some

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of the journalists and others in the media in this state, but there is demonstrable evidence to the contrary, as I just outlined. All the projects that are providing the drive in this state's economy today happened through the existing agency; they all happened on the watch of the last government.

When we have such a dim view of the environment agency—based upon what, I do not know—that view is reflected in legislation like this. It makes them paupers, if we like. I would be interested in an answer to this question. If the amount of money generated by the levy is not what is expected—the chair of the waste board has indicated he does not expect it will be as great as what the minister is proposing—there is an instant black hole in the budget of the environment agency. As I understand it, Mr Barry Carbon said recently at an upper house inquiry that the levy will not produce anything like what the government is expecting it to produce. If this means there is a black hole in the environment agency, I suppose that makes the point again: there is a significant attitudinal problem by this government towards the environment, particularly towards the environment agency.

The other problem that the minister needs to provide us with some answers to relates to the fact that this legislation probably will not be through both houses of Parliament until the end of the year. It will probably take a little while before it gets through and gets assent. It will probably commence operation at the end of the year we would expect, assuming it gets through this house. I am confident the government will get it through now, with the defection of the member for North West.

**Dr G.G. Jacobs:** The member does not hold back, does he?

**Mr M. McGOWAN:** What does the minister mean? The member for North West is a defector.

**Ms A.J.G. MacTiernan:** That is a fairly modest and accurate reflection of what happened.

**Dr G.G. Jacobs:** The member really puts the dagger in.

**Mr M. McGOWAN:** He is a defector. “Defector” is mild compared with what I would like to call him! What he did was disgraceful, disgusting and appalling.

**Mr M.J. Cowper:** Reprehensible.

**Mr M. McGOWAN:** It was beyond reprehensible. What he did, in betraying all his friends, his electorate and the party that he had been a member of for more than a decade, is just appalling. He will serve out the rest of his career in this house, however long or short that is, knowing that he always has to avert his eyes when he walks past members of the State Parliamentary Labor Party because of what he did to us. If any members opposite did that, they would be saying exactly the same thing. No-one likes a defector. No-one likes anyone who “turns” and betrays. No-one likes a quisling and no-one trusts them.

**Ms A.J.G. MacTiernan:** If it is a matter of principle, one should resign and recontest.

**The DEPUTY SPEAKER:** Order, members!

**Mr M. McGOWAN:** I assume that with his vote, the government will have —

**Dr G.G. Jacobs:** The member for Armadale should resign now —

**Ms A.J.G. MacTiernan:** Just like John Fahey!

**The DEPUTY SPEAKER:** Order, members!

**Mr M. McGOWAN:** I do not see the analogy with the member for Armadale. I think what she is doing is quite a different thing; I am sure the minister does, too.

I assume the minister will get this bill through. I do not think he will get this legislation through anywhere short of the end of the year; therefore, he has budgeted on the basis that the money generated by this levy will commence at the commencement of the budget; that is, 30 June. I am unsure whether the minister has changed the regulations to increase the levy yet, but, if he has, that money will be sitting there without the purposes provided for by this legislation. Therefore, my understanding of the law is that that money would be able to be used only for waste purposes and not for the operations of the department. There will be a hole in the department's budget. That is another budget problem for the minister; we have already identified many. The minister needs to answer this for the house's benefit: what happens with that money that is generated in that hiatus? Is the money currently being generated; and, if it is, what lawful purposes can it be put towards? I would not like to think that the minister is going to break the law and use the money for purposes that it was not properly appropriated for. That is a significant question that the minister needs to answer.

**Dr G.G. Jacobs:** Has the member read page 15 of the notice paper?

**Mr M. McGOWAN:** The minister has caught me slightly unawares.

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**Mr M.J. Cowper:** Down the bottom, clause 7.

**Mr M. McGOWAN:** I was unaware of that. Can the minister explain to me what he is doing?

**Dr G.G. Jacobs:** I will speak later, but these are adjustments that pertain to some of the member's latter remarks.

**Mr M. McGOWAN:** The minister is going to ensure that the purposes for which the levy is used come into effect on the day of assent rather than at 1 January. Is that in effect what the minister is proposing here?

**Dr G.G. Jacobs:** The member was saying that this will not get up this year. Our intent is to bring this in for 1 January 2010.

**Mr M. McGOWAN:** That still leaves a six-month hiatus in the budget.

**Dr G.G. Jacobs:** Absolutely, and the adjustments to that will be elucidated. I will explain it in my remarks, or in consideration in detail, under clause 7.

**Mr M. McGOWAN:** I assume this indicates that there must be some retrospectivity in relation to the legislation? Is that correct, or am I misunderstanding?

**Dr G.G. Jacobs:** No.

**Mr M. McGOWAN:** I will wait for the minister to explain. But I assume, irrespective of what the minister does, considering it is now 18 August, there must be a hole in relation to the budget of the agency, considering what is going on.

**Dr G.G. Jacobs:** I will explain that.

**Mr M. McGOWAN:** I will wait to hear the minister's explanation. I assume the government will get this legislation through. I was hopeful before, with the 28 numbers that the opposition had, reduced to 27 with the Fremantle by-election, we could defeat this legislation. I was hopeful that if the Greens (WA) and some of the well-meaning Independents, such as the members for Alfred Cove and Kalgoorlie, were supportive of what we were saying about the use to which this levy should be put, we would be able to defeat this legislation. This was one that I thought we might be able to defeat, considering the pernicious nature of what it does to ordinary families and the change in the purpose of the original legislation passed by the former government to provide for alternative uses of the levy. However, given the change in the composition of the house, due to the action of the member for North West, that may no longer be possible. The public needs to understand that we fought the good fight against the Waste Avoidance and Resource Recovery Amendment Bill 2009, and today we have also fought the good fight to ensure that the results of the referendum on extended trading hours were upheld, and that we are on the side of the people. The government will have to explain why it is trying to impose this levy on ordinary families around Western Australia, because our hands have been, and will be, clean on this matter. Our hands were clean when we were in office and they are clean now because we have taken the stance that we have, as outlined to the house during my contribution to the second reading debate.

