

**NATIONAL ENVIRONMENT PROTECTION COUNCIL (WESTERN AUSTRALIA)
AMENDMENT BILL 2009**

Second Reading

Resumed from an earlier stage of the sitting.

MR C.J. TALLENTIRE (Gosnells) [3.18 pm]: I will continue my comments on the National Environment Protection Council (Western Australia) Amendment Bill 2009. Previously I mentioned some of the great strengths of the current act that we are seeking to amend, including encouraging community consultation on a range of key environmental issues that are important across the states and territories and also involve the federal government. I mentioned that its strength of encouraging public consultation had been adopted by other jurisdictions and had provided some assistance for community groups and others to be involved in the consultation.

Proposed section 22B talks about facilitating and smoothing the way for minor amendments, because previously we had a situation in which very minor amendments were forced to go through a fairly lengthy process before they could be accepted. However, in keeping with the practice in other jurisdictions, this amendment bill seeks to make things a little easier in the case of minor administrative amendments. That is something that the opposition supports.

Having said that, I should point out that there are many occasions when community consultation on key environment issues, especially air quality, which I was speaking about earlier, is vitally important. Earlier I touched on the issue of the BGC brickworks plant at Perth airport. We know from the environmental assessment process put together by the company with the federal Department of the Environment and Water Resources in 2006 that the brickworks emits copious amounts of hydrogen fluoride, hydrochloric acid, volatile organic compounds, sulfur oxides and nitrogen oxides. The latter two combine to form ozone when exposed to sunlight. These chemicals and gases will be in the atmosphere in the local airshed and will naturally cause concern for people who live in the vicinity of plants such as the BGC brickworks. We thought it would be normal for a company such as BGC to ensure that it has a good community consultation group. Unfortunately, that is not the case. It does not run such a group. Midland Brick Company has a community engagement plan and seeks to engage the local community. I mentioned earlier that the Midland background air quality study is 12 months late. We are not able to see what the cumulative impact of the BGC plant's operations will be on the local community. I have asked the minister—I hope he will be able to answer this later—just what is going on with our statutory requirements under the national environmental protection measures. We report on those. I look forward to hearing how we are meeting those requirements, given that we seem to be so far behind in making some important responses.

Midland Brick Company and BGC are obviously commercial rivals. It was extraordinary to read an apology to BGC in the weekend's press and yesterday's edition of *The West Australian*. It names a local ratepayer. The advertisement was paid for by Midland Brick Company but it was no doubt forced by BGC. BGC must have demanded this apology of Midland Brick. It forces Midland Brick Company to name someone whom I understand acted as a community activist against BGC, Mr Robert Greenwood. Like many people, he wanted to be involved in a community campaign to investigate his concerns about the development of these huge brickworks on Perth airport land, land that was not under the state government's jurisdiction but was under the control of the Howard government at the time. BGC was simply required to convince the Howard government that its plant would not affect the air quality and other environmental values in the area. It was able to get its project through that way. Naturally, as I said, local community groups were formed to rail against the plant. It seems that BGC took a particular dislike to Mr Robert Greenwood and named him in the newspaper, asking that he apologise and be named in the apology put forward by Midland Brick. That demonstrates that we still have a lot to do when it comes to ensuring community consultation and the right of community people to speak out against developments that they have concerns about. The fact that BGC was able to get away with this heavy-handed approach to people who have the very best of intentions shows that we must be ever-vigilant about the right of community groups to raise important issues about things such as air quality in their area.

The report that BGC put out in 2006 highlights that a brick kiln such as the one it operates emits those gases that I mentioned earlier, such as hydrochloric acid, hydrogen fluoride and sulfur oxides et cetera. The company, in its own advertising, was rather cute with the facts. It put out some advertising suggesting that its plant was a breath of fresh air in the brickworks debate and was cleaner than clean. I think it had some legitimacy in saying that when it comes to emissions of hydrogen fluoride —

The ACTING SPEAKER (Mr P.B. Watson): Excuse me, member. Leader of the Opposition, twice now you have entered the chamber without acknowledging the Chair. I refer you to standing order 38. After all your years

of experience in this house, I know that you will pass on to the other members the fact that it is respectful to acknowledge the Chair.

Mr E.S. Ripper: Mr Speaker, I humbly acknowledge you.

The ACTING SPEAKER: You owe me one more.

Mr C.J. TALLENTIRE: I was saying that BGC's advertising suggested that its Perth airport plant was cleaner than clean. The reality is that it is able to achieve relatively low levels of hydrogen fluoride emissions but the advertising did not mention anything about other gases that it is responsible for. We really have to be concerned about the cumulative impact. It is all very well for a company to say that its plant is cleaner than others, but the cumulative impact on the air quality is what residents in that part of the eastern suburbs are naturally very concerned about. That plant has been in operation since the beginning of the year, and we are yet to see the results of a study into that cumulative impact. That is very worrying.

