

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

*Second Reading*

Resumed from 17 September.

**MR C.J. TALLENTIRE (Gosnells)** [12.24 pm]: It is my privilege to be the lead speaker for the opposition on the National Environment Protection Council (Western Australia) Amendment Bill 2009.

Essentially, the amendments proposed in this legislation are of a fairly minor nature. These minor amendments seek to tie the state legislation to the federal legislation—that is, to the commonwealth’s National Environment Protection Council Act 1994. It is worth noting that when this act was formulated in 1994, it was the era of the Keating government and a time when people appreciated the need for good community consultation. That has developed, and I believe that, in this day and age, all parties value good community consultation. However, this amending legislation recognises that community consultation does not happen spontaneously and is not useful if not properly funded. I will come to that issue as I go through aspects of this piece of legislation and other aspects in the conception of the federal legislation and subsequent state legislation. One of the great strengths of the National Environment Protection Council is that it brings together the state, territory and federal government environment ministers. The council sets the agenda for the key environmental issues and ensures a degree of harmonisation in state-based legislative provisions. It acts as a means to benchmark standards, making it possible to determine if one state is slipping behind another, if a state’s actions are not consistent or if legislative fragmentation is making it difficult for the business community to undertake interstate operations. The fundamentals of this legislation are very good and the federal legislation underpins the state legislation, thereby meshing the jurisdictions. Key areas touched on by this legislation include the sorts of things that all Australians expect to enjoy, such as equivalent standards for the protection of air, water and soil from pollution and the maintenance of adequate noise protection standards. There is an endeavour to harmonise across all jurisdictions on those standards.

The seven main areas of the National Environment Protection Council’s work of particular interest to Western Australia include ambient air quality; ambient marine, estuarine and freshwater quality; protection of amenity in relation to noise pollution; general guidelines for the assessment of site contamination; the environmental impacts associated with hazardous wastes; reuse and recycling of used materials; and motor vehicle noise and emissions. Those are the main areas on which Western Australia reports to the National Environment Protection Council. It does that using the expertise of people in government agencies. However, the great benefit of having input from interested stakeholders and community members is recognised. They are given some degree of resourcing to enable them to make contributions, often on very technical matters. This legislation recognises that a better quality of input from the community sector is achieved if people are given the means to travel to and attend meetings, and are paid for their time doing some required research and preparatory reading. That is a very important principle, and it is one that needs to be enshrined in government thinking in a range of areas. It is often the case that people in the government agencies become the champions of and the key liaison people for those community sector people and their valuable work.

I want to talk about one key area—that of air quality. As I have said, air quality is one of the seven main areas with which Western Australia has a strong interaction with the National Environment Protection Council. The people of Perth have a natural tendency to imagine that the City of Perth enjoys a very high standard of air quality; however, if we dig a little deeper, we find some areas of concern. Fortunately, over the past eight years some very good measures have been put in place as we continually seek to improve air quality standards in Western Australia. One of the great achievements of the former Gallop and Carpenter governments was the implementation of Perth’s air quality management plan, and the whole range of measures incorporated in that. The Minister for Water is representing the Minister for Environment in this place, and I hope he will be able to assure us that the Barnett government will continue the same quality of work that was undertaken under the previous Labor government. I also hope that the minister will be able to reassure us that the Department of Environment and Conservation’s air quality management branch will be resourced to the same extent that it has previously, so that the studies that have been conducted in the past, and are presently under review, will continue to receive the treatment they deserve, as will future studies when it is necessary to conduct them, and that ongoing monitoring will be properly undertaken. Those are some of the issues I will be talking to in this speech.

But there are some very worrying signs. It all began when I tried to research this topic and found, after going to the Department of Environment and Conservation’s website and following the prompts as outlined in the material that was provided to the National Environmental Protection Council, that an error message came up. After following the prompts, an “error 404” message was displayed. I find that quite unacceptable. That has happened not just today—I have been trying for the past few days—and I have spoken to Rob Atkins from the Department of Environment and Conservation, who assured me that it is something to do with the upgrading of

the website. That is a problem I have been remarking upon for quite a while, and it occurs with not only the issue of air quality, but also a number of other areas. It is fair to say that the Department of Environment and Conservation's website is an absolute shambles. I hope that if nothing else comes out of today's debate on the National Environment Protection Council (Western Australia) Amendment Bill 2009, we will see an improvement in the website and the uploading of necessary information to that website. It is true to say that in the past it was a wonderful resource. People could look at air quality monitoring on that website, get the most up-to-date information, tune into different monitoring sites around Perth, and see what the sulfur dioxide and carbon monoxide levels were. People could get information on whatever air quality issue they were concerned about, such as particulate matter, and they could see the detail of those things. I will talk to some of those issues later on. The information was there and it was transparently presented. The website issue is one concern I have because the provision of that information is a commitment we made. Through our engagement in the National Environment Protection Council process, Western Australia is committed to providing this information, and it is part of Perth's air quality management plan actions as well.