**MR D.A. TEMPLEMAN (Mandurah)** [7.41 pm]: I rise to make a contribution to the second reading debate on the Waste Avoidance and Resource Recovery Amendment Bill 2009.

As the member for Rockingham has outlined, the Labor Party will be opposing this bill. In my contribution I will refer to a number of issues that I and the member for Rockingham raised in Estimates Committee A in May in relation to this bill. I know my good friend the Minister for Water; Mental Health, who has carriage of the environment portfolio in this place, being a minister representing a minister was brought into this place with his colleagues to defend the indefensible.

**Dr G.G. Jacobs:** Your colleague the member for Rockingham said I did a good job!

**Mr D.A. TEMPLEMAN:** No; I have not finished! Please; the member knows I like him! The minister is very sensitive; he should remember that I like him!

He was brought in to defend the indefensible on behalf of the minister from the other place. I am sure the government said, "Who's the nicest fella we can find? Who is the nicest person in the place to dress up this stinking, foul mess that is this amendment bill? Who can we pick? Who is the nicest person we can find who can try to dress this up?" They wanted to find the nicest person to try to dress up what I described in the estimates committee as the proverbial dead cat on the lawn.

**Mr M. McGowan:** Can I interject?

**Mr D.A. TEMPLEMAN:** Of course you can!

**Mr M. McGowan:** They brought in the pretty faces!

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**Mr D.A. TEMPLEMAN:** That is right! They said, “Who can we get?”

**Dr G.G. Jacobs:** Even if it didn't have any hair on it!

**Mr D.A. TEMPLEMAN:** They said, “We'll get the Minister for Water because he's a nice fella. We're sure that he'll try, in his own unique way, to dress up this foul, stinking cat of a dirty, foul, pathetic excuse for change. We'll dress it up; we'll stick a couple of stars on it and we'll put a wig on it, and we'll call it a good decision!”

A carcass can be dressed up and all sorts of things can be put on it, but it still stinks! And this one stinks to high heaven! I think my description of this as the proverbial dead cat was most appropriate. No matter how it is thrown on the lawn and no matter how much it is dressed up, it is still dead and it still stinks.

The minister did very well, and I compliment his performance in Estimates Committee A; he was very good! In fact, I have not heard a more honest response from a minister for a long time during estimates week. He was frank and I think he even said a couple of times, “To be honest, this is what it is.” The member for Rockingham was earlier highlighting that this bill has been dressed up to make it look as though nothing much has been done to the figures, but really the government is taking a huge amount of money from the department, introducing this interesting amendment, and then hiving off some of the funds that were supposed to be for waste management purposes. The member for Rockingham also highlighted what this amendment means in real dollars; it is quite significant. I refer to the *Hansard* of Estimates Committee A, dated 27 May. On page 276 the member for Rockingham asked about the 2009-10 budget, and then the minister stated —

— in the 2009-10 budget estimate is \$171 835 000. Therefore, there has been a reduction.

He then referred the question to the director general, who stated that the short answer to the question about the reduction in funding was yes. During Estimates Committee A, as well as tonight, we have put forward a view to the people of Western Australia that this amendment bill, to use my words from the estimates committee, robs Peter to pay Paul. The government is vastly increasing a particular levy that was supposed to be directed to a specific purpose, and hiving off a significant proportion of at least two-thirds to be directed to other environmental-related areas. It is doing this to fill a big hole of its creation in taking money away from the department's overall budget.

The member for Rockingham has already spoken about this, but my particular concern is that, once again, this decision demonstrates the government's incapacity to consult. Clearly, there was no consultation with local government about this amendment, which will ultimately be the key collecting agency of the levy and will bear the brunt of the landfill levy issue. Therefore, it is unsurprising that I, and as I am sure did other members, have received letters from various local government authorities in Western Australia that made a number of points of contention. One of the key points was the lack of consultation entered into by the state government. I will quote from a letter that I received from the shire president of the Shire of Capel, Mr Murray Scott, in early July this year. The Shire of Capel has highlighted key points that I will refer to. The letter states —

The main change to this legislation will see the revenue, creating many millions of dollars, derived from this levy increase, being used to offset administrative costs for the Department of Environment and Conservation.

The levy was never designed to offset State Government Administrative costs or fund the running of a government department.

The member for Rockingham made the point very specifically in his contribution a few minutes ago that this is the only government department that this sort of revenue raising and cost shifting process has happened to. I, along with the member for Rockingham, feel that this government has it in for the Department of Environment and Conservation and in particular has it in for some of the senior executives of the department. That is reflected ultimately in the morale of the department in general. When I was Minister for Environment for just over 12 months, it was my great pleasure to witness the hard work and dedication of the almost 2 000 employees of the Department of Environment and Conservation. It was a great pleasure to visit and meet with them and to acknowledge and see for myself, as I did, the work of these men and women. Many of them work in rural, regional and remote Western Australia and many do a very difficult job. As government employees, they have come into conflict with key stakeholders in some communities when they have tried to carry out the important work for which they have statutory responsibility to carry out. In fact, some department staff have been almost isolated by communities because they have done work that in some respects members of the wider community in specific parts of the state have regarded as inappropriate or has not been supported by those communities. We give them a very difficult job to do, particularly the people in areas where that has happened. The department is blessed with a huge number of very skilled people. Some of the science that is generated by the scientists through the department's work is world class. It is important that we acknowledge that. It is also important that

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those employees of this department be supported, not only by being appropriately resourced, but also by their minister and by the government of the day. There are examples in the recent past when that clearly has not happened. There have been accusations by the Leader of the National Party about the director general of this department and there have been other examples in which the professionalism of the staff has been called into question. I find that quite abhorrent. If the Leader of the National Party, for example, better understood the job that many of these people do, he might understand that it is demanding work. We therefore must support these people and this department.