My federal colleague the federal member for Hasluck, Sharryn Jackson, has worked on this issue. Her predecessor as member for Hasluck, Stuart Henry, worked on this issue of air quality, particularly with the BGC plant and the concerns over Westralia Airports Corporation's management—I think it would be fair to say mismanagement—of the airport site. We all know that that company struggled to handle the growth of the airport and parking at the airport. It has been a disaster for years. Its management of the bushland in the area has been very poor. It has courted companies that want to develop land in that area; companies that probably do not need to be located at an international airport. It is impossible to see why we would need a brickworks at an international airport. Nevertheless, because of the political arrangements available to the company at the time, it chose to use its contacts with —

The ACTING SPEAKER: Member for Mindarie, under standing order 38, when you come into the chamber, you have to acknowledge the Chair. Fewer and fewer members are doing so. I must admit that the Premier is the one who does it the best in this house. I wish there were more members in the house now. I have noticed in the past 12 months that members are acknowledging the Chair less and less often. I will be calling members to order if they do not acknowledge the Chair in future.

Mr C.J. TALLENTIRE: I was talking about my concerns about the air quality issues and the emissions from the BGC plant. The political machinations that led to the establishment of a brickworks at Perth airport really does raise some questions about the process. We are yet to find out what the impact on air quality will be.

I mentioned earlier that there was a review—the “Perth Air Quality Management Plan Review: Five-Year Review”. It has been with the government since 11 October 2007. We ask that the Minister for Environment respond to that review as soon as possible because it is three years overdue. Perth's air quality management plan advisory committee has met only once this year, compared with the five meetings that were held each year while Labor governments were in power. We have some serious concerns about the attitude of the Barnett government to air quality. Members need to be reminded that there are some serious air quality problems in the Perth airshed at times. The “State of the Environment Report: Western Australia 2007” said that programs within the Perth air quality management plan need to be continued and accelerated where feasible. Instead, we see such programs slipping by the wayside and not being enacted. There are no regular meetings to ensure that items in the Perth air quality management plan are acted upon. That is a grave concern. The natural expectation of the residents of this city is that we should have some of the cleanest air in the world to breathe. Clean air is strongly recognised as being essential for the good health of people and for the health of our community.

The national environment protection measure, or the ambient air quality NEP measure, measures six priority air pollutants: carbon monoxide, ozone, nitrous oxide, lead, sulphur dioxide and particulate matter with an aerodynamic diameter of less than 10 microns. It is vital that we track those pollutants and receive that information. Monitoring at some sites suggests that there is cause for concern. Moving out of the Perth metropolitan area, I know that the information suggests that we are in breach of our commitments in the Geraldton air shed. I will endeavour to mention that to the member for Geraldton so that he can perhaps follow that up for the benefit of the people in his electorate.

The issue of ensuring ongoing community involvement in the committees, the scientific studies and the analysis of all the data and information collected is absolutely vital and must be protected; fortunately, the measures contained in the National Environment Protection Council (Western Australia) Amendment Bill seek to do that. Other elements of NEPC work includes substantial work on contaminated sites and examination of diesel emissions. Hon Donna Faragher presented a report to the federal government through the NEPC process. That report documented information to 30 June 2008 and was the last publicly available report. I was able to get that information on the federal government's website. That report by Hon Donna Faragher identified how to access further information and data from the individual monitoring sites in the metropolitan area. Members who wish to see what is happening in their electorate should look at the data on the Department of Environment and

Conservation website. However, I mentioned earlier that the air quality information section on the DEC website—like many other areas of the DEC website—is not operational and has not been operational for some time. That website is an absolute disgrace and needs immediate action. I think that if action is not forthcoming in the next few days, there is a strong case to say that something is going on—that information is being held back and hidden from the public. The consistent message in the report tabled by the Minister for Environment under the NEPC arrangements is that more detail can be accessed on the department's website, but the department's website does not work. That is something that really does need some immediate action.

A further NEPC issue monitored through this arrangement between the state and federal governments is that of the movement of controlled waste; another such issue is that of the national pollutant inventory. It is worrying that Western Australia has reported that yet again there has been a decline in the number of staff working in the national pollutant inventory section and that staff turnover levels have impacted on the implementation activities in the latter half of the 2007-08 financial year and presumably into the future. I am unclear if there are staff working in the national pollutant inventory section and I hope that the minister is able to allay my concerns.

The NEPM process has been very useful in Western Australia in the past; more than 500 000 people logged on and accessed information when those websites were operating. Audit data about the effectiveness of the process is recorded on the federal government website; however, to now find that information is no longer available is extremely worrying. Industry has also been an active user of this service; it has been an extremely valuable service for industry.

Another aspect of the NEPC process is that of the used packaging materials section. Some excellent work has been done through this arrangement and long may it continue. However, there is a real concern that Western Australia has somewhat reneged on its commitment to the NEPC process and it remains for the government to assure us that that is not the case. I cannot think of many things that would be more serious than allowing our citizens to unwittingly breathe air of inferior quality when through good administrative programs, good scientific research and good implementation of mitigation strategies, we can ensure the quality of air that we all wish for and deserve to have.

It is vital that we pass these amendments, honour the true spirit of the NEPC arrangements presently in place, work to ensure that the state government has the necessary resources to report on time, hold proper meetings with groups such as the coordinating committee for the Perth air quality management plan, have an independent chair of that body, and recognise the good work of those community members represented on the committee and ensure that they are given the level of resourcing needed to provide meaningful comment. People in the community should not be expected to give up paid work time to deal with weighty documents on what are often complex scientific matters; they should be given the resources needed to be able to engage meaningfully on such an important matter.