Another issue of great concern is that of the Air Quality Coordinating Committee, the body that analyses the detail of Perth's air quality management plan. Over the past seven years prior to 2009, that group was meeting, on average, five times a year. Unfortunately, it seems that this year the group has only met once, but I have been told that another meeting is scheduled for 15 December. That sends a very worrying signal to the community that, under Labor governments, an important body such as the Air Quality Coordinating Committee was meeting five times a year on average, but so far this year it has met only once. That is another problem, and perhaps there is some relationship between the problems in that, presently, the committee does not have a chair. There is an acting chair, who happens to also be the manager of the Department of Environment and Conservation's air quality branch, which potentially presents a conflict of interest. Previously, the Air Quality Coordinating Committee had worked well by using an independent chair; usually somebody else senior in the Department of Environment and Conservation who was not directly involved in the day-to-day operations of the air quality branch. This is all highly relevant to how we report to the National Environment Protection Council, the quality of information provided, as well as the turnaround time in which we provide our information to the council.

Another matter of serious concern is that a review was done of Perth's air quality management plan, which was provided to government on 11 October 2007. The review has been with government all that time, but I am told that it has not gone to the minister yet because government has not finished its response. I think that suggests a serious lack of resourcing by the government in looking after this very serious issue of air quality. A review has been completed, it is there, it is waiting to go, but I think it is high time that the Barnett government gave some indication of where the reports are at in the system and how much of a priority the environment minister is giving to the completion of the process of that review. I have already mentioned the seeming lack of access that the community has to air quality data on the department's website.

A bit later I will talk to the detail of the air quality management plan, but it operates on some broad principles. The plan recognises that for Perth to meet the challenge of a growing population, which, no doubt, will be spurred on with the next wave of resources booms, there have to be some broad approaches. The planning system has to be worked on to make sure that it covers where people are located, the areas that are to be developed, and what sort of air quality will be available to those people. That is an important consideration. Although we are inclined to think that Perth is a windy city, the fact is that the sea breeze that blows the air in, and the easterly wind, especially in summer, blows the same air out. Our airshed does not have the refresh rate that members might imagine, given the amount of breezes that we enjoy in this state. Planning issues are absolutely fundamental to making sure we have good air quality.

I will talk to this later in a bit more detail, but transport issues need to be looked at. Transport is one of the fundamental drivers of degradation of air quality. If we do not ensure that our transport system functions smoothly, then we risk further deterioration of air quality.

Another key component of monitoring the success of our overall management of air quality is to have good liaison with the health services, and making sure that the right sorts of epidemiological studies are in place. There is a strong correlation between the decline in air quality and hospital admissions, and it is such a serious problem that we really do have to ensure that the problem of the decline in air quality is solved, or else we will see a serious increase in the number of people hospitalised for various respiratory problems. Local government, of course, has a major role to play in ensuring that building developments and subdivisions are best designed to help preserve as good an air quality set of standards as possible.

It is good that the Minister for Water is representing the Minister for Environment on this bill, given his experience as a general practitioner and his understanding of the impact of poor air quality on respiratory illnesses. I think the Minister for Water will make a useful contribution when he responds to the issues raised in this debate.

I have raised the issue that the review of the air quality management plan is, effectively, three years overdue, and I touched on another aspect of that earlier, which is that of community engagement and involvement in the complex process of ensuring that our air quality constantly improves. At the state level, it seems that the Minister for Environment, Hon Donna Faragher, has axed community participation grants. I mentioned earlier that at the federal level there is still recognition that the community must be engaged in and given some degree of support. But at a local level, from what I understand, those community participation grants have been axed. That is very disappointing. As I progress, we will hear that this is a fairly complex technical area. However, we have to ensure that community participants are given the best opportunity to provide meaningful contributions to the various meetings that they might be called upon to attend. We need to ensure that their attendance is not simply expected to be on a voluntary basis and that they will forgo a normal day's pay, but that they are given assistance to get to the meetings and that there is true recognition of the value of their input.