Western Australia is blessed with some of the most unique flora and fauna in the world. Indeed, the south west, as a biodiversity hot spot, also has some of the most endangered flora and fauna in the world. I am therefore concerned, as the member for Rockingham has highlighted, that if we see a black hole appearing in the department's funding, important programs will fall by the wayside, whether they be investigations or continued research into dieback, for example, or important programs that have brought back from the brink of extinction animals such as the woylie. If these sorts of programs fall by the wayside, Western Australia will have an even worse history of loss of native fauna and flora in future.

The last thing we need, therefore, is a worrying revenue model to fund this department. That is one of the key concerns with this bill. Not only does it impact on families and people who pay local council rates, no matter where they may be, but also it creates a situation in which there is ultimately uncertainty into the future for funding for a raft of programs that should be funded by government through government revenue allocations, not through stealing from a fund that was set up for a specific purpose.

It is important that members understand the importance of the Waste Avoidance and Resource Recovery Act when it was introduced and passed by this Parliament in 2007. The act, as has been mentioned by the previous speaker, enables the government to address issues of waste through regulation and policy development. I recall that when we were nursing the bill through this place and through the other place, we received accolades from other states of Australia and even international acknowledgement of the importance and maturity of the act. The member for Rockingham highlighted a couple of key aspects of the act. It established the role of the Waste Authority and the mechanisms to be available to government, and ultimately the Minister for Environment, to deliver real policy outcomes for waste. There is no member of this place who does not support the overall goal of the Towards Zero Waste strategy. For too long in Western Australia—more than 100 years—landfill has been the only mechanism for waste disposal and waste management. This act is changing all that. The act puts the responsibility on the minister and enables the minister to employ mechanisms to ensure that the responsibility for waste is with the producer of the waste. That is why I am interested to know whether this government intends to introduce and support a container deposit scheme in the future. I do not think it will, as I do not think it supports it. However, I am very interested to see whether that policy initiative will be progressed by the current Minister for Environment. What has happened with this amendment to the legislation is, as the member for Rockingham said, a bastardisation of the goals and objectives of the WARR act itself. That is why we will be opposing it.

I referred to the Shire of Capel's letter. It mentioned a couple of other important points that the shire raised with the minister when she announced that this amendment would be put before Parliament. First of all, the letter raised specific points including, again, the lack of consultation with the sector regarding the increase; local government's opposition to the removal of the hypothecation for the levy; the likely increase in illegal dumping as a result—we have had some debate across the chamber already on that; the likelihood of increasing transport of waste from the metropolitan to non-metropolitan areas and dumping in non-manned landfills—that is a real problem we will face; and the needs of the waste industry to support recycling.

[Member's time extended.]

**Mr D.A. TEMPLEMAN:** The response from the minister seems to be simply to highlight the obvious. Yes, we do need to increase recycling participation within Western Australia; no-one is denying that. One problem is that in the past number of years there was a loss of recycling projects for industry to the point that we were trucking or railing hundreds of tonnes of glass, for example, to South Australia because WA had no significant glass remanufacturing and recycling plant. By appropriately funding waste and waste management and working effectively with local government, stakeholders and new innovative businesses will come to government with new ideas and be assisted through government to develop those initiatives and ideas, and we will begin to make a real mark in addressing this question of waste and waste management for the future. The government has simply said that the budget of the Department of Environment and Conservation must be cut, so we will bump up the levy, which we know is supposed to be spent only on waste management matters, then we will be able to plug the holes in the department with some of those funds. The government is forgetting, of course, that that levy must come from somewhere and that it will impact on families—all the families in our communities. I think the City of Mandurah in its letter to the minister highlighted that it expects that this initiative will impact on the City

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of Mandurah to the tune of around \$871 000 each year. It has worked out the amount to be passed on to be about \$26 extra per household per annum. That cost will be on top of the fishing tax that is being imposed on people in my electorate and other parts of Western Australia, and on top of the increase in electricity prices, gas prices and water prices. All these increases add up. I remember the Treasurer saying, “The increases equate only to a basket of goods worth around \$200.” We know it is more like over \$1 000 per family per annum. Whether people are on fixed incomes and worried about keeping their jobs or balancing the budget because they have a family of four, three or two or whether they are single and trying to pay the rent, every increase in costs adds up. They must find that increase from somewhere and it has a direct and real impact on those households. That is what the government is doing with this amendment to this particular regime.

This is where we appeal to members on the other side, who tell us they can vote how they like and that they can cross the floor. I have not seen that happen yet. Despite a number of real opportunities that members opposite have had to stand up for their communities, I have not seen that yet.

**Mr P. Papalia** interjected.

**Mr D.A. TEMPLEMAN:** Absolutely. I think we will see fragmentation shortly. The Premier will have to offer more and more parliamentary secretary positions and expand the ministry to 25. He will have to offer all these incentives to keep his members in the pit. We know that a couple of chappies and ladies on the other side are unhappy. My good friend the member for Murray-Wellington is not happy.

An opposition member: The member for south Perth lost his station.

**Mr D.A. TEMPLEMAN:** The member for South Perth is most disgruntled—I love the word “disgruntled”—about being overlooked for the ministry.

**Ms R. Saffioti:** He has lost his station.

**Mr D.A. TEMPLEMAN:** He has lost his station. He has lost everything. He said, “My vote went up and the outcome is I got nothing in the budget.” I feel sorry for my good friend the member for South Perth; he is a very good friend of mine. But he has not invited me down to Como because he reckons the people in South Perth will hurt me. He is disgruntled, as is the member for Murray-Wellington, who is very disgruntled. I have not seen a more disgruntled person than the member for Murray-Wellington in all the time I have been in this place, and I have seen some disgruntled people. I have seen those disgruntled people from the mountain. It is very high up here, but it gives me a chance to look down! When they are disgruntled, they murmur in the corridors and say, “You know what he’s doing now, don’t you; now I have to take this on; now I have to lay down and I have to take it all”! That is what the member for Murray-Wellington says. He is a very good friend of mine. He is a very tall man, so I have to look up to him most of the time.

**The DEPUTY SPEAKER:** Order, member for Mandurah!

**Mr D.A. TEMPLEMAN:** That is what he says as he leans on my shoulder and demonstrates his disgruntlement. If he can see through the veil of disgruntlement, he will know that this bill is a stinking cat, a stench of a piece of amending legislation. Let us talk about a few other people who will be disgruntled about the Waste Avoidance and Resource Recovery Amendment Bill before us.

