

Extract from *Hansard*  
[ASSEMBLY - Thursday, 15 November 2007]  
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Acting Speaker; Dr Steve Thomas; D.A. Templeman

## WASTE AVOIDANCE AND RESOURCE RECOVERY BILL 2007

### *Third Reading*

The ACTING SPEAKER (Mr A.P. O'Gorman): The question is that the bill be read a third time.

DR S.C. THOMAS (Capel) [3.20 pm]: I am pleased to see so many members in the house while we are discussing waste management. I am sure that it is an issue dear to the hearts of many members, and I am pleased that the entire house is taking it so seriously.

The Waste Avoidance and Resource Recovery Bill 2007 has been dealt with by the house relatively quickly for a fairly important piece of legislation. As we said during the debate, this is enabling legislation, rather than legislation that delivers specific outcomes. The legislation provides for the establishment of a body that will theoretically manage waste, and it provides a legislative framework for that body to produce a waste strategy and, from that, a business plan and localised waste management plans. However, the legislation does not actually enforce any of those things; it does not make them happen. We will have to rely on the government of the day to make sure that a waste management strategy of sufficient value is produced. The situation is the same with the business plan and the other plans.

The first issue, of course, is to ensure that adequate resources are available to make a waste management strategy work. This government has not invested adequately in a range of environmental outcomes. This is another example in which the government will need to be put to the test to find out whether it is able to deliver a waste management strategy with any strength. We will wait to see what that strategy will be. As with many of the components of the waste management bill, we will wait to see what the strategy will be. I put on record again my concern that although the bill refers to zero waste and moving towards zero waste, it continues to represent a completely unrealistic potential outcome. The potential for zero waste is exactly that; it is zero. There will always be a waste component. The potential for minimal waste and waste minimisation would have been a far more realistic and no less noble aim. Yes, it is aspirational to have zero waste, but it is unachievable. Even setting percentages for that would be an aspirational goal that could be reached in a step-by-step manner. It is rather a shame that we do not see that at the moment. However, this bill sets up the legislative framework to allow that to happen.

This bill also sets up the legislative framework for extended producer responsibility. Obviously, the most common one will be container deposit legislation. However, the bill presents the possibility of extended producer responsibility for any product in the state of Western Australia. Therefore, it opens the door to an additional cost in the price of a car, so that when that car has had its useful life, the cost of disposing of the remnants of the vehicle is included in the price. That might add an additional couple of thousand dollars to the price of a vehicle. Who knows? The price of scrap metal might increase to a point at which it is a relatively neutral process. However, this opens the door to all those possibilities, some of which could be very interesting indeed. Waste oil is one product that probably leaps to mind as having the potential to be subject to a cost as part of extended producer responsibility. That may have a significant impact on the way we do business, particularly as oil prices continue to rise. Batteries are another extremely interesting example. Over time, if the cost of the removal and destruction of those products increases, it will have a significant impact.

In this process, the obvious first cab off the rank will effectively be bottles and cans. It will be interesting to see how the government manages this process. We will wait with great interest to see the government's proposal for its first potential container deposit scheme as part of extended producer responsibility. We would like to see exactly what the government proposes. As we have said, it is not necessarily the case that container deposit schemes are the great cure-all for everything or are necessarily a bad thing. There is a mixture; there is good and bad container deposit legislation, and there are good and bad container deposit schemes. Those that impose a major impost on small business are a great negative. Some schemes generally hold the consumer responsible for bearing the cost - not just the purchase price, but also the holding price. A proper management system for the collection of the containers and their return will also be a key element in making some of those schemes effective. Ultimately, a bad scheme will be worse than doing absolutely nothing. We will wait to see what happens.

I suspect that the government has been in negotiations with and had briefings from a large number of people. It has had a number of years to get this bill on the table. Of course, there have been a number of different ministers over that time. However, if the government has not taken the time to start looking at what are potentially good and bad aspects of container deposit schemes and extended producer responsibility, it has let the ball slip. I suspect that over the next few months new data will be released on the recycling component of waste across the whole of Australia. Not only does Australia generally perform badly, but also, more specifically, Western Australia performs badly.

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I go back to my second reading contribution, in which I said that it is very important to remember that recycling is not always the most efficient method environmentally for treating a product. Recycling a product may result in a great consumption of energy, particularly if the product has been taken out of the ground and is then buried in the ground again. If more greenhouse gases are created in recycling a product than in burying it and starting afresh, obviously it is a false economy. With recycling, economy is not the only issue. In pure financial terms, in many cases recycling is more expensive than starting from scratch for most products. However, we recycle to show our commitment to two things. The first is stretching the use of the earth's resources. The earth's resources are finite. Therefore, the more that we recycle, the longer we will be able to make use of those resources, and that is an important component. It also makes us good earth citizens, as it were, in that we are investing in reduced consumption, which also has an impact on all the things that are a direct reflection of consumption - greenhouse gas emissions, pollution and all those things that result in our using the earth's resources faster than we would otherwise.