Mr Acting Speaker, I will conclude my comments by commending the bill to the house.

MR M. McGOWAN (Rockingham) [3.37 pm]: I too would like to speak on the National Environment Protection Council (Western Australia) Amendment Bill 2009. As a former environment minister, I am interested in this important legislation on the environment. The opposition will support these proposed changes to the law. We note that this fairly minor set of changes to the national environment protection measures will allow the National Environment Protection Council Service Corporation to provide support and assistance to other ministerial councils; will introduce five-yearly reviews of the state act; and will simplify the process for making minor variations to the national environment protection measures, which are effectively orders of the National Environment Protection Council. That is a minor change to the law. The National Environment Protection Council issues national rules, orders and directives about issues of air quality, other pollution, toxics, site contamination, movement of hazardous waste between jurisdictions, diesel vehicle emissions and used packaging materials.

As a former minister for the environment, I recall that the National Environment Protection Council was a regular topic at the ministerial council meetings of environment ministers.

The ACTING SPEAKER (Mr P.B. Watson): Excuse me, member for Rockingham. I advise the member for Balcatta that under standing order 38 members have to acknowledge the Chair when they enter the chamber. I know that Christmas is approaching, but I have noticed that such acknowledgement is often lacking and I have spoken to people before about this becoming a habit in the house.

Mr J.C. Kobelke: My apologies, Mr Acting Speaker.

The ACTING SPEAKER: Thank you, member for Balcatta.

Mr M. McGOWAN: I recall that this was regularly on the agenda for the ministerial council meetings of environment ministers. An entire bureaucracy at commonwealth level is tied up issuing these directives and

pouring out this work. The federal environment minister always chairs these national meetings and there is always some discussion, albeit more at officer level than ministerial level, about these nationally issued orders. Frankly, I did not think they were too important. I thought they were not the core business of environment ministers. I always regarded them as a bit of a second-order issue, to be honest. But there is a large division at the commonwealth level that deals with these issues. There are far bigger issues in the environment than this. I could never quite work out how this bureaucracy and this activity generated so much heat and activity at a national level. There are far bigger issues at an environmental level than these orders and this council.

Having said that, that does enable me to talk about some of the issues that the National Environment Protection Council deals with. As I have indicated, it deals with pollution and site contamination. One of the things that was done by the former Labor government was that in late 2006, we issued a four-year phase-out plan for the use of harmful fertilisers on the Swan coastal plain in the south west of state, where we have so many of our beautiful waterways, wetlands, lakes, rivers and the like. We issued a phase-out plan for those fertilisers that have been destroying our wetlands and our waterways. Most of the wetlands in the south west are under significant strain and threat. The loss of these wetlands is a tragedy. The loss of a wetland means the loss of bird life, the loss of amphibians and the loss of many of the species, often unique, that exist in the wetlands of the south west. There are thousands of wetlands in the south west. There are also many dozens of major rivers that run through the south west, and, indeed, there are also the inlets. The problem with fertilisers —

[Interruption.]

The ACTING SPEAKER (Mr P.B. Watson): Member for Mindarie, if you were in a police court now, you would be up for no visible means of support! Member for Rockingham, after that performance from the member for Mindarie, you will continue.

Mr M. McGOWAN: Mr Acting Speaker, I have lost my spot!

Mr B.S. Wyatt: Wetlands in the south west, member, wetlands in the south west!

Mr M. McGOWAN: Mr Acting Speaker, the flexibility of the member for Mindarie astounds me! No wonder his wife is so much younger than he is! He is capable of extraordinary acts!

Several members interjected.

The ACTING SPEAKER: Order! It is the season to be jolly, but I am sure the member for Rockingham will get on with this very important debate.

Mr M. McGOWAN: Can we take a short adjournment, Mr Acting Speaker?

Several members interjected.

The ACTING SPEAKER: Order! I just hope that the camera has picked it up for posterity!

Mr M. McGOWAN: It is, of course, tragic what has happened to so many of the river systems and the wetlands and the inlets. For instance, the Peel-Harvey inlet is in grave danger. The problems that inlet is facing are caused by the nutrient flow into that inlet. That is the best example I can give of the extent of the problem with fertiliser use, apart from the Swan River. This problem is happening in rivers and wetlands throughout the south west. Something dramatic needs to be done about this problem. There is often talk around the edges. There is often talk about the volunteer programs and the planting programs that are taking place. Those programs all help, at the edges. But the volume and the scale of these harmful fertilisers, which are flowing from people's properties and from farmland straight into these waterways, is extreme. That problem has now been going on for many decades. When we talk to serious agricultural scientists, they will tell us that other types of fertiliser products can be used that are not as harmful to the environment. They will tell us also that there are already such heavy nutrient and fertiliser loads in the soil that something needs to be done about this problem. We did it. In 2006, we did it. We announced the phase-out of harmful fertilisers. We announced that, in future, only fertilisers that do not cause a huge nitrogen and phosphorus flow into the waterways and wetlands would be available in the marketplace. That was a significant step. That phase-out was to take four years. That would mean that by mid-2010, the use of those harmful fertilisers would have ceased. It may take decades for the waterways systems to repair themselves. But it is a bit like the problem of climate change that we are dealing with at the national level. The impact of the human race pouring carbon into the atmosphere over many decades will be felt a long time into the future. If we phase out the use of harmful fertilisers, we will fix the problem eventually. But, as I have said, it may take decades.