**Mr R.F. Johnson:** You’re not going to talk about all of them are you?

**Mr D.A. TEMPLEMAN:** Absolutely. It is a pity I cannot extend my time. Let us talk about a few other disgruntled people who are on the government side. They were sort of thrust into government, unexpectedly of course, and now they realise that, despite all the wonderful things they said and the promises they made before they became members of this place, everything is coming home to roost, and they do not want to support a lot of things the government is foisting upon them. They argue about their independence and their capacity to think and act independently, but they will not act independently; they will fall into line. Even if they are disgruntled, they will fall into line in a disgruntled manner.

**Mr R.F. Johnson:** What about the member for Perth. He’s not happy with your stand.

**Mr D.A. TEMPLEMAN:** He is not a disgruntled man. The member for Perth is never disgruntled. He is one of those people who can smile at us without showing his teeth.

I have said in this place, and I will say again, that I admire the Minister for Water and for Mental Health. That admiration may be the kiss of death for him, I do not know. I admire him because he is a nice person. He was sent into battle here during the estimates committees and has been sent in again tonight to present what can only be described as the proverbial dead cat that was flung at him by the Minister for Environment, which was actually flung at her by the Premier. The Premier probably did a bit of cat flinging, as did the Treasurer, a well-known cat flinger. They were flinging this dead cat, and asked, “Who will catch this cat; who can we give it to?”

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We will give it to the Minister for Environment, because the environment loses everything.” When cuts are to be made, they are always made to environment funding, not to anything else. Then they said, “We’ll find the nicest person in this place to present it and try to dress it up.” That is what they have done. The minister might be a conjurer of note, but he cannot change this dead, stinking cat into a sweet-smelling rose. He cannot. The fact of the matter is this bill can be defined only as a stinking cat. It looks like a stinking cat, smells like a stinking cat. It is a cat, even if it is not a stinking one.

**Dr G.G. Jacobs** interjected.

**Mr D.A. TEMPLEMAN:** No he is not. He is just dressing it up as a new policy—a new way forward. That is not what it is.

I appeal—I appeal to many people; I do not appeal to many other people—to those free-spirited, free-thinking members on the government side to look very closely and perhaps in a far more analytical way at this pathetic legislation and consider the real ramifications for the environment and, of course, for the overall effective operation of the Department of Environment and Conservation. They might also consider that, once again, this is legislative change that has been foisted upon a number of key stakeholders, including local government, without any consultation or analysis. It is simply a cost-shifting exercise; an exercise that I think puts at threat much of the other great work of the Department of Environment and Conservation. It flies in the face of the very intention of the WARR act itself. If this state is to move forward by dealing appropriately with waste in a modern, effective, efficient way, the last thing we should do is emasculate a very key piece of legislation that is available to be administered by the now government and minister to achieve zero waste.

If we do not set these goals and deliver the resources to where they are intended to be delivered, we place at great risk a range of environmental programs, and ultimately the environment of Western Australia. Not only has the government emasculated the Department of Environment and Conservation, it has torn away at the responsibilities of the Minister for Environment. I suspect that up on the twenty-ninth floor where cabinet meets, all the ministers file in, but the Minister for Environment stays in the lift. They say “We’ll talk to you when we need to.” I do not think she goes into the cabinet room. I think they have made a little room for her and tell her she will be consulted at the appropriate time—in 2012! That is what I think will happen. The environment portfolio was a very important part of the Labor government, but clearly the Minister for Environment in the Barnett-Grylls-Independent, dead cat society government has no standing at all. The Minister for Environment is probably disgruntled, just like the member for Murray-Wellington and my good friend the member for South Perth.

**Mr J.E. McGrath** interjected.

**Mr D.A. TEMPLEMAN:** No, the member for South Perth is a good friend. I like to include him; I am very inclusive. This legislation is a piece of bunkum.

**MR C.J. TALLENTIRE (Gosnells)** [8.12 pm]: The Waste Avoidance and Resource Recovery Amendment Bill 2009 is a serious disappointment. It is about making the environment hostage to increasing volumes of waste. We hope that we will not have increasing volumes of waste and, therefore, it would follow that we would have a decline in the budget going to the environment. We see the unfortunate cornering of the environment portfolio, as has been said by other speakers. The level of importance placed on the environment by the Liberal-National government is evident when we examine this legislation.

I will begin with a couple of statistics. First, Western Australia has the highest level of landfill in Australia at 1.7 tonnes per capita per annum. Each Western Australian sends about 1.7 tonnes of waste to landfill each year. In addition, we have one of the lowest recycling rates; that is, a meagre 811 kilograms per capita per annum. When that is compared with the Australian Capital Territory’s 1.7 tonnes per person of material going to recycling each year, it can be seen that we have an enormous amount of work to do. As I have said, this legislation appears to be about making the environment agency, the Department of Environment and Conservation, hostage to funding that comes through the waste levies that have been significantly increased. It is a very precarious way to go about funding an environment agency. As other speakers have said, the work of our Department of Environment and Conservation is of absolute importance. It should be considered the most important portfolio, and the agency that deserves the most funding. It goes without saying that if we do not look after our environment and seek to rehabilitate the damage that has been done, much of our quality of life and natural heritage will be lost. The programs that the Department of Environment and Conservation runs are being affected. To take one example, the air quality management plan is not getting the funding that it needs. It will be put into an even more precarious position because of this change in the source of funding for the Department of Environment and Conservation.

There are a few peculiarities in this legislation as well. Reference has been made to pages 15 and 16 of the notice paper, and this idea that there will be an amendment to the bill. The nature of the funding will be that in the

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financial year ending 30 June 2010, an amount not less than the difference between 25 per cent of the forecast levy amount for the financial year and the amount of levy paid or payable for the period from 1 July to 31 December 2009, will be the basis of the calculation initially, and in any other financial year, not less than 25 per cent of the forecast levy amount of the financial year. That is a very precarious way to go about funding an environment agency.