Another area that I will go into a bit more detail on is the Midland background air quality study. There are a number of brickworks in the Midland-Swan Valley area, some of which have been more controversial than others. Controversy around the air quality implications of brickworks has been a big issue in areas near my electorate and in other electorates in the eastern suburbs of Perth. The Midland background air quality study is 12 months overdue. We have to ask what is going on, given that the BGC brickworks plant came into operation early this year. I think the BGC plant is probably already at its peak operational level, although it may have been kept at a lower level of operation, perhaps because of a slight softening in the demand for bricks—I am unsure on that. Nevertheless, we expected to see a study on the air quality implications of that new brickworks plant. I think it is very important that the community be given that information. The general problem that Western Australia has in meeting its air quality commitments to the National Environment Protection Council has some very specific ramifications, especially for people who are worried about the deterioration in air quality in their areas. The National Environment Protection Council uses national environment protection measures, which are statutory measures, to determine the air quality standards in certain areas. I have heard that perhaps one reason why there has been a delay in the Midland background air quality study is that it might reveal that we are in fact in breach of our commitments to the NEPM, particularly when it comes to sulfur dioxide levels. The fear in the community is that sulfur dioxide levels in the eastern suburbs are probably greater than those in the Kwinana area, yet we do not have sulfur dioxide limits in the Swan Valley area. There is real concern about where we are headed in trying to meet those statutory commitments made through the national environment protection measures, especially for sulfur dioxide. However, I will come to that in more detail later.

Another issue that causes concern when we contemplate the Barnett government's level of commitment to improving air quality is that the whole issue of pollution reporting is no longer advertised on the weather page in *The West Australian*. That pollution reporting has been dropped from *The West Australian*, as has the reference for people's general information to the smoky vehicles hotline. It is hard to imagine that chipping away at these measures will lead to significant savings. I think that this is the loss of an essential community service that communicated to the general community the opportunities people had to report their concerns about pollution in the environment, especially air pollution. The changes made to the weather page of *The West Australian* really suggest that there is perhaps something wrong with the government's priorities. The Department of Environment and Conservation puts out a useful information guide entitled "Air Quality Information Sheet 2: Smoky Vehicle Emissions and the Ten-Second Rule" that provides some excellent information on what people can do about smoky vehicles. The 10-second rule is that if people see a vehicle with a large amount of smoke coming out—they may be stuck in traffic behind one—for more than 10 seconds continuously, they are urged to report that to the smoky vehicle hotline. Unfortunately, I do not think the general community is being sufficiently told about this hotline. My information is that there has been a serious drop-off in the reporting of smoky vehicles to the smoky vehicle hotline. For the benefit of members, the smoky vehicle hotline number is 9324 2835. It is very simple: people phone in, say where and the date and time they saw the problem vehicle, and provide a description of the vehicle, such as the make and colour. I do not think it is compulsory to leave one's name and contact details, but people are invited to do so and that is, of course, treated in a confidential way. This is all part of the general community awareness about the need to ensure that our vehicles are properly maintained and that none of us is guilty of driving a vehicle that exacerbates air quality deterioration in this state. After all, the problem of declining air quality leads to things like an increased incidence of asthma. These effects are often most severely felt by younger people and the elderly; those people who are most vulnerable in our society are the ones who are likely to feel the negative consequences of smoky vehicles and declining air quality in general.

There are other issues to do with vehicle emissions that are not as apparent as the more particulate-related problems. However, according to the government's material, the motor vehicle sector accounts for some 47 per cent of the emission of nitrogen oxides. These nitrogen oxides can cause the respiratory problems that I mentioned earlier. But perhaps even more worrying is that they can also combine with volatile organic compounds and sunlight to form ozone, which again is a problem for people with respiratory complaints. Elevated ozone levels can lead to coughing, chest tightness and all sorts of problems. The more serious

pollutants from vehicle emissions can lead to an increase in the incidence of cancer and organ damage, particularly pollutants called polycyclic aromatic hydrocarbons. They are already present in the air that we breathe and we must ensure that they are kept at as low a level as possible. I think there is very much a need for the government to promote the smoky vehicle hotline and ensure that it is properly resourced. It needs staff available who can send out letters to politely inform members of the community that their vehicles are perhaps overdue for a servicing, so that we can ensure that we are improving our air quality. In summer much of the vehicle emissions combine to form the photochemical smog—there are winter hazes and summer smogs—that is brought about by the combination of high temperatures and the presence of certain gases. These photochemical smogs are a problem from early spring until late autumn. Those are problems we have in Western Australia, particularly in the Perth airshed—things we really should be tackling; things that we are committed to tackling through the National Environment Protection Council process. The NEPMs that are in place for various gases are statutory requirements that we should be working towards. We must meet the levels that are mentioned.

Debate interrupted, pursuant to standing orders.

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