What has happened since the new Minister for Environment has assumed her position? The minister has walked away from that commitment. Although the minister has said that there is a fertiliser action plan and so forth, these are all steps at the edges, because the hard decision to ensure that the dangerous fertilisers that were flowing into our waterways would no longer be available has been revoked. That is an economic and

environmental tragedy. It is absolute weakness by the environment minister that she has allowed that to happen. It is absolute weakness that the minister has let herself be run over by vested interests, who are intent, all for their own reasons, and often because of their own well-believed prejudices, upon allowing that harmful material to continue to flow into our wetlands and waterways. For the environment minister to walk away from that commitment is nothing short of disgraceful.

But, of course, the minister has done some important things. If we go through the environment minister's press releases, she has put out a tidy towns plan, a playgrounds plan and an old mattress plan. She has created a new enclosure for a crocodile at the Zoo—I think that was funded by the former government, actually. She has named a dolphin. She has launched a book on Shark Bay. She has put out some noise regulations for the Big Day Out. This is all very important stuff.

Mrs L.M. Harvey: A whale sanctuary in Camden Sound.

Mr M. McGOWAN: A whale sanctuary in Camden Sound. Okay. I am aware of that. Of course the whales actually were not under any threat. In Australia, whales are not under any threat. The significant threat to whales from us is entanglement. When we were in government, we provided, in 2006, complete new assistance and equipment for the whale entanglement team in the Department of Environment and Conservation. That is one of the finest groups of individuals I have ever, ever met. That was the most important thing that could be done to actually deal with that threat. All these other things—the tidy towns plan, the playgrounds plan and the old mattress plan—are all worthy things, but they are not the real environmental issues.

If the minister wants to fix the wetlands, it may take, as I have said, many decades. The fertiliser plan that was formerly in place must be a part of that. If the government wants to have a real environment agenda, it should look at what happened under the former government. It is absolutely true that there was a real environmental agenda over the eight years of the former government. That was particularly the case when Geoff Gallop was the Premier. He had a feel for the environment and a care for the environment. We can tell that the environment is no longer central under this government. It is no longer important under this government. It is not something that is taken seriously. It is not something that is cared about. Western Australians, particularly young Western Australians, actually do care about the environment. That is why the former government released our well-publicised policy on preserving our old-growth forests. That was the most courageous environmental decision ever made in the history of this country. No other state has done it. No other state has preserved old-growth forests to the extent that our government has. We have preserved thousands of hectares of ancient forest in our state's south west—against enormous opposition from both inside our party and outside our party, and against enormous financial interests—for posterity. We took the decision to put in place proper marine parks in one of the most beautiful, if not the most beautiful, reef in the world at Ningaloo. We put in place clearing controls, bringing about a cessation of the shocking and unnecessary clearing that had gone on around Western Australia for so many decades, causing the great problem of salinity that we now endure, and will endure for evermore. Those three major decisions were very important, along with a range of others, such as the increase in the landfill levy and the new waste management laws. I might add that the present government has taken a huge retrograde step in siphoning the money raised by the waste levy for other purposes, making a massive cut to the budget of the Department of Environment and Conservation and filling the hole with a tax measure to be imposed on ordinary families. We put in place extended producer responsibility laws, the new Swan and Canning Rivers legislation, and new money to assist with the preservation and restoration of the Swan and Canning Rivers. As I understand it, the base funding for the Swan River Trust has been removed or reduced, and the boost funding that we provided through a levy on Burswood Casino has been used to fill that gap. It was never intended that that should be the outcome. We also had blitzes on introduced species, along with many other initiatives. As I said, the fertiliser plan that was supposed to kick in in 2010 has been massively undermined by this government.

There was a real agenda for the environment under a government that actually had a feel for it, with a minister, Hon Judy Edwards, who achieved more in environmental terms than any minister that anyone can remember. That was a decent and long-lasting agenda to protect our state's environment, and what do we see now? Nothing. We talked at length last night about marine reserves. In my view, that is the new frontier in conservation, but thus far we have seen very little. We may have seen a management plan or two over reserves that were created by the previous government, but that is about the extent of it. The government is talking about whale sanctuaries. I could declare a whale sanctuary off Perth.

Mrs L.M. Harvey: Don't you support whale sanctuaries?

Mr M. McGOWAN: Of course I do. Why would we not support a whale sanctuary? I can declare one off the coast of Perth. Are we going to go out there and hunt them? What is the point? In fact, I will declare the entire ocean off the coast of Western Australia a whale sanctuary. What difference does it make? Are we going to go and hunt whales? What single person in this chamber or in this state would say that that is not a reasonable thing to do and would not support it? It makes absolutely no difference whether we declare a whale sanctuary or not.

Mrs L.M. Harvey: If whale sanctuaries make no difference, why bother?