I turn now to the latest minutes from the Waste Authority. The authority has already alerted us to a decline in the amount of money it is receiving from waste going to landfill. This is before we have actually seen those increases kick in. The disincentive mechanisms are not yet in place but we are already seeing the precarious nature of relying on waste to landfill for a funding stream. The minutes of the meeting of the Waste Authority held on Wednesday, 5 August show that staff advise that the April-June 2009 levy return shows inert landfill down by \$82 000 and putrescible waste down by \$168 000 on the previous quarter. Total levies for the quarter were \$2.7 million. The quick and somewhat glib response might be that that figure will increase when the levy is increased, but the point of my saying that is that we can see that using the waste stream as a source of revenue is a very precarious means of generating funding.

This whole issue also demonstrates that the government does not understand what the waste avoidance and resource recovery fund is really about. It is about making sure that programs are in place that can help us get to that excellent goal of zero waste by 2020. A former environment minister, Hon Cheryl Edwardes, put that aim into place, and it should be supported. Cheryl Edwardes, when she was environment minister in the Court government, had this very worthy objective of zero waste by 2020. She understood that programs needed to be put in place to help the producers of the sorts of things that we consume every day. Programs had to be put in place to enable people to make products in which waste is designed out wherever possible. That is waste avoidance. There is a hierarchy of the way in which we deal with waste, and the first part of that hierarchy is avoidance—getting good design into place, and making sure that producers of any product realise that unnecessary packaging is unacceptable. Regulatory messages need to be sent to them, letting them know that having the product packaged with three different layers of cellophane, bubble wrap and cardboard is totally unnecessary. Avoidance can be included in the design of a particular machine. Many members would be familiar with the example of photocopiers. Manufacturers of photocopiers have gone a long way to cleverly design their machines to make sure that their products, wherever possible, do not end up in landfill. Indeed, many of the components are designed in such a way that they can be re-used in future generations of more efficient, modern photocopiers. Other examples are in the area of floor coverings. There are some famous examples of how people who manufacture floor coverings have managed to avoid the need for that product to end up as landfill once its useful aesthetic life is finished. The products are designed to be re-used and rejuvenated, so that basic raw materials are not wasted. In the waste hierarchy, avoidance is at the top of the pyramid. Then there is the idea of reducing—making sure that we design products so that only the absolute minimum of waste ends up as landfill. There is also the idea of reusing products. There are many examples of that, and I touched on that when talking about photocopiers with components that can be re-used. Indeed, some car manufacturers are talking about this as well. Some manufacturers claim that as much as 80 per cent of a vehicle can be in some way re-used or recycled. The industry sector is actually beginning to understand this and lead the way. Unfortunately, however, the changes we see in this bill demonstrate that the Liberal-National government does not get it. It thinks that the sort of money necessary to bring about these substantial changes can be left to the various fluctuations of waste streams going into landfill. That is very precarious.

The final component in the waste hierarchy is the important matter of recycling. This way we can save money and save resources. Reducing the waste avoidance and resource recovery fund is extremely dangerous and it will be extremely disappointing for the many people who have made some wonderfully innovative suggestions about how we go about treating waste. Such initiatives—my friend the member for Mandurah touched on this—include bringing in container deposit legislation. This is something that would no doubt need some funding during its initial start-up stage. The Waste Authority might have been in a position to consider directing funding from the waste avoidance and resource recovery fund towards ensuring that the container deposit legislation was implemented, and a system, with the right level of infrastructure, put in place to properly deal with it and make it accessible to people. It could have made sure that we had in place reverse-vending machines to which people could take their cans and bottles to receive a return on their deposit.

On the issue of container deposits, it is very important to debunk the misapprehension that exists in some quarters, and, I suspect, on government benches, that the deposit is in some way a tax on consumption. Nothing could be further from the truth. If someone wished to buy a slab of beer, the deposit on the bottles would be returned in full. There is no question that this would ever be a tax on the consumption of beverages, alcoholic or otherwise. It could perhaps act as a bit of a disincentive towards binge drinking behaviour, where people buy a slab of beer and dispose of the empty bottles in a totally irresponsible manner. Yes, this would be a tax if people

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were prepared to throw away their bottles into the nearest road verge or litter our wonderful state in some way. That would be a very minor penalty; such people should in fact suffer far greater penalties than a forfeited deposit refund.

The previous government did a sterling job on waste treatment in Western Australia, but we are unfortunately seeing that being wound back by the current government. We are seeing a very concerning trend towards attacking the environment, and the latest manifestation is apparent in the way that the government is seeking to tie funds received from the waste levy to the funding of the Department of Environment and Conservation. I know that other speakers have touched on the issue of attacks on the Department of Environment and Conservation and, indeed, attacks on the environmental legislation that has served us so well in Western Australia. The latest example appears in the "Review of Approvals Processes in Western Australia", a report released by an industry working group. The group is endorsed by Hon Norman Moore and chaired by Peter Jones, someone who has very strong Liberal Party connections. The foreword of the report states —

A credible, transparent approval system, which has integrity and is readily understood and respected, was an essential element of economic development in Western Australia for many years following the launch of the State's growth in the late "1950s".

We get the impression that there is a desire to go back to 1950s environmental standards! Further along, Mr Jones observes that a primary reason for the failures in the approvals system is the inability of ministers to make decisions that ignore environmental standards. He states —

Government agencies and departments have been allowed to continue the present undisciplined, uncoordinated and unaccountable system which has existed since 1986. In that year, the then Government brought in the new *Environmental Protection Act 1986* ...

In other words, this is a campaign against environmental standards in Western Australia. I implore members opposite to take this very seriously. It can also be seen in opinion columns by Paul Murray in *The West Australian* over the past week, in which he is chipping away and suggesting that environmental standards are nothing but green tape; something to be got rid of, along with red tape and black tape.

**Mr J.J.M. Bowler:** Getting rid of red tape doesn't mean that the environment has to suffer. What we're saying is that the processes just took too long.