Although recycling is not necessarily the prime driving factor economically, we recognise that we will subsidise the economic factors of recycling for the environmental and social outcomes that they deliver. That is not a problem. However, in recognising that, we should remember that in some circumstances, not only is it economically less viable to recycle, but also, because of the resources required to do it, the earth's resources will be less viable also. We need to be careful to ensure that the scheme that is in place is one that realistically reduces our consumption of resources and extends our ability to use them over time. They are key components of extended producer responsibility, and it is all about the way in which the government does it.

I have no doubt that this government will be held to account by those people who are very much in favour of those sorts of schemes. As I said, we are not opposed to those schemes outright. We are opposed to those schemes that do not work. Obviously, if they work, they are a good thing. In some cases there are better alternatives, but in others these schemes are effective. The government will not be held to account only by the opposition; in fact, we will be a small player in this process.

The Queensland government enacted enabling laws, as this government is doing, to allow it to introduce extended producer responsibility schemes, but no schemes have been put in place in the two years since the legislation was passed. Victoria also has enabling legislation in place, but in a debate earlier this year about whether container deposit measures should be introduced, this was resisted by both the government and the majority of conservationists. Given the geographical and population factors in Victoria, it was argued successfully and rightly that container deposit schemes would be less effective in encouraging recycling and reducing litter than a much better kerbside recycling and sorting system. I suspect that that is probably true. In those circumstances, it appears that the correct outcomes will be developed over time. That is not to suggest that Victoria has a solution at the moment. Although the Victorian government recognised that a more efficient kerbside recycling and sorting system would be a better outcome, that has not been delivered yet. Queensland is in the same boat. The government said it did not necessarily accept that a container deposit scheme or extended producer responsibility would produce the right outcome, but it does not have any alternative at the moment.

Once the legislation is in place, the clock starts ticking for the government. It will not have a lot of time to decide the most appropriate alternative. It will be either a container deposit or some other scheme, but the clock is ticking because the government has not put anything in place. I suggest that the opposition will be asking in a year's time what the government has done. That will be just before the next election. Most of the conservation movement will not be quite so generous. People will be looking for announcements next week, or in a couple of weeks' time, about whether a nuclear energy facility will be built in Swanbourne. They will be coming back looking for what the government is exactly going to produce. During the course of considering this legislation, the opposition has allowed the government to progress in the direction it wishes, and it is supportive of much of the activity the government wishes to engage in. However it is incumbent on the minister, if he can, to place a time frame on it. I asked about this during the second reading debate and consideration in detail, but the minister has resisted so far. He may continue to resist, so I will keep asking what time frame he places on the construction of a scheme. When can we expect an announcement, if not of the scheme itself, at least that the government is considering schemes and will appoint a committee to examine them? I know that the member for Perth has already chaired a committee that considered this matter. We need technical detail so that we can say either that this is a good scheme that will assist Western Australia's recycling program, or that it is a bad ideologically driven scheme that is simply about playing politics, much like the nuclear bill we dealt with earlier today.

In the third reading debate we do not need to go over all the ground again, although I can if the minister wishes. I have been taking lessons from the member for Hillarys! The minister should make the assumption that the government will get its legislation through the other place before we finish sitting for the year. The government then has the legislative framework that will allow it to produce whatever it has in its mind. If the minister will not tell us today what he has in mind - it would be good if he could spend half an hour telling us exactly what he

has planned - will he at least give the house an indication of the time frame he is working to? When will we have an indication of what he has in mind? When will he be initiating a dialogue with the community, interest groups and private industry to work out what the government wants to develop? Whether the government will be either condemned or congratulated will depend on all these factors.

It is not reasonable for the government to string along not just the opposition but also the community and the industry that will bear the brunt of most of its activity. A container deposit will not apply only to producers of large volumes. It will also apply to bottle shops and corner stores, which will have to be a part of the process, and will potentially suffer great imposts, depending on the method the government puts in. I would love the minister to tell us what he is planning, but if he will not tell us what he is planning, he should tell us when he intends to tell us what he is planning, so that we can then sit in judgement and work out whether we will support the government, as we have supported it in the enabling legislation. This will depend on whether the government's final plans are good enough for the state of Western Australia.