Mr M. McGOWAN: The statement I made was kind of rational. If we wanted to declare a whale sanctuary in an area where whales are actually under threat, we would look to the Southern Ocean. The greatest threat to whales here is entanglements, as I said before. Obviously, we are not going to outlaw the rock lobster industry, which is the greatest threat to our whales. Instead, we took up the issue of making sure that we reduce, as much as possible, the entanglements from the rock lobster industry. Education programs were started with the industry, along with the reprovisioning and re-equipping of the whale disentanglement teams of the Department of Environment and Conservation. A mass education program was instituted for the fishing industry around Western Australia to promote the practice of making sure that the rope that connects the craypot to the buoy is taut. If it is not taut, a whale swimming past can become entangled. I am happy if the government wants to come out and declare the entirety of Western Australia's offshore waters a whale sanctuary, and I am happy to support that. I am sure that the opposition is happy to support that, because we are all on the side of whales.

It becomes difficult when we want to declare sanctuary zones for other forms of marine life. That is the true test of a government's conservation credentials—to actually say that there are areas of the ocean where people are unable to fish.

Mr B.S. Wyatt: Is that the marine reserves?

Mr M. McGOWAN: The marine reserves combined with sanctuary zones.

Once the government is prepared to do that, that is when it is taking on a serious environmental issue. Serious environmental issues are difficult to take on, because there are always vested interests, often with very good reasons. Marine parks, fertiliser action, the preservation of forests, the creation of conservation reserves and dealing with the massive amounts of carbon that each of us produces every year—a problem that the commonwealth government is now trying to grapple with, and hopefully we will have a solution by the end of the week—are all the tough issues. The people who take up those issues are those who actually care about the environment. We took up those issues when in office. The present government has not taken on one iconic or difficult environment issue. Instead, the government has castigated and made life difficult for those people in the department who try to protect the environment. People within the government have been undermining the people who run the Department of Environment and Conservation.

[Member's time extended.]

Mr M. McGOWAN: The government has released pent-up tensions within some sections of the community that regard environmental issues as piffling and unimportant through some of its commentary about how the environment slows down all the approvals, despite the fact that 170 new mines were created in the time of the previous government. A number have closed recently, as we know, but 170 new mines were created under the previous government. Despite that, the government has unleashed people who are creating reports that the Environmental Protection Authority should become part of another agency where it does not actually have a significant role. The government has unleashed all those things. The environment has become, not second or third order, but fifth order under this government. The facts are there with the wind-back, and the fact that the government has not been prepared to take up any serious environmental issue in the state since it has been in office. The government can make all the good news announcements that it likes, and, indeed, every minister does that. It is great to go to the Zoo. As I recall, when I was minister I went there and welcomed the sun bears, an endangered species from Malaysia. It was very worthy and very worthwhile, but it is easy. The difficult issues are the ones that I have outlined to the house, and those are the ones that this government does not have the stomach or the inclination to take up.

Nationally, we have seen the undermining of Malcolm Turnbull. I like Malcolm Turnbull, and I have always liked him. He is a self-made man who has lived the life of controversy and has not taken a backward step on many things. He is a former environment minister. Environment ministers actually learn a bit about the subject. He has watched the issues and studied the science and realises that the world is heading for serious trouble. It will not be us sitting here; it will be our grandchildren who have to endure the consequences of what is going on. Malcolm Turnbull says that we have to do something about it. However slow the start might be, we have to do something about it. He is prepared to take on that challenge. And what does he get for taking on that challenge? I suspect that he will not last as leader for more than a few more weeks. He will get rolled by people of the calibre and with the belief system of Wilson Tuckey.

Mr R.F. Johnson: Is that actually contained in the bill? I didn't notice that bit.

Mr M. McGOWAN: I can find the Tuckey clause if the minister would like me to.

Mr P. Papalia: Is there a silly old fool clause?

Mr M. McGOWAN: No; it is the mad uncle clause.

The ACTING SPEAKER (Mr P.B. Watson): Members, you are talking about my local federal member of Parliament!

Mr B.S. Wyatt: The problem, member for Rockingham, is that everyone on that side agrees with you.

Mr M. McGOWAN: Everyone agrees with me, except the member for South Perth. I think that the fact that a person of the calibre and with the belief system of Wilson Tuckey will determine who will be the federal leader of the Liberal Party is a shocking commentary on where the Liberal Party stands on environmental issues.

The ACTING SPEAKER: I ask the member for Rockingham to return to the bill.

Mr M. McGOWAN: I agree, Mr Acting Speaker, and the National Environment Protection Council (Western Australia) Amendment Bill deals with a national scheme to put in place environmental measures. It provides for a national arrangement between the states and the commonwealth. The pollution issues are the most important issues the world has ever faced. All the science is there. If we do not deal with those issues, the consequences will be cataclysmic for the world. It would be irresponsible to stick our heads in the sand and not do something about it. It would be grossly irresponsible. Malcolm Turnbull has realised that; he has realised that there is something more important than pandering to some of the extreme elements of his party, and he wants to take it on. And he will get rolled for doing so by the Wilson Tuckeys and Dennis Jensens of the world. Liberal Party members saved Dennis Jensen twice and look what he has done to them —

Mr J.E. McGrath: John Howard saved him the first time.