**Mr C.J. TALLENTIRE:** I welcome the member for Kalgoorlie's interjection, because I know that he was a member of that industry working group. I thank him for his interjection.

**Mr J.J.M. Bowler:** Taking a long time doesn't mean it is better.

**Mr C.J. TALLENTIRE:** I am sure that there could be cases where the processes could be sped up in some way, but when one looks at the evidence of the past 10 years, one has to admit that Western Australia has experienced an incredibly successful period of resource development, so I do not see the evidence to suggest that we are unnecessarily slowing things down. It may be that the odd project was examined more thoroughly than the member for Kalgoorlie and other members of the industry working group would have liked, but the fact is that if we had gone any faster, industry would have been struggling to keep up with the increased demand.

**Mr J.J.M. Bowler:** That's not a reason to slow things down.

**Mr C.J. TALLENTIRE:** The fact is that if we had gone faster, we simply would have been cutting corners. I am sure that the member for Kalgoorlie is aware that one of the key problems facing the resources sector with environmental approvals was the problem of staffing in the environmental agencies. Why was that the case? It was because various resource companies were actually poaching people from the agency; they would wait until the people had worked in the agency for a couple of years and been trained, and then the companies would poach them to assist them in gaining environmental approvals, supposedly more quickly. It was a very vicious circle.

We need to look back at the events of recent years and congratulate ourselves on the successful developments that have gone through, and acknowledge that the previous government did a very good job of making sure that economic development went ahead in this state. At the same time, it realised that our regulatory process is one that should be respected and admired for the amount of community consultation it engenders. The Environmental Protection Act part 4 assessments process gives people two opportunities to appeal a level of assessment and the report and recommendations of the EPA. It is a very solid system and one that should be admired and protected, rather than being the victim of budget cuts.

That brings me back to the Waste Avoidance and Resource Recovery Amendment Bill 2009. I fear that the sorts of staffing problems we have experienced in the past because of increased demand for skilled employees will re-emerge. The agency will say that it does not actually have the money to pay for staff who can work with

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proponents of major projects. The agency will not have the staff to work on the recovery programs, and we will find ourselves having to deal with, for example, species that have recently been placed on the threatened or vulnerable lists.

[Member's time extended.]

**Mr C.J. TALLENTIRE:** The whole point of the waste avoidance and resource recovery legislation that we have in Western Australia is about inspiring local people to come up with good initiatives so that we achieve that aim of zero waste, and it is about providing the money to achieve that. The Liberal-National government has missed the point entirely. It simply thinks that sending material to landfill is an opportunity to raise money and that by somehow putting extra charges on those who send material to landfill, we will be able to reduce the amount of landfill and somehow miraculously not suffer budget problems in the agency.

I will talk about the kinds of initiatives that the government should do and that it will struggle to do because of the reduced funding going to the waste avoidance and resource recovery account. One humble example that we could all perhaps try in our homes is to reduce the amount of putrescible waste, particularly in the form of food scraps and food waste. At the moment, each Australian is responsible for about 145 kilograms of food going to waste every year, which is said to be worth about \$5 billion each year. It is just going to waste. That is an absolute shame in itself and I know that there are various opportunities for people to make better use of food. One idea that I would put forward—this idea could be promoted in the community using the funds from the waste avoidance resource recovery account—would be something like the Bokashi composting system. It is a very simple bucket that people can have in their kitchen to put their compost materials into. It is an anaerobic composting process, so there is no smell in the kitchen and no chance of fruit flies getting out —

**Mr P. Papalia:** No dead cats.

**Mr C.J. TALLENTIRE:** There are no dead cats, as the member for Mandurah was talking about earlier.

People can drain off a liquid from the bucket that is an excellent fertiliser for gardens. These sorts of ideas could be promoted and, as a result, we could dramatically reduce the amount of putrescible waste that we inevitably see at the moment going into the wheelie bins that are collected on a weekly basis by all our local governments. That would reduce the burden on local governments to collect waste and at the same time find the landfill facilities for that waste.

That brings me to my final point in this debate about the burden that we are going to foist on local government. It is totally unreasonable to burden local government and ratepayers with additional rates by this very poor means of raising funds to plug a budget black hole. It is totally unfair on local governments. Like other members, I have had leaders from local government expressing their deep disappointment; they are well aware that the intent of the fund was something totally different from what the Liberal-National government is proposing. The concerns, especially from rural local governments, are very strong. I think most of those rural local governments would be in Liberal-National electorates, so their concerns are most interesting. When ratepayers realise that they are having to fork out sums—there are various estimates around, one of which is that it would be at least \$24 extra a year—just to pay for this waste levy on putrescible and inert landfill, it is pretty clear that they will consider this to be not only a most unfair and irresponsible means of trying to prop up our Department of Environment and Conservation, but also a very unfair slug on families who will have to front up with the money. It is totally unreasonable for local governments to have to be the meat in the sandwich on this issue.

In concluding, I say again that holding the environment hostage to a landfill levy is totally unacceptable. It makes me wonder where this is going. If we get into the mentality of using waste as a means of propping up our environment, where does that eventually stop? Heaven forbid that it might be that the government's longer term plan is to fund our environment by other waste streams. The thought comes to mind that perhaps there is a longer term plan for the recovery of species, the protection of biodiversity, the protection of the marine areas, the development of better air quality, and the protection of other aspects of our environment to be dependent upon money being raised by the storing of nuclear waste or something of that order. It is a very serious step when we start using waste as a means of funding our Department of Environment and Conservation.

**MR P. PAPANIA (Warnbro)** [8.35 pm]: I rise to address the Waste Avoidance and Resource Recovery Amendment Bill 2009, forevermore to be known as the “dead cat bill” as a result of the wonderful contribution from the member for Mandurah. I entirely agree with some of the assessments and contributions he made; firstly, that this bill stinks and, secondly, that the fine minister who was delivered the task of coming into this place and presenting this bill to this house is indeed a gentleman, a respected individual and a nice person. It was a clever tactic on behalf of the government knowing that it would pain those of us on this side of the house to criticise such a nice man, despite the fact that he was delivering before us, albeit on a silver platter dressed up with a bit of added floral arrangement, a stinking dead cat of a bill.