**D.A. TEMPLEMAN (Mandurah - Minister for the Environment)** [3.36 pm]: I thank the member for Capel for his third reading comments, and I thank all the members who spoke on this bill last night and participated in consideration in detail. There is no doubt that this is landmark legislation for Western Australia. It clearly establishes a strategic framework for dealing with waste disposal matters into the future. Through the second reading debate and consideration in detail, we canvassed a great range of issues. I congratulate the opposition on its positive contribution and I thank members for their support. We have been seeking to ensure that we have a robust framework in which to move forward in dealing with an issue that the people of Western Australia must take seriously in the future.

As has been mentioned, over many years the state has had a policy that has seen unacceptable amounts of waste simply going into landfill, and that has caused a huge range of environmental and social problems for the community. Many of these problems have only recently come to the attention of the community. That is one of the reasons this government introduced, for example, the contaminated sites legislation that was passed a year or so ago. It is important to remember that the framework created by this legislation establishes the Waste Authority. In response to the queries of the member for Capel, I can assure him that I am already working to ensure a smooth transition to the establishment of the Waste Authority. It is important that it be established as soon as possible after the proclamation of this legislation. The Waste Authority's work will be management of strategic and policy advice, and we will be seeking expert membership for the authority to do that work.

To underpin how important this issue is at a national and international level, I will quote from the Product Policy Institute. The Product Policy Institute made a submission during the public comment period on this bill. The Product Policy Institute is a North American non-profit environmental research and communication organisation that promotes public policies advancing sustainable production and consumption and good governance. The Product Policy Institute acknowledged that this is indeed landmark legislation, and I quote from its submission -

The WARR Bill 2006 will be landmark legislation that will move Western Australia into a leadership position within a country that is already ahead of the curve in the development of waste prevention policies for the 21st Century.

Obviously, input to and comment on a process by an organisation that is versed in environmental research and public policies and is focused on promoting and advancing sustainable production and consumption and good governance certainly have quite an impact. Clearly, this bill will put Western Australia in a position to take advantage of the work that has been done in the preparation of the bill and to achieve the aims and objectives that the government hopes to achieve with this legislation. The Product Policy Institute also said -

The proposed Waste Authority could be a centre for innovation in Western Australia, . . .

Again, we are at the cusp of something very important - something critical - in the protection of our environment in Western Australia. It will ensure that we move towards behaviour change by industry, local, state and federal governments and the community. As I have said during debate on the bill, all the key stakeholders are critical in ensuring that Western Australia moves forward to become a leader in waste management in the future.

I look forward to the passage of this bill through to the upper house. I am very grateful that the opposition has supported the bill in this place and will support it in the other place. I am keen for the bill to be progressed as soon as possible so that it can be proclaimed and the mechanisms outlined in the bill can be established.

The member for Capel has probed me consistently on the issue of time frames, and I am sure that he will continue to do so. Obviously, I am very conscious that numerous stakeholders have responsibilities in the move towards zero waste, delivering the outcomes that we are seeking in product stewardship and extended producer responsibility, making vast improvements in recycling, changing the psyche, and understanding that we must look at the entire life cycle of waste products. We must be mindful that greenhouse gas emissions are central to the issue of waste management, and the government acknowledges that. The member can be assured that I will

set key milestones and time lines to ensure that that happens. I am absolutely committed to working with the key stakeholders in industry, small, medium and big businesses and local government. I am pleased that we have a very good working relationship with local government and have a shared vision on waste management in the future. I look forward to having a productive relationship and partnership with local government in the future.

I commend all the people and organisations that have been involved in the preparation of this bill. The bill had its roots many years ago. Some tremendous work has been done by people, organisations, industry groups and local and state government agencies, and I commend and thank them for that work. However, I will highlight a couple of people who deserve acknowledgement. The first person is my predecessor, Dr Judy Edwards, the member for Maylands. The work that she did for five years as minister in the Gallop and Carpenter governments was significant. Her contribution as minister to ensure that the bill was introduced in this place and will become law has been not inconsiderable. I also acknowledge Dr John Ottaway, Jim Malcolm and Michael Kerr, who have had a deep and lasting involvement and interest in nursing this bill from infancy through to, hopefully, its proclamation in a short time. I also acknowledge the work of staff in the waste management area of the Department of Environment and Conservation. I also thank my policy adviser, Piers Verstegen, for his input to this process.

I am very keen to ensure that this bill and its enabling mechanisms allow Western Australia to become a leader in not only Western Australia, but also the world in waste management and in how it perceives the role of individuals, communities, businesses and government in waste management. That will be a positive legacy for future generations.

Question put and passed.

Bill read a third time and transmitted to the Council.