Mr B.S. Wyatt: Who saved him the second time?

Mr J.E. McGrath: The state council.

Mr B.S. Wyatt: Which side of the council?

Mr R.F. Johnson: Can we get back to the bill? It would be really lovely if we could actually discuss the bill.

Mr M. McGOWAN: The member for South Perth keeps interjecting on me, and I cannot stop him. Liberal members must be happy that they saved Dennis Jensen twice. He is running around federal Parliament trying to undermine the man who is trying to do something about the biggest issue ever to have faced humanity. My goodness!

I will conclude my remarks. I acknowledge the member for Mindarie and thank him for his —

Mr J.E. McGrath: Why are you putting your jacket on now? Are you leaving the building?

Mr M. McGOWAN: I lost my composure for a short period and got so hot because of the antics of the member for Mindarie that I had to take off my jacket!

Mr T.G. Stephens: Is that your signal to the member for Mindarie to come back into the chamber?

Mr M. McGOWAN: If the member for Mindarie comes back into the chamber, I am sure that all members will appreciate it.

Ms L.L. Baker: Are you saying that he got you hot?

Mr M. McGOWAN: He got me very hot and bothered! If he returns to the chamber, members will know why there will be a mass removal of coats by members in the chamber. I am watching the doors in the hope that he returns to the chamber, but apparently, as is usual, he is not listening to what is going on in this place.

Mr R.F. Johnson: He's dealing with the next bill, so I hope he's listening.

Mr M. McGOWAN: I hope that he returns to the chamber at any moment for all sorts of reasons. Perhaps he can be coaxed back to the chamber so that he will be ready to deal with the next bill. Members will understand why I request that he return to the chamber.

I will conclude my remarks on this bill. The opposition supports this legislation. We want all members in this place to listen to the member for Mindarie when he returns to the chamber. I am sure that all members will work out why when he returns.

MR B.S. WYATT (Victoria Park) [4.04 pm]: I will make some brief comments on the National Environment Protection Council (Western Australia) Amendment Bill 2009. The opposition supports the bill. After listening to the speeches of the member for Gosnells and the member for Rockingham, I have learnt a bit about the legislation.

The DEPUTY SPEAKER: Member for Mindarie, when you walk in the chamber, will you please acknowledge the Chair?

Mr J.R. Quigley: I thought I did.

The DEPUTY SPEAKER: Okay.

Mr B.S. WYATT: As the member for Rockingham has pointed out, significant debate is taking place today in the federal Parliament in Canberra about an emissions trading scheme. This will probably be the biggest environmental, social and economic decision made by the federal Parliament in our lifetime. I will not pretend for a minute that I am across all the details of that legislation. I am certainly relying on our federal Labor and, to a lesser extent, Liberal members to come to some form of agreement that will benefit all Australians. As the member for Rockingham has pointed out, the carbon that we are and have been emitting may not have a direct impact on us, but it certainly will impact on my daughters and on my daughters' children. That is where the impact will be seen. It is indeed timely that today, on the last sitting day of the state Parliament in 2009, we get a quick and short opportunity to debate an environment protection bill at the same time as the emissions trading legislation is going through the federal Parliament. That legislation has caused Malcolm Turnbull a great deal of grief in his position as leader of the federal Liberal Party. I endorse the comments made by the member for Rockingham that the member for Wentworth, the leader of the federal opposition, is admired by many people. He is a self-made man who, to his credit, has stuck to his guns in his belief that the science is indeed pointing to the necessity of an ETS. He has stuck to his guns against much internal dissent that is now playing out federally. It looks as though he will be victorious in the end, but I am not too sure for how long he will remain leader.

I will make a couple of quick points about this legislation. This is uniform legislation that will ensure that the National Environment Protection Council (Western Australia) Act, which was passed by Parliament some time ago, complies with the 1992 Intergovernmental Agreement on the Environment, which called for commonwealth legislative changes affecting the commonwealth act to be incorporated in corresponding legislation in all states and territories.

Not long after I was elected to Parliament, I became aware of an ongoing issue in Carlisle in my electorate. A lady used to, and still does, feed ibis. The problem is that huge numbers of ibis—sometimes 50 or 60—descend on her house in summer, so I expect this to become an issue for her neighbours shortly. Every summer I looked forward to the grief of ibis, which have an element of protection, but I cannot quite remember to what extent. One reason that these birds descend on this lady's house every summer and stay there is that she invites them in by feeding them. She is a lonely lady and feeds them every summer and they have become her pets. The Town of Victoria Park, the Environmental Protection Authority and the Department of Environment and Conservation have been involved in this issue for a number of years. Another reason these birds descend on her house is that their natural homeland, the wetlands of the south west, have been disappearing or, at the very least, no longer provide these birds with the sustenance that they require during the summer months, when the wetlands lose a lot of surface water. I commend the former government—the member for Rockingham has already made this point—for phasing out the use of harmful fertilisers that pumped huge amounts of nitrogen into the waterways. That will have a significant impact on those sorts of issues. The minister said that the objective of this legislation is to ensure that all Australians enjoy the benefit of equal protection from air, water, soil and noise pollution wherever they live. It is worth noting that point.