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It is appropriate that I follow on from the member for Gosnells, who made some remarks in concluding his contribution about how this bill is having such a negative impact on the local governments of Western Australia, because as the opposition local government spokesperson I too have received a great many approaches from local governments individually and from the peak bodies representing those local governments specifically about this change to the Waste Avoidance and Resource Recovery Act.

I will, just by way of building the picture a little and filling in a few of the gaps, go back to when the government first announced this initiative when it first decided it was going to foist upon the local governments of Western Australia the responsibility for collecting a stealth tax on behalf of the government with no objective in mind other than to fill the three per cent efficiency cuts that have already been extracted from the Department of Environment and Conservation. I will go back to that time in June when, on behalf of its constituents, the peak body representing local governments in Western Australia—the Western Australian Local Government Association—criticised the announcement that this landfill levy would impose on local governments and it identified the fact that it was nothing other than a stealth tax. WALGA did so in the media and it did so in a very responsible fashion. Mr Bill Mitchell is the president of the Western Australian Local Government Association. I cannot believe that I have been in this place defending the character of Mr Mitchell so many times since we went into opposition because, as I have frequently said, Mr Mitchell is no great friend of the Labor Party. Mr Mitchell identified correctly in June, when the announcement was made by the environment minister—I imagine at the behest of the Premier or some other powerbroker such as the member for Vasse, the Treasurer—that the government would impose this tax upon the people of Western Australia in a surreptitious, sneaky, sly fashion by getting local governments to apply it to the landfill levy and then to try to dress it up as somehow supporting the environment. At that time, WALGA and Mr Mitchell said, “Hello, this is not going to help the environment; what you’re actually doing is only a tax grab.” No other outcome has been identified. There is no measure to encourage environmental outcomes. Quite the contrary. What was suggested by the minister, and has subsequently been delivered in the form of this legislation, was the intention to take the money from the levy increase and use it to plug the gap in the Department of Environment and Conservation. That was the sole purpose of increasing the levy by 300 per cent. The landfill levy is to be increased by 300 per cent and the revenue raised cannot be spent on environmental outcomes because the government is not insisting that it all go into the account that had already been established to achieve environmental outcomes. Instead, it will be put into another account and the department will use that money to fill the gaps that this government has created by slashing the department’s operating revenue. Mr Mitchell said that publicly and in a responsible fashion. What happened in this place as a consequence? The bully from Busselton; the buffoon from Busselton came in here —

*Withdrawal of Remark*

**Mr R.F. JOHNSON:** Mr Speaker, the language that the member is using to refer to another member of this house is unparliamentary and I ask that he be made to withdraw it.

**Mr P. PAPALIA:** I withdraw it, Mr Speaker.

*Debate Resumed*

**Mr P. PAPALIA:** The member for Vasse, the Treasurer, came in here in a bullying fashion that was likely to elicit the observation that he was acting like a buffoon. He came in here and said that Mr Mitchell was urging civil disobedience in Western Australia. The Treasurer attacked him from the sanctity of this place. The big bully! He came in here and he threatened an individual who had no opportunity —

*Withdrawal of Remark*

**Dr G.G. JACOBS:** Mr Speaker, I draw your attention to the fact that I believe that the member’s language is still unparliamentary.

**Mr P. PAPALIA:** I withdraw it, Mr Speaker.

*Debate Resumed*

**Mr P. PAPALIA:** He came in here and he effectively attacked a member of the public whose role it is to represent his constituency and defend the rights and interests of local governments and ratepayers of Western Australia. Mr Mitchell did that in a forthright and honest fashion, knowing full well that he is a friend of the Liberal Party and of the conservatives, and has been a willing candidate for them in previous elections. Knowing that, he still did it because he knew that what was happening was wrong. The member for Vasse said that Mr Mitchell was inciting civil disobedience and suggesting that the local governments of Western Australia should take to the streets, form barricades, set fire to tyres and defy the government.

**Mr R.F. Johnson:** Does the member think he is exaggerating just a little?

**Mr P. PAPALIA:** No. I think the member for Vasse was exaggerating.

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**Mr R.F. Johnson:** I think the member is exaggerating.

**Mr P. PAPALIA:** I must admit that on occasion I am known to exaggerate; this, however, is not one of those occasions. I recall it very clearly because I put out a media release immediately after he did it, on the day. I recall the very nasty, personal nature of that attack by a minister of the Crown on the president of WALGA for no reason other than the government had been having a bad time with local governments since 6 February when it made the unprecedented announcement that it was going to force amalgamations. That was the real motivation. The government did not like the fact that it was not getting total support from the peak body, for a change. Mr Mitchell said that he was acting on behalf of his constituents. That was the reason behind the Treasurer's attack.

Guess what? The Treasurer was wrong. The statements that the Treasurer attributed to Mr Mitchell were actually made by other individuals. Did the Treasurer come into this place and apologise? Did the Treasurer withdraw his almost unprecedented—I would say—attack on the peak representative of local governments in Western Australia? Did he even suggest that perhaps he had overstepped the mark just a little? No, he did not. At least the Treasurer was acting consistently with that behaviour. It is a consistent trait of the Treasurer not to apologise. No matter how profane, no matter how offensive, no matter how nasty his behaviour, he has demonstrated a willingness to deflect any amount of criticism and refuse at all times to apologise.

It remains a fact that on 16 June the Treasurer made a false accusation. It also remains a fact that on that day, the reason that WALGA criticised the government's action was that it was illegal. The Western Australian Local Government Association had to put out a press release to notify the government that it was acting in an illegal fashion by suggesting that it would increase the landfill levy by 300 per cent and not give it all back to the waste avoidance and resource recovery account. What did the Treasurer say about that at the time? The Treasurer said words to the effect, "Mr Mitchell is wrong. Mr Mitchell hasn't got a clue. Mr Mitchell is completely out of his depth and is wrong."

