



CORE CONSULTATIVE COMMITTEE ON WASTE

Our Ref:
Your Ref: 17706
Inquiries: Sam Wilkinson 6364 7015

24 May 2006

Mr Robert Atkins
Chair
Hazardous/Industrial Waste Precinct Co-ordinating Group
PO Box K822
PERTH WA 6842

Dear Mr Atkins

DRAFT HAZARDOUS/INDUSTRIAL WASTE PRECINCT LEGISLATIVE/ REGULATORY MODEL

We refer to your letter of 16 May 2006 which was considered by the 3C at its meeting on 17 May 2006.

The draft minutes of the 3C meeting state:

- “The 3C agreed to write to the Coordinating Group as soon as possible to recommend that the document be amended to include more details:
- what new legislation or amended legislation will there be?
- what are the practicalities and implications of these?
- what are the timeframes?

It was also agreed to recommend that dot point 4.3 on page 6 of the discussion paper be clarified because the wording is ambiguous”.

The 3C was concerned and disappointed with the discussion paper on both content and process grounds.

With respect to content, concern over a lack of detail on potential legislative/regulatory options has been pointed out by the 3C collectively and by members individually in verbal and written comments submitted to the Executive Officer of the Co-ordinating Group (CG) over the past few months. However, the 3C was not expecting that the final version provided to it by the CG would remove most of the minimalist detail which had been provided in drafts by removing all reference to the Outline of Draft legislation. It is understood that this was largely as a result of a decision by the Coordinating Group on 15th May to remove detailed description of potential stand-alone legislation from the draft consultation document.

This last minute removal of content is regarded by the 3C as a significant process failure. In effect, the 3C has been presented at the last minute, and without warning, a document that is substantially different from the drafts on which its advice has been sought.



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Whether additional legislative provisions are enshrined in a new Act or by amendment of existing legislation is not a reason for removing reference to those provisions. If both options may seriously be contemplated there would be value in discussing the possible merits or demerits of each. However, the provision of virtually no detail on these matters beyond dot-pointed objectives is likely to create the impression that very little work has been done on these matters since the Cabinet decision of 18 April 2005 and, consequently, that the development of the precinct model has not been taken seriously within government.

The 3C was particularly concerned with the phrasing of Section 4.3 of the discussion paper which presented amendments to Planning Schemes as a possible alternative to protecting precincts and their buffers through legislation. We believe this to be contrary to the Cabinet decision of April 2005.

The 3C is of the view that presenting the discussion paper forwarded to it as a basis for public consultation would be damaging to the Government's credibility. That is the reason for referring the paper back to the CG with these expressions of concern.

With respect to your suggestion that the closing date for consultation on the discussion paper be 30 June, the 3C had been working toward this date based upon the paper being able to be released on 19 May. Delays in release of the paper will necessitate equivalent adjustments to the end date for consultation.

Yours sincerely

Mary Askey
Co Chair

Lee Bell
Co Chair

cc: Hon Mark McGowan, Minister for Environment; Racing and Gaming