I would like to make one comment about marine reserves. I have recently had a couple of briefings with the Conservation Council, one in respect of marine reserves and another in respect of some comments I made recently, much to the consternation of the Conservation Council! In any event, I will focus on the marine reserves briefing. The member for Rockingham is quite correct; marine reserves are the new frontier for environmental protection. As the member for Eyre is from Esperance, he is no doubt supportive of the notion that marine reserves are a key new frontier for environmental protection. This is an opportunity for the Minister for Environment, and I hope she finds the seniority, credibility and strength in cabinet that ministers for environment need in any government, so that she can endorse some of the proposals coming from Peter Garrett's office and from the Conservation Council. I am sure she has been briefed by all those organisations.

As a keen diver, I have dived from one end of the state to the other and I have a very full and keen appreciation for the significant tourism potential of the marine reserves of Western Australia, and the potential economic benefits that could flow from them. Being from the electorate of Vasse, I am sure that the Treasurer would agree with me; the Busselton jetty no doubt provides his community with a real source of economic revenue.

Mr T.R. Buswell: Not at the moment; it's all in bits.

Mr B.S. WYATT: It is all in bits. I dived at the Busso jetty last year, and it is always a good dive. I find that the HMAS *Swan* dive is coming along much better, simply because it has been there long enough for marine life to have developed.

Mr T.R. Buswell interjected.

Mr B.S. WYATT: I can hardly wait! Next time I am in Busselton, I will go and view the Ironman Western Australia Triathlon Busselton—and I say “view”; I will not be participating. It is 5 December, is it not?

Dr G.G. Jacobs: You’re not going in it?

Mr B.S. WYATT: No; is the minister? Is his wife going to?

Dr G.G. Jacobs: No; I have a couple of sons who might.

Mr B.S. WYATT: That is impressive nevertheless.

Mr T.R. Buswell: If you want to get involved as a volunteer, I’ll sort it out for you.

Mr B.S. WYATT: I think I will just go as a spectator; that is probably as keen as I get when it comes to the Ironman competition.

Mr T.R. Buswell: There are 1 400 competitors.

Mr B.S. WYATT: It is one of the most significant international Ironman competitions, and I am not sure that all Western Australians appreciate its significance and the significance of the Busselton Half Ironman Triathlon in May.

Mr P. Papalia interjected.

Mr B.S. WYATT: I would like to make some critical comments about the member not participating, but I am not participating in either event!

Mr T.R. Buswell: I’m hoping to run one leg in the Half Ironman.

Mr B.S. WYATT: That is 21 kilometres—not unrealistic. I am having a crack at the Left Bank Triathlon this weekend. Perhaps the Treasurer could join me! No?

Mr T.R. Buswell: A middy in the front bar and a schooner in the back bar! That’s a swim-through!

Mr B.S. WYATT: Swimming is my strength! We have been sidetracked. I am getting more interjections from my own side than from the other side!

I will conclude by endorsing the comment made by the member for Rockingham that marine reserves are the new frontier for environmental protection in Western Australia. We have a massive coastline, and anyone who has dived, surfed, swum, snorkelled, fished or otherwise been involved with that coastline will understand what we have. The marine life that we have is worth protecting and it will generate economic benefits for generations to come. I ask the member for Eyre, as representative in this house of the Minister for Environment, to argue that strongly. Being from Esperance, I am sure he will, because this is the next phase for environmental protection in Western Australia.

DR G.G. JACOBS (Eyre — Minister for Water) [4.15 pm]: — in reply: I thank members for their contributions and support for the National Environment Protection Council (Western Australia) Amendment Bill 2009. I must say that I had to listen to some subjects that were not directly related to the bill; I suppose triathlons and marathons are not quite relevant to this legislation. I thank the member for Gosnells for his comments and I will address some of the issues he raised; if I can do that, we may obviate the need to go into consideration in detail, and provide the member with some answers to the questions he posed. It is important to acknowledge that this is a Labor Party bill from when it was in government. In fact, it passed through this place and was between the two houses when Parliament was prorogued for the last state election. I have looked at the *Hansard* of the debate on this bill; I think the member for Mandurah was the environment minister at that time. Steve Thomas, the member for Capel, was shadow environment minister.

I have the privilege of carrying responsibility for this legislation in this house on behalf of the Minister for Environment. Western Australia is the last state to enact this sort of legislation. We need to get on board with the national agenda. We have been a long time in getting there for the obvious reason that there has been a change of government since this legislation was brought on. Every person in this chamber who has spoken to this bill believes in these concepts. We have heard about how important it is to recognise our environment in the twenty-first century, and this legislation is about a national environmental protection council of which environment ministers from all jurisdictions are members. The council meets twice a year and is chaired by the federal environment minister.

The council has responsibility for national environmental protection measures to ensure that the people of Australia enjoy equivalent environmental protection, irrespective of jurisdiction, air quality, water quality, soil, and noise pollution. This is about a policy that achieves uniform standard goals, protocols and guidelines; it is all good when it comes to a national benchmark for the environment. As I have said, I do not think any members of

this Parliament would argue against it. There are some proposed amendments designed to establish ministerial councils and they make reference to the processes and variations. If we are to be environmentally responsible, it is important that we do this.