What happened subsequently in this shemozzle of an introduction of legislation? The government sought some legal advice of its own and it found out that, yes, indeed, it would be acting illegally if it imposed that requirement from 1 July. What did the government do? It told everyone that it would not bring the levy in on 1 July; it would introduce the levy from January next year. Meanwhile, the local government sector is confronted with the knowledge that in January next year it will be expected to have collected a 300 per cent increase in the landfill levy to pass on to the government in the form of a stealth tax. It is confronted with the decision of what to do. What will it do? At the commencement of the financial year, do local governments start collecting the landfill levy increase so that they can have their books in order and can say to their ratepayers, "We are doing this because the government has demanded that we do this"? Is it the rates notices that are going to cover the costs, or are they going to hang on until 1 January and somehow absorb the costs or impose the costs at a later date?

As an indication of how poorly this entire affair has been handled, some councils chose one option and other councils chose another. Around the metropolitan area, where this levy applies, some councils have been collecting the increased landfill levy since 1 July. Through you, Mr Speaker, and out into the ether, I suggest to the advisers of the minister that when they come in here for the consideration in detail stage, I will be very interested to find out where that money has been going.

**Dr G.G. Jacobs:** We will explain that to the member very clearly.

**Mr P. PAPALIA:** Good. I will be very interested to find out where that money has been going.

**Mr R.F. Johnson:** We will tell the member everything.

**Mr P. PAPALIA:** Some of that money has been collected, and it has not been going where the minister thinks it has been going.

**Mr R.F. Johnson:** Everything will be revealed.

**Mr P. PAPALIA:** I do not think it has been going where the minister thinks it has been going, or where they have been telling him it has been going.

The interesting thing is that it demonstrates once again where this money is going in the long term. The minister's second reading speech states that he is increasing the landfill levy by 300 per cent. He is imposing that tax on local governments of the state. They have nowhere to go. The only way to collect that money is to apply it to the rates of their ratepayers.

**Dr M.D. Nahan:** They could produce less landfill.

**Mr P. PAPALIA:** They could produce less landfill but that is unlikely in light of the way the government has increased the landfill levy. The government has not constructed it in a fashion that is going to encourage a

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reduction in landfill. As the member for Rockingham indicated, what the government will encourage is illegal dumping. It will be encouraged in suburbs and in local government areas surrounding the metropolitan area. Local governments that are not currently confronted with this levy are concerned. As the member for Gosnells indicated, they are contacting us about their fears that illegal dumping is going to increase, even though they are not confronted by the damage associated with having to collect this government's tax increase. That aside, this 300 per cent increase will not be spent on improving environmental outcomes. It will be spent on running one of the government's departments because it has been stripped of its funding. The government has stripped it of its funding and is creating a new tax. I cannot believe that the member for Riverton is advocating the creation of a tax to fund one of the departments that the government has just cut funding to. The member for Riverton's position is not very free market! I am shocked and completely confused about what motivates the member for Riverton. I do not know what motivates him. I would have thought that the member for Riverton would be opposed to an additional tax, especially a tax that did not have a demonstrated outcome. The landfill levy was created for a purpose; to encourage better environmental outcomes, to encourage recycling, and to reduce landfill.

Several members interjected.

**Mr P. PAPALIA:** I will refer the Minister for Water's interjection to the member for Rockingham.

In his second reading speech, the minister quite rightly stated that New South Wales has a far higher levy; I am aware of that. Interestingly, in New South Wales the rubbish tips are owned and operated by the state. The revenue stream generated by the higher levy goes to operating costs. Who covers the costs of operating rubbish tips in Western Australia? It is local government.

Several members interjected.

**Mr P. PAPALIA:** Correct; it is the ratepayer via local government. Local government covers those costs and the state government imposes its tax on top of that, but, benevolently, the state government has promised to give back to local government 25 per cent of what it collects. This bill takes the levy from being 100 per cent targeted at the environment, to local government receiving 25 per cent of the increased levy. The government has slashed the budget of the Department of Environment and Conservation, made local governments be the collectors of a new tax and made them bear all the odium and negativity from the electorate associated with that. Local governments then have to give the state government the tax that has been collected so that it can somehow pretend that it cares about the environment because it is still running the Department of Environment and Conservation.

The Minister for Water and I had a role in the inquiry into the lead contamination in Esperance. One of the findings of that report was that the lack of resources given to the Department of Environment and Conservation played a significant part in that incident.

**Dr G.G. Jacobs:** This will not impact on that.

**Mr P. PAPALIA:** Minister, I fear it will.

**Dr G.G. Jacobs:** This will not impact on that in a negative way at all.

**Mr P. PAPALIA:** I fear it will, because the vast majority of the money that will be collected will go towards administrative costs and will be used to mask the fact that money is not being put into the field operations of the Department of Environment and Conservation, where it is really needed. The government is not supporting the inspectors who have to go out in the field, and it will not ensure that all the administrative processes are followed through in the field. The inspections need to be funded. I do not believe that what the government is presenting in this bill will ensure that. What I believe and fear is that the government is presenting an opportunity to mask the cuts to the operations of the Department of Environment and Conservation. It is going to try the old thimble and pea trick that the member for North West used to be so fond of referring to when he was on this side of the house. The government will use that trick on the Department of Environment and Conservation. This government has got runs on the board. It does not like the Department of Environment and Conservation. Its ministers attack the Director General of the Department of Environment and Conservation. What is the purpose of that? What message does that send to the people in the department? What message does this sleight of hand, this tax by stealth, this cut to the operating costs of the Department of Environment and Conservation send to the good and loyal people who work on behalf of us all to defend the environment of Western Australia? What message does that send?

Minister, I am concerned and fearful. I promise that the opposition will be looking very, very closely at this bill during consideration in detail and at what the government is actually up to. We will be looking at what sneaky little tricks are going on. I know that it is nothing to do with the minister and that he is a nice person. He has

**Extract from *Hansard***

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been sent into this place to deliver the bill, which is an excellent tactic, but I assure the minister that the Labor Party, on behalf of the Western Australian people, will be looking closely at what is presented.

Debate adjourned, on motion by **Mr R.F. Johnson (Leader of the House)**.