



**THIRTY-SEVENTH PARLIAMENT**

**REPORT 5**  
**STANDING COMMITTEE ON ENVIRONMENT AND**  
**PUBLIC AFFAIRS**  
**OVERVIEW OF PETITIONS**

Presented by Hon Louise Pratt MLC (Chair)

August 2006

## STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

### Date first appointed:

17 August 2005

### Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

#### “1. Environment and Public Affairs Committee

- 1.1 An *Environment and Public Affairs Committee* is established.
- 1.2 The Committee consists of 5 members.
- 1.3 The functions of the Committee are to inquire into and report on -
  - (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
  - (b) any Bill referred by the House; and
  - (c) petitions.
- 1.4 The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.
- 1.5 The Committee may refer a petition to another committee where the subject matter of the petition is within the competence of that committee.
- 1.6 In this order “**environment**” has the meaning assigned to it under section 3(1), (2) of the *Environmental Protection Act 1986*.”

### Members as at the time of this inquiry:

Hon Louise Pratt MLC (Chairman)

Hon Paul Llewellyn MLC

Hon Bruce Donaldson MLC (Deputy  
Chairman)

Hon Robyn McSweeney MLC

Hon Kate Doust MLC

### Staff as at the time of this inquiry:

Vincent Cusack, Advisory Officer (General)

Mark Warner, Committee Clerk

### Address:

Parliament House, Perth WA 6000, Telephone (08) 9222 7222

lcco@parliament.wa.gov.au

Website: <http://www.parliament.wa.gov.au>

ISBN 1 9208 8683 4

## CONTENTS

1	INTRODUCTION .....	1
2	HISTORY AND PURPOSE OF THE COMMITTEE .....	1
3	PETITIONS .....	1
	Petitions process adopted by the Committee .....	2
	Reporting to the Parliament .....	3
	The Parliamentary Commissioner for Administrative Investigations (Ombudsman) .....	3
	General .....	3
4	PETITIONS CONSIDERED .....	3
5	PETITIONS FINALISED BY THE COMMITTEE DURING THE REPORTING PERIOD .....	4
	Petition No 11 – Alcoa Liquor Burner at Kwinana.....	4
	Petition No 14 - Uranium Mining in Western Australia .....	6
	Petition No 13 - Woodchip Mill at Bunbury Port .....	12
	Petition No 16 - Yilgarn Drainage System in the Eastern Wheatbelt .....	15
	Petition No 17 - Synergy Regional Call Centres .....	18
	Petition No 19 - Regional Park for Bushland Protection .....	19
	Petition No 20 - Local Midwifery Care Options Across WA .....	23
	Petition No 21 - Sunset on the Swan River Foreshore at Dalkeith .....	24
	Petition No 23 - Heritage Land at Sunset on the Swan River Foreshore at Dalkeith .....	25
	Petition No 25 - Regarding the Perry Lakes Redevelopment Bill 2005 .....	26
	Petition No 26 - Regarding the Karri Forest (Crowea 09) - Northcliffe .....	27
6	PETITIONS BEFORE THE COMMITTEE UP TO 31 MAY 2006 .....	30
7	RECOMMENDATION .....	32
	<b>APPENDIX 1 MINISTERIAL CONDITIONS STATEMENT NO 678.....</b>	<b>33</b>



## REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

### OVERVIEW OF PETITIONS REPORT

---

#### **1 INTRODUCTION**

- 1.1 This report provides an overview of the petitions considered by the Legislative Council Standing Committee on Environment and Public Affairs (**Committee**) from 29 November 2005 to 31 May 2006. This report is the third Overview of Petitions Report to be tabled by the Committee.

#### **2 HISTORY AND PURPOSE OF THE COMMITTEE**

- 2.1 The Committee was appointed by the Legislative Council on 17 August 2005, during the first session of the Thirty-Seventh Parliament. The Committee continues the work of the previous Standing Committee on Environment and Public Affairs (24 May 2001 - 17 August 2005) with a membership of five.
- 2.2 The functions of the Committee are to inquire into and report on public or private policies, practices, schemes, arrangements or projects in Western Australia (**WA**) which affect or may affect the environment, as well as any bill referred by the Legislative Council and petitions. The terms of reference of the Committee are published at the front of this report.
- 2.3 The Committee's terms of reference provide that, where relevant, it is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment. The concept of ecologically sustainable development was adopted as a goal by Australian governments, including Western Australia, in 1992 following the Earth Summit in Rio de Janeiro, Brazil. Ecologically sustainable development (**ESD**) is a philosophy defined by the National Strategy for Ecologically Sustainable Development as "... *development which aims to meet the needs of Australians today while conserving our ecosystems for the benefit of future generations.*"<sup>1</sup>

#### **3 PETITIONS**

- 3.1 A function of the Committee, as provided by its term of reference 1.3(c), is to inquire into and report on petitions.
- 3.2 A petition is a request for action by the Legislative Council from a citizen or resident or a group of citizens or residents. The Committee considers petitions that have been tabled by a Member of the Legislative Council on behalf of a person or groups within the community.

---

<sup>1</sup> Ecologically Sustainable Development Steering Committee, *National Strategy for Ecologically Sustainable Development*, Canberra: Australian Government Publishing Service, 1992.

- 3.3 When reviewing petitions, the Committee seeks to provide a forum for public discussion on matters of community interest and to allow interested persons, or groups, to bring their concerns to the attention of the Legislative Council.
- 3.4 The Western Australian Legislative Council is the only House of Parliament in Australia that refers all petitions to a committee for inquiry and report.<sup>2</sup> In many other jurisdictions petitions are simply recorded in *Hansard* and no further investigation is undertaken.

### **Petitions process adopted by the Committee**

- 3.5 Once tabled in the Legislative Council, all petitions stand referred to the Committee. Upon receipt, the Committee generally writes to the tabling Member and to the principal petitioner inviting a 1-2 page submission providing further information on the matters and issues raised in the petition. The Committee also, where appropriate, writes to the relevant Minister(s) seeking comment on the content of the petition and any submissions received. The Committee may also make preliminary investigations to obtain background information on the issues from government agencies, private organisations and individuals.
- 3.6 The Committee considers the submissions and other information received and resolves to either:
- a) finalise the petition, that is, to not inquire further into the petition; or
  - b) formally inquire into the petition.
- 3.7 Where a petition concerns a subject matter that is within the terms of reference of another standing committee of the Legislative Council, the Committee may refer the petition to that committee for inquiry and report, as provided by the Committee's term of reference 1.5.
- 3.8 The Committee may resolve to finalise a petition without formally inquiring into it in the following circumstances:
- a) if the Committee considers that the issues raised in the petition have been or are being adequately dealt with;
  - b) if the issues raised in the petition will be or have been considered and/or debated by the Legislative Council;

---

<sup>2</sup> In Queensland, the Clerk of the Parliament sends petitions to the relevant Minister. The Minister may respond to the Clerk, who then tables the response, forwards a copy of the response to the tabling Member and publishes the response on the Parliament's website. See <http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/MinisterialResponses.aspx?LIndex=4> (accessed on 20 June 2006). Petitions tabled in the Senate are "brought to the notice of the appropriate Senate Committee"; however, there is no requirement for those committees to inquire into or report back to the Senate on the petition. See <http://www.aph.gov.au/Senate/pubs/guides/briefno21.htm> (accessed on 20 June 2006).

- 
- c) if the Committee considers that the issues raised in the petition have been taken as far as possible at the time; or
- d) if the Committee has not received any submissions in response to its invitation to provide further information on the content of the petition.
- 3.9 In many cases where the Committee finalises a petition there has been some resolution of the matters or issues raised.
- 3.10 When the Committee resolves to finalise a petition it advises the tabling Member and the principal petitioner.
- 3.11 If the Committee resolves to formally inquire into a petition, it may:
- arrange hearings at which discussion occurs on the various issues raised in the petition;
  - gather additional information; and
  - prepare a report on the petition for tabling in the Legislative Council.

#### *Reporting to the Parliament*

- 3.12 The Committee has resolved to report regularly to the Parliament on the progress of petitions that stand referred to the Committee under Standing Orders of the Legislative Council.

#### *The Parliamentary Commissioner for Administrative Investigations (Ombudsman)*

- 3.13 Certain issues or matters raised in a petition may come under the Ombudsman's jurisdiction as set out in the *Parliamentary Commissioner Act 1971*.
- 3.14 The Committee liaises regularly with the Ombudsman's office in recognition of the fact that a matter raised by a petition may have been previously considered or could currently be under consideration by that office.

#### *General*

- 3.15 All transcripts of evidence given in public, and all of the Committee's reports and relevant Government responses are available from the Parliament of WA website at <http://www.parliament.wa.gov.au>. Committee reports can be purchased from the State Law Publisher and are also available at the Alexander Library and other selected libraries.

## **4 PETITIONS CONSIDERED**

- 4.1 At the commencement of the reporting period, the Committee had 13 petitions under consideration on 11 separate issues. During the reporting period seven petitions were referred to the Committee. The Committee has finalised 11 petitions on 10 separate issues,

which are discussed below. The Committee is continuing its consideration into nine petitions on eight separate issues (see section 6 below).

## **5 PETITIONS FINALISED BY THE COMMITTEE DURING THE REPORTING PERIOD**

### **Petition No 11 – Alcoa Liquor Burner at Kwinana**

5.1 On 29 June 2005, Hon Giz Watson MLC tabled a petition [TP#483]<sup>3</sup> containing one signature calling for:

*the Legislative Council to oppose the proposal to re-commission the Alcoa Liquor Burner at Kwinana.*<sup>4</sup>

5.2 Alcoa ceased operating the liquor burner at its Kwinana refinery in May 2002 in order to install improved emission control technology. Following installation, Alcoa sought approval to recommission the liquor burner.

5.3 The petitioners opposed the recommissioning of the liquor burner because of ongoing concerns about harmful emissions and suspected cancer-causing compounds emanating from the burner.

5.4 The Committee received submissions from the principal petitioner and correspondence from the Ministers for Consumer and Employment Protection, Health and the Environment.

5.5 In their submission the Alumina Widows and Workers Action Group stated that:

*The health of the community in Kwinana and the Alcoa Refinery workforce has been compromised by the significant emission streams of a liquor burner without controls for thirteen years 1988/9- 2002.*

5.6 The petitioners remain concerned about the potential adverse health affects on the workers and nearby residents.

5.7 The petitioners also questioned the ‘independence’ of the Healthwise Study<sup>5</sup> and called for a full investigation of the increase in cancers “*by a team who are not paid by Alcoa*”.

5.8 The Parliamentary Secretary to the Minister for Health acknowledged that the Healthwise Study was funded by Alcoa, but provided the Committee with details of the Healthwise researchers and the members on the Healthwise Advisory Board. The Parliamentary

---

<sup>3</sup> The TP number [TP#483] refers to the Tabled Paper Number given to the petition upon its tabling in the Legislative Council.

<sup>4</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 29 June 2005, p3540.

<sup>5</sup> Associate Professor Malcolm Sim et al, *Incidence of Cancer in Alcoa employees at Kwinana, and in sections K58, K59 and Building 150*, Monash University, Victoria, September 2005.

---

Secretary restated the Minister's advice that the scientists involved in the Healthwise Study have "*impressive credentials and reputations*".<sup>6</sup>

5.9 The Parliamentary Secretary further advised that the "*Department of Health has no information that would confirm the existence of a statistically significant 'cluster' of cancers in any specific work area at the Kwinana Alumina Refinery*".

5.10 The Minister for Consumer and Employment Protection provided the following information:

*Officers from Resources Safety Division of the Department of Consumer and Employment Protection have been continually involved with issues concerning the operation of liquor burners at Western Australian alumina refineries since 1996.*

*Since the initial health concerns at Wagerup, Alcoa has actively involved the workforce in the various technology upgrades to reduce emissions. Stakeholder Reference Groups have been convened for refinery upgrades. This includes the Kwinana Emissions Reduction Project relating to the Alcoa Kwinana liquor burner.*

*Results of air testing and stack emission work are made available to employees. In addition, emissions from the Alcoa refineries (including arsenic, beryllium, chromium and formaldehyde) are documented in the National Pollutant Inventory.*

*The Resources Safety Branch has not received any complaints from the Alcoa Kwinana workforce that they have been denied information from Alcoa concerning emissions from the Kwinana refinery.*<sup>7</sup>

5.11 The Minister for the Environment informed the Committee of the environmental assessment process for Alcoa's proposal to reinstate the liquor burner. The proposal was referred to the Environmental Protection Authority (EPA) in May 2004.

- The EPA recommended a level of assessment of 'Not Assessed - Managed under Part V of the *Environmental Protection Act 1986*'.
- Following public appeals the Minister of Environment referred the proposal back to the EPA for further assessment at the level of 'Assessment on Referral Information'.
- The EPA reported in January 2005 (Bulletin 1163) and recommended that the proposal was capable of being managed in an environmentally acceptable manner.

---

<sup>6</sup> Letter from Hon Sue Ellery MLC, Parliamentary Secretary to the Minister for Health, 1 March 2006, p1.

<sup>7</sup> Letter from Hon John Kobelke MLA, Minister for Consumer and Employment Protection, 17 January 2006, pp1-2.

- There were further public appeals to that EPA recommendation, which the Minister for Environment considered when setting Ministerial Conditions as per Statement No 678 in June 2005.<sup>8</sup>
- 5.12 The Committee noted that the Ministerial Conditions require Alcoa to undertake a rigorous validation and monitoring program to ensure that the actual emissions from the upgraded facility are consistent with those predicted through the environmental assessment process.
- 5.13 Ministerial Condition 4.1 also requires Alcoa to prepare an Emissions Characterisation Plan for the identification and quantification of emissions from the Kwinana Alumina Refinery, to the requirements of the Minister for Environment on advice of the Department of Environment.
- 5.14 The Characterisation Plan must be prepared prior to the commissioning of the liquor burner.
- 5.15 The Committee further noted that Alcoa's improved pollution control equipment consists of a primary cyclone, filters for particulates control, condensing wet scrubber, and a regenerative thermal oxidiser unit, and the stack height will be increased to 70 metres.
- 5.16 The Committee took account of the comprehensive environmental assessment process that culminated in the Ministerial Conditions being set by the Minister for the Environment (See Appendix 1).
- 5.17 The Committee acknowledged the difficulties involved by having large industries located next to residential areas. The Committee noted the importance of the State Government and EPA approvals remaining responsive to community concerns.
- 5.18 The Committee acknowledged the work done by the Alumina Widows and Workers Action Group and considered that the issues raised in the petition had been brought to the attention of the Legislative Council by the tabling of the petition.
- 5.19 The Committee finalised the petition on 22 March 2006.

#### **Petition No 14 - Uranium Mining in Western Australia**

- 5.20 On 16 August 2005, Hon Giz Watson MLC tabled a petition [TP#546] containing 159 signatures requesting the Legislative Council to:

*evaluate the acceptability of a uranium mining industry measured against the known health hazards for workers in the uranium and*

---

<sup>8</sup> Letter from Dr Judy Edwards MLA, Minister for the Environment, 8 November 2005, p1.

---

*associated industries, and on the residents of Western Australia should uranium mining be established in this State.*<sup>9</sup>

- 5.21 The Committee received submissions from the tabling member and from the principal petitioner.
- 5.22 The main concerns of the petitioners are the ‘hazards’ associated with uranium mining and in particular exposure to ionising radiation, radon gas, and poor monitoring of uranium activities in Australia.
- 5.23 The principle petitioner raised the following in the submission:

*The history of uranium mining is marked by a high incidence of lung cancer amongst miners. In Czechoslovakia, uranium has been mined for four hundred years. In 1879, the disease known as ‘Mountain Sickness’ in the mining area was diagnosed as cancer, and in 1913 finally diagnosed as primary lung cancer. Approximately fifty percent of the miners died from this disease, the cause found to be the inhalation of radon gas, a highly radioactive gas which is given off by uranium deposits and cannot be avoided during uranium mining, it is a result of the gradual decay of natural uranium.*

- 5.24 The petitioners raised the issue of risk and objected to the determination of ‘safe acceptable levels’. In support of this contention the tabling member outlined the following:

*Uranium mining companies, including WMC and ERA, claim that they can minimise the risk to “acceptable levels” by attention to proper ventilation of the shafts, and close monitoring of workers to radioactive exposure. However, each time the International Commission for Radiation Protection (ICRP) and other experts/organisations conduct a review on “safe” levels of radiation exposure, they conclude that low levels of ionising radiation are more dangerous than was previously decided. On average, these organisations have concluded that the actual danger is twice as high as they thought twelve years before. This means that people are legally exposed to a certain dose of radiation one year and the next year they are told that the dose was far too high.*

- 5.25 The Committee received a response from the Minister for the Environment on 20 December 2005, which informed the Committee:

- of the State Government’s policy of prohibiting uranium mining in Western Australia;

---

<sup>9</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 16 August 2005, p3812.

- that all new mining leases, since June 2002 have been subject to a condition which prohibits mining of uranium; and
- that State Government policy also prohibits the importation of radioactive waste into Western Australia.<sup>10</sup>

5.26 The Committee noted that on 8 April 2003, Hon Dee Margetts tabled a petition [TP#944] requesting that:

*... the Legislative Council will investigate and evaluate the acceptability of a uranium industry measured against the known health hazards for workers in the uranium and associated industries and on the residents of Western Australia, arising from the establishment of a large number of uranium mines in this State.*<sup>11</sup>

5.27 The former Committee wrote to the Minister for State Development who advised the Committee ... *“that there were no proposals to establish a uranium mine or processing plant anywhere in Western Australia”*.

5.28 The former Committee finalised the petition on 10 November 2003.

5.29 The Committee noted the similarity in the wording of the current petition with the one finalised on 10 November 2003, and the ongoing State Government opposition to uranium mining in WA.

5.30 The first major production of uranium occurred in Australia at the Government-owned Rum Jungle project in the Northern Territory (NT) between 1954 and 1971.

5.31 That was followed by Radium Hill in South Australia (SA), then Mary Kathleen in Queensland.

5.32 Presently, there are three uranium mines in Australia:

5.32.1 Ranger in the NT which commenced mining in 1980 and is an open cut mine;

5.32.2 Olympic Dam in SA which commenced operations in 1988 and is an underground mine; and

5.32.3 Beverley, which is the first mine in Australia to utilise in situ leaching, commenced operations in SA in late 2000.

5.33 There are no operating uranium mines in WA, but there are at least five ‘potential’ mines – subject to firstly, an application and then secondly, mining lease approval. These are

---

<sup>10</sup> Letter from Dr Judy Edwards MLA, Minister for the Environment, 20 December 2005, p1.

<sup>11</sup> Hon Dee Margetts MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 8 April 2003, p6289.

---

Kintyre (open pit, no tailings dam), Yeelirrie (open pit), Mulga Rock (open pit), Manyingee (testing, possibly in-situ leaching) and Lake Maitland (probably open pit).

- 5.34 The Committee reviewed the 1997 Senate Report titled *Uranium Mining and Milling in Australia*,<sup>12</sup> and noted the relevance of chapter 2 *Uranium Mining and the Environment*, and chapter 4 *Health and Safety Matters* to the terms of petition No 14.
- 5.35 The 1997 Senate Report concluded that the principal finding of the Ranger Uranium Environmental Inquiry (**the Fox Report**) has been vindicated by two decades experience.
- 5.36 In its main findings and recommendations, the Fox Report states that:
- i) The hazards of mining and milling uranium, if those activities are properly regulated and controlled, are not such as to justify a decision not to develop Australian mines.
  - ii) The hazards involved in the ordinary operations of nuclear power reactors, if those operations are properly regulated and controlled, are not such as to justify a decision not to mine and sell Australian uranium.<sup>13</sup>
- 5.37 The 1997 Senate Report stated that:

*The ERA mine at Ranger is widely regarded as the most regulated mine in the world. This observation is especially true of supervision and monitoring of Ranger's impacts on the environment. The rationale for this close interest in Ranger is that the mining lease is totally surrounded by the Kakadu National Park.*<sup>14</sup>

- 5.38 The following is an extract from chapter 4 of the 1997 Senate Report:

*... concern about health and safety associated with uranium mining and milling overwhelmingly focussed on the hazards posed by ionising radiation. An indication of the range of concern may be discerned from the variety of submissions in which these matters were raised.*

...

*Much analysis of radiation matters pivots on a proposition attributed to the National Health and Medical Research Council that "[t]here is no safe level of exposure to ionising radiation" (Australian Conservation Foundation, S 81, 13). (Subsequently, the ACF informed the Committee*

---

<sup>12</sup> Commonwealth, Senate, Select Committee on Uranium Mining and Milling, *Uranium Mining and Milling in Australia*, May 1997.

<sup>13</sup> Justice RW Fox (Commissioner), *Ranger Uranium Environmental Inquiry: First Report*, Australian Government Publishing Service, Canberra, 1976, p185.

<sup>14</sup> Commonwealth, Senate, Select Committee on Uranium Mining and Milling, *Uranium Mining and Milling in Australia*, May 1997, p35.

*that attribution of this statement to an NH&RMC publication was a "mistake" and that the NH&RMC had in fact said that "there is a small risk even at very low doses".)*

*Dr Keith Lokan, Director, Australian Radiation Laboratory, explained the proposition thus:*

*We would share the opinion of ICRP and the international agencies that that [proposition] is correct. It is an assumption, supported by the theories of radiation biologists, that one would not expect there to be a threshold, and that the consequences of exposure will increase with increasing exposure. It probably is not linear - that is, if you decrease a given dose to half that dose, it is likely at low doses that the future negative impacts would decrease by more than a factor of two. But, yes, it is true that conceptually there is no "safe dose." (11 February 1997, 1073)*

*In its submission the South Australian Government put the view that such an interpretation of "safe" was not consistent with usual community standards in assessing the risks of everyday activities:*

*It is frequently stated that "there is no safe level of radiation exposure". This is only true if "safe" is defined as "absolutely no risk at all". Such a statement is analogous to the statement "there is no safe speed in a motor car". If "safe" is taken to have its normal meaning that the level of risk is so low that it is acceptable in the particular circumstances, then "safe" levels of radiation exposure can be defined and an appropriate dose limitation system can be applied. (S 109, 4.2.1, 16)*

*... the occupational dose limit has been reduced to 20 milliSieverts (mSv) per year averaged over a period of five consecutive years with a maximum of 50 mSv in any one year. Both Australian mines, Ranger and the Olympic Dam Operation, are already within the new limit. As the Australian Radiation Laboratory informed the Committee:*

*For both mines, the annual radiation doses to workers are well below the recommended 50mSv of the Nuclear Codes Mining Code and about one third of the 20 mSv limit recommended by the NHMRC and the NOHSC in 1995. (S 80, 2)<sup>15</sup>*

---

<sup>15</sup> Ibid, pp100-1.

- 5.39 The Committee acknowledged that the 2003 Senate *Inquiry into Environmental Regulation of Uranium Mining*<sup>16</sup> identified a number of shortcomings in relation to monitoring, reporting and compliance.
- 5.40 The Committee sought 'recent' information about the quality of monitoring and safety standards in relation to the mining of uranium in SA and the NT.
- 5.41 The following is an extract from the SA *Environmental Protection Authority Radiation Protection Annual Report 2002 - 2003*,<sup>17</sup> which is administered under the *Radiation Protection and Control Act 1982 (SA)*.

### ***Olympic Dam Operations***

*WMC (Olympic Dam Corporation) Pty Ltd holds a licence (LM1) under the Act to mine or mill radioactive ores. Licence conditions stipulate annual reporting on the existing and proposed development of the project and details of the wastes produced. The LM1 Report for 2001/02 was received on 28 August 2002 and was considered by the Radiation Protection Committee.*

*The Olympic Dam annual dose assessment summary for 2001/02 was received on 5 December 2002, and included an assessment of the adequacy and effectiveness of radiation protection measures.*

*The dose summary indicated that average doses to designated workers in the mine and the processing plant were less than 17% of the 20 mSv average annual limit for designated employees.*

*The maximum individual dose received was assessed to be less than 45% of the limit.*

*The annual environmental radiation report for the period March 2001 to February 2002 was presented to the Radiation Protection Committee on 8 August 2002. This report again confirmed that the radiological effects of the operation continue to be confined within the mining lease.*

*In particular, any addition to the annual radiation dose to members of the public living in Olympic Dam Village and Roxby Downs was assessed to be zero (indistinguishable from background).*

*There was one reportable spill during the reporting period on 18 February 2003 when 210 m<sup>3</sup> of process liquor was accidentally released*

<sup>16</sup> Commonwealth Senate, Environment, Communications, Information Technology and the Arts Committee, *Inquiry Into Environmental Regulation of Uranium Mining*, October 2003.

<sup>17</sup> Dr Paul Vogel, Chair, Environmental Protection Authority, *Annual Report on the Administration of the Radiation Protection and Control Act 1982, 1 July 2002 to 30 June 2003*, Government of South Australia, September 2003.

*in the hydrometallurgical plant. The material was contained and the incident did not result in accidental worker exposure, or represent a hazard to the environment or members of the public.*

*Radiation Protection Division officers visited the project on four occasions for radiation review meetings, inspections and/or workplace monitoring. Continuously operating environmental monitors were also maintained at a site near the town of Roxby Downs.*

*Routine transport of uranium ore concentrate from Olympic Dam to Outer Harbor continued without incident.*

#### ***Beverley uranium project***

*Heathgate Resources, operators of the Beverley project 600 km north of Adelaide, holds a licence under the Act to conduct commercial uranium mining operations. This licence was renewed for a further 12 months from 4 August 2002.*

*Worker radiation doses reported for the 2002 calendar year indicate the average annual dose was approximately 4% of the 20 mSv annual limit recommended for designated employees.*

*There were no reportable incidents during the 2002/03 year and the transport of product continued without incident. Officers of the division visited the site once during this period.*<sup>18</sup>

- 5.42 The Committee also noted the availability of the Supervising Scientist (for the Alligator Rivers Region in the NT) Annual Reports from 1997-98, to the most recent available at the time of publishing this report, being 2004-05.<sup>19</sup>
- 5.43 The Committee finalised this petition on 31 May 2006, noting the ongoing State Government policy of “*prohibiting uranium mining in Western Australia*”.
- 5.44 The Committee acknowledged the concerns of the petitioners and the hazards associated with nuclear activities. The committee considered that the issues raised in the petition had been brought to the attention of the Legislative Council by the tabling of the petition.

#### **Petition No 13 - Woodchip Mill at Bunbury Port**

- 5.45 On 30 June 2005, Hon Barry House MLC tabled a petition [TP#515] containing 509 signatures calling for:

---

<sup>18</sup> Ibid, pp7-8.

<sup>19</sup> <http://www.deh.gov.au/about/publications/annual-report/index.html>, (viewed on 1 June 2006).

---

*... the Premier of Western Australia, the Hon Geoff Gallop, to oppose the issuing of any licences or approval that will enable WAPRES to establish a woodchip mill at the Bunbury Port Inner Harbour in the near vicinity to the CBD ...*<sup>20</sup>

5.46 The petitioners further called for:

*... the Premier to direct the Minister for Planning to stand aside from any decision on the matter ...*<sup>21</sup>

5.47 The petitioners objected to the location of the ‘proposed woodchip mill’ because of its close proximity to their homes. The petitioners objected to the noise, dust and increased traffic from such an industrial activity.

5.48 Western Australian Plantation Resources (**WAPRES**) lodged a planning application for a woodchip mill with the City of Bunbury in February 2004. The City refused the application and WAPRES appealed to the Town Planning Appeals Tribunal - now the State Administrative Tribunal (**SAT**) against the decision in September 2004.

5.49 The SAT requested the development of a Structure Plan. WAPRES prepared a (localised) Structure Plan in consultation with the City, Bunbury Port Authority, and the Department for Planning and Infrastructure.

5.50 WAPRES submitted the Structure Plan to the City on 2 February 2005, and the City refused to support the Structure Plan at its meeting on 14 June 2005.

5.51 WAPRES lodged a review of the City’s decision with the SAT, and forwarded the Structure Plan onto the Western Australian Planning Commission (WAPC).

5.52 On 25 July 2005, the then Acting Minister for Planning and Infrastructure, ‘called in’ the review pursuant to s70 of the then *Town Planning and Development Act 1928* because it was considered to raise issues of such regional importance that it was appropriate that it be determined by the Minister.

5.53 In determining the Structure Plan the Minister ensured that it “... *conformed with the provisions of Town Planning Scheme No 7 (TPS7) and was consistent with WAPC policies including the State Planning Strategy, State Planning Framework Policy and Statement of Planning Policy No 1.*”<sup>22</sup>

5.54 The Minister approved the Structure Plan under the TPS7.

---

<sup>20</sup> Hon Barry House MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 30 June 2005, p3690.

<sup>21</sup> Ibid.

<sup>22</sup> Letter from Hon Alannah MacTiernan MLA, Minister for Planning and Infrastructure, 1 November 2005, p4.

- 5.55 The City resolved at its Special Meeting of Council on 13 October 2005, “to advise SAT that it had withdrawn its opposition to the development of a woodchip mill at the WAPRES lease site subject to SAT imposing appropriate conditions and advice to the applicant.”<sup>23</sup>
- 5.56 The City’s resolution outlines the conditions it requested the SAT to consider.<sup>24</sup> These conditions are detailed and lengthy and pertain to:
- land use;
  - air emissions and dust management;
  - noise management;
  - vehicular traffic;
  - rail traffic;
  - storm and ground water management;
  - waste management; and
  - conditions on the building which will also be subject to a building licence approval.
- 5.57 The Committee notes that the City’s resolution is relevant to the issues raised by the petitioners, such as noise dust and traffic.
- 5.58 The Committee acknowledged that Bunbury Port is not perhaps the most ideal location for a woodchip mill in Bunbury. The Committee is aware of the principal petitioner’s concerns and particularly the residents of East Bunbury who are closest to the Port.
- 5.59 In considering the petition, the Committee took account of the lengthy opposition by the City of Bunbury, the involvement of SAT and the intervention by the Minister for Planning and Infrastructure.
- 5.60 The Committee was particularly mindful of the existence of an approved Structure Plan and the City’s resolution at its special meeting on 13 October 2005. Following legal advice, the City decided to withdraw its opposition to the development of a woodchip mill at Bunbury Port.
- 5.61 The City also resolved to request a number of conditions on the development, at the 13 October special meeting, which were referred to the SAT. Those conditions have been adequately addressed, and copies of the orders provided by the SAT, have been made

---

<sup>23</sup> City of Bunbury, *Special Council Meeting*, Minutes, 13 October 2005.

<sup>24</sup> Ibid, pp14-22.

---

available for public viewing at the City of Bunbury's Customer Service counter and at the Town Library.

- 5.62 In light of the above, the Committee finalised the petition on 22 March 2006.
- 5.63 The Committee acknowledged the petitioners contribution to the debate and considered that the issues had been brought to the attention of the Legislative Council by the tabling of the petition.

#### **Petition No 16 - Yilgarn Drainage System in the Eastern Wheatbelt**

- 5.64 On 30 August 2005, Hon Giz Watson MLC tabled a petition in the Legislative Council [TP#653] containing 80 signatures requesting that:

*Drainage from the Yilgarn Drainage System in the eastern wheatbelt be contained in that system and not be allowed to enter the Yenyening Lakes or the Avon-Swan River system.<sup>25</sup>*

- 5.65 The petitioners main concern is the potential for hyper-saline and possibly acidic water to flow into the Avon and Yenyening lakes as a consequence of deep drainage.
- 5.66 The petitioners made the following point in their submission:

*Conservation organisations in the Avon Arc have a particular concern for the environmental damage that can result from reticulated deep drainage across the Central and Eastern Wheatbelt into the Avon via the East Mortlock River or the Yenyening lakes system. Flooding, permanent inundation of the wheatbelt Lakes or the Avon River, drastic changes in water quality in the minor winter creeks through to the major tributaries such as the North, East and South Mortlock Rivers and into the Avon could replace whole current ecosystems by others. The loss to biodiversity is obvious, as would be the loss of amenities and much loved landscapes to the thinly populated landscapes in the east and the more densely peopled landscapes in the Avon Arc.*

- 5.67 The Committee conducted preliminary inquiries and acknowledged that the large scale problem of salinity is recognised by both State and Federal authorities.
- 5.68 The Committee heard evidence from Mr John Ruprecht, Acting Director Water Resource Management, Department of Water, on 15 March 2006.
- 5.69 During his evidence Mr Ruprecht made the following point to highlight the salinity problem:

---

<sup>25</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 20 August 2005, p4681.

*... current predictions are that between two million and four million hectares of land are at risk of becoming salt affected in the next 50 to 100 years.<sup>26</sup>*

5.70 A range of drains have been established in the Wheatbelt, some of which have been very effective at lowering the water table – to the extent that farmers are eventually able to grow crops.

5.71 The Department of Water is conscious of a range of issues that could result from drainage including

- acid ground water;
- the potential increase in flows downstream; and
- the inundation of areas from catchment scale clearing and drainage.

5.72 The Department is investigating a number of areas for examining the downstream impact issue at Dumbleyung, Narembeen, Pithara and Tammin.

5.73 Mr Ruprecht informed the Committee that the Department is:

*... working on the Avon area with the CSIRO in a healthy country partnership Like much of the wheatbelt, Avon land is in the order of five to eight per cent salt affected. That will increase to 25 to 30 per cent under the do-nothing option. Major changes will occur even if we do nothing. Currently major flood flows are occurring through normal rainfall ... the do-nothing option means that these flood peaks will increase twofold or threefold.<sup>27</sup>*

5.74 Mr Ruprecht informed the Committee that the Department is looking at catchment and regional evaluation, and at the best way to manage water and salinity within the Yenyening catchment, and he stated that the disposal option is a focus of a project the Department is working on with the local community, the Yenyening Lakes Catchment Committee, the broader drainage advocates and the downstream community.

5.75 Mr Ruprecht concluded his presentation to the Committee with the following:

*The focus has not been on “no drainage”, but if farmers want to drain, there are certain things they will need to do to manage the downstream impacts.<sup>28</sup>*

---

<sup>26</sup> Mr John Ruprecht, Acting Director, Water Resource Management, Department of Water, *Transcript of Evidence*, Wednesday, 15 March 2006, p1.

<sup>27</sup> Ibid, p2.

<sup>28</sup> Ibid, p3.

- 5.76 The Committee noted Senator Ian Campbell's media release dated 3 August 2005 when the Australian Minister for the Environment and Heritage stated that:

*... salinity was one of the greatest environmental challenges facing Australia, affecting up to 4.5 million hectares across the country.*<sup>29</sup>

- 5.77 In addressing the issue of Wheatbelt drainage, the WA Government has committed four million dollars to the Engineering Evaluation Initiative (EEI) to evaluate engineering options for salinity management.<sup>30</sup>

- 5.78 The WA Minister for the Environment's letter to the Committee also stated that:

*The major work areas of the EEI are evaluating specific engineering options (deep drainage, groundwater pumping, relief wells and surface water management), evaluating safe disposal options (downstream impacts and acid ground water), and regional drainage or waterway planning.*<sup>31</sup>

- 5.79 In addition the Commonwealth Government has allocated \$2.8 million to the Wheatbelt Drainage Programme.

- 5.80 The Yenyening lakes area is a focus for a feasibility study into a regional-scale drain proposal to drain saline water in the wheatbelt.

- 5.81 In his media release of 27 October 2005, Senator Campbell said that:

*... the Yenyening study would provide the first scientific and engineering assessment of the impact of the drain proposal on water quantities and flows into the Yenyening lakes system and the possible effect on water quality in the lakes and the Avon River.*<sup>32</sup>

- 5.82 Senator Campbell continued:

*... we also must guard against creating a new environmental problem while we're trying to fix another, so it is vital that we carefully consider all options and do our homework – which is what the feasibility study for the Yenyening proposal is all about.*<sup>33</sup>

<sup>29</sup> Senator Ian Campbell, '\$316 million heralds new era for WA salinity fight', *Media Release*, 3 August 2005, p1.

<sup>30</sup> Letter from Dr Judy Edwards MLA, Minister for the Environment, 16 November 2005, p2.

<sup>31</sup> Ibid.

<sup>32</sup> Senator Ian Campbell, 'Environment Minister has wheatbelt salinity in his sights', *Media Release*, 27 October 2005, p1.

<sup>33</sup> Ibid.

- 5.83 The Committee considered the scale and scope of the salinity problem, the environmental concerns with deep drainage and the methods being put in place to manage the downstream impacts.
- 5.84 In the Committee's view, both the State and Federal Governments appear to be committed to ongoing monitoring and evaluation of the impact of drainage on water quantities and flows downstream.
- 5.85 The Committee finalised the petition on 12 April 2006.
- 5.86 The Committee recognised the petitioners' contribution to the issue of safe disposal of saline water in the wheatbelt and considered that their concerns had been brought to the attention of the Legislative Council by the tabling of the petition.

#### **Petition No 17 - Synergy Regional Call Centres**

- 5.87 On 31 August 2005, Hon Simon O' Brien MLC tabled a petition in the Legislative Council [TP#667] containing four signatures requesting a parliamentary inquiry be held into:

*a) the matters which contributed to the collapse of the Synergy call centres in Albany and Collie and the failure to provide the proposed call centre in Bunbury, and the liquidation process*

*b) the funding assessment process for Synergy Rural and Synergy Regional, including the liquidation of Synergy CRM and its subsequent rollover into Synergy Regional; and*

*c) such other matters as the Parliament may consider relevant to the inquiry.*<sup>34</sup>

- 5.88 The petitioners raised concerns about the loss of public money, and with the criteria and checks and balances regarding the loan assessment, and with the monitoring of performance.
- 5.89 The petitioners raised further concerns about unreliable equipment and poor or non-existent staff training.
- 5.90 The Committee wrote to the Minister for State Development seeking comment on the terms of the petition and the submissions.
- 5.91 The Acting Minister for State Development responded by stating that the matters raised in the submissions had either been raised in the Parliament or are outside the scope of the Government's agreement with Synergy Regional Pty Ltd.<sup>35</sup>

---

<sup>34</sup> Hon Simon O'Brien MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 31 August 2005, p4810.

- 5.92 In response to questions raised in the Parliament by Hon Simon O'Brien on 29 June 2005, Hon Kim Chance tabled a copy of the *Business Assessment: Synergy Rural Pty Ltd Call Centres* report, and a copy of *The Minister for State Development and Synergy Regional Pty Ltd Agreement for Financial Support*.<sup>36</sup>
- 5.93 The Committee sought further information from the Minister for State Development on the total cost of funding provided to Synergy, and if any measures have been put in place to prevent a similar situation occurring.
- 5.94 In response, the Minister Assisting the Minister for State Development revealed that to date none of the \$800,000 public money has been recovered and that "*the receiver is still finalising matters*".<sup>37</sup>
- 5.95 The Minister Assisting stated that there had been two main initiatives put in place "*to prevent a similar situation occurring as a result of the lessons learned from Synergy Regional*". These are:
- i) Ensuring all financial assistance agreements are consolidated on a departmental database, providing a single point of reference.
  - ii) Development and implementation of a chronological process to be followed for all financial assistance agreements. This process will guide departmental officers through the assessment, determination, negotiation and monitoring of agreements and will provide a process for remedial action should it be required.<sup>38</sup>
- 5.96 The Committee focused its inquiry into the processes that were being put into place in order to prevent a similar situation occurring again. The Committee was satisfied that this is being addressed and encourages periodical monitoring and assessment of the implemented initiatives.
- 5.97 The Committee finalised the petition on 3 May 2006.

### **Petition No 19 - Regional Park for Bushland Protection**

- 5.98 On 18 October 2005, Hon Giz Watson MLC tabled a petition in the Legislative Council [TP#851] containing 98 signatures requesting:

*... the creation of a Regional Park consisting of Kings Park, Shenton Bushland, Underwood Avenue bushland and Bold Park...*

---

<sup>35</sup> Letter from Hon Mark McGowan MLA, Acting Minister for State Development, 15 November 2005, p1.

<sup>36</sup> Hon Kim Chance, Leader of the House, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 30 June 2005, p3724.

<sup>37</sup> Letter from Hon John Bowler MLA, Minister Assisting the Minister for State Development, 13 April 2006, p1.

<sup>38</sup> Ibid.

5.99 The petition also requested the Legislative Council act:

*... to prevent any further loss of bushland within this corridor including AK reserve and Underwood Avenue bushland.*<sup>39</sup>

5.100 The petitioners highlighted their view of the importance of native fauna for linking bushland through corridors in the Metropolitan area and of the need to maintain biodiversity.

5.101 The Committee considered the petition and wrote to the Ministers for Planning, the Environment, and Sport and Recreation for comment on the terms of the petition and submissions.

5.102 The Minister for Planning informed the Committee that:

*The Botanic Gardens and Parks Authority manages Kings Park and Bold Park; Shenton bushland is managed by the City of Nedlands, with assistance from an active community group; and the University of Western Australia owns and manages bushland at Underwood Avenue.*<sup>40</sup>

5.103 The Minister for Planning reminded the Committee that the *Perry Lakes Redevelopment Act 2005* provides for a vegetated corridor for AK Reserve.

5.104 The enactment of the *Perry Lakes Redevelopment Act 2005*<sup>41</sup> directly impacted on this petition.

5.105 Underwood Avenue Bushland is identified as Bush Forever 119. It is classified as urban under the Metropolitan Region Scheme.

5.106 In her response to the Committee the then Minister for the Environment, Dr Judy Edwardes, revealed that she allowed appeals relating to the Environmental Protection Authority's Report and Recommendations, (Bulletin 1099), and rejected an earlier proposal by the University of Western Australia (UWA) to subdivide Lots 4 and 105, Underwood Avenue, Shenton Park in June 2004.<sup>42</sup>

5.107 A number of reasons were provided for why the Minister deemed the proposal "environmentally unacceptable" These included:

- the proposal failed to provide for an adequate portion of the vegetation in the best condition of the site being protected – only 17 per cent or 1.35 hectares of the 8 hectares of vegetation rated in "very good" condition was proposed to be retained;

---

<sup>39</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 18 October 2005, p6395.

<sup>40</sup> Letter from