I will address some of the issues raised by different members in this debate. I can also say that the website was checked today and it is working. I can assure the member for Gosnells that there is air quality monitoring data on the website, and that the site is, in fact, working. It is fair to say that intermittent gaps appear in the data when the monitoring goes down temporarily, but it is working as of midday today. The member for Gosnells raised some issues about Perth air quality management plans and the Midland air quality study. I am advised that the advisory committee will not meet until early December because of some personal circumstances with the independent expert chair. In fact, I am advised that the government is in process of finalising its response to the five-year review and the Department of Environment and Conservation is committed to implementing the Perth air quality management plan. DEC has a dedicated branch that is working in Perth, Kwinana, Collie, Kalgoorlie and Port Hedland, and although there has been some delay in the advisory committee meeting, it is still ongoing and certainly doing its work. I have been advised that the Midland air quality study is a complex study and that DEC will not release the report until the science has been properly reviewed. The study is in its final stages. Hopefully, that will occur and will satisfy the member's questions.

The member for Gosnells asked some questions about BGC and Midland Brick. I am advised that, essentially, BGC's brickworks is a gas-fired project with state-of-the-art kilns. It is located on commonwealth land and all those air quality management issues are commonwealth issues. We are advised of them, as the state, but that is a commonwealth-managed air quality plan. I will not talk about what we read in *The West Australian* the other day; there is possibly a turf war and I do not want to go into that. As far as the staff numbers involved in the national pollutant inventories is concerned, that is another facility that is commonwealth-state funded on a 50-50 basis. Admittedly, there has been pressure on and some reductions in staffing, but I have been advised that the level of data gathering continues at the same rate and under the same process as previously.

The member for Gosnells raised some other issues, including pollutant reporting and smoky vehicles. Essentially, that is going reasonably well. The member referred to community consultation and proposed section 22B in clause 7 of the bill as being very encouraging because it provides for public consultation for minor amendments. I am advised that DEC already supports a number of community consultative committees concerned with air quality and that they have significant input into air quality programs. If the member wants to talk to me later about his concerns, I will take those to the Minister for Environment on his behalf.

We heard the member for Rockingham talk about waterways, wetlands and fertiliser action plans. All I can say about the fertiliser action plan is that the Minister for Environment has some \$30 million to be distributed to natural resource management programs. I was a member of the relevant ministerial council, as was the Minister for Environment, and significant funds have gone into that fertiliser action plan to address the issue of non-soluble phosphorous and of making a difference in the amount of nutrients in our waterways. The member for Rockingham also referred to old-growth forests, which I will not touch on.

We have discussed how important it is that Western Australia does better in waste recycling. I sat here for, I think, 17 hours while the Waste Avoidance and Resource Recovery Amendment Bill was debated in this place. Aside from the arguments about funding and hypothecation, the underlying issues are that we need to do better in recycling as this state has very low rates of recycling and extraordinarily high rates of landfill. Western Australia has to do better in that area, and these are some of the commercial drivers to bring on a recycling industry so that we do better and have less landfill and more recycling of waste.

I will not talk about whale sanctuaries, but I will touch on marine reserves in response to the member for Victoria Park and the member for Rockingham. As members know, I come from a lovely place called Esperance, which was somewhat marred in recent times by the very unfortunate situation that occurred in our town that impacted very significantly on our environment and health. That was probably, if you like, one of the greatest environmental disasters that Western Australia has seen in living memory.

Mr P. Papalia: Can't you remember Wittenoom?

Dr G.G. JACOBS: I remember Wittenoom, but I also remember what the residents of Esperance have been through and the lead pollution of our young children. We are recovering and fortunately the clean-up is occurring. More than 500 houses in the impact zone will be progressively cleaned up over the next 12 to 24 months so that we can say that the houses are clean and we need to move on.

I refer to the issue of marine sanctuaries. For many years a group called the Recherche Archipelago Group has been considering all the possible and future projects that were going to perhaps impact on the Esperance Bay and the archipelago. For almost 10 years now there has been some community request for a marine management plan to be established before we actually have a marine reserve. In response to the member for Victoria Park, before

we go out and say what sort of marine reserve we will have in Esperance, we should do the first step and put in place a marine management plan. It is important for the development of the region to have a management plan for Esperance Bay and the archipelago for projects that are over the horizon, such as a tuna farm or, heaven forbid, a floating hotel, or another aquaculture program.

Mr B.S. Wyatt: I do not disagree with that a lot. Whether Esperance wants one or needs one or whether the marine environment makes one desirable, I do not know. I was using that as an example. It makes absolute sense to have a plan before the project is built.

Mr A.P. JACOB: Absolutely. It is very good to have a marine management plan for the future to not only maintain our pristine environment, but also accommodate economic development and new projects, whatever they are. We did not have a plan for the tuna farms and the proponent had to re-invent the wheel and jump through every environmental hoop to get that project up. If he had had a plan, people would have known about it and a lot of the basic environmental work would have been done.

I thank the opposition for its support for this bill. It makes excellent sense. It produces national guidelines to preserve those very important environmental aspects for Western Australia.

Question put and passed.

Bill read a second time.

Leave granted to proceed to forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Dr G.G. Jacobs (Minister for Water)** and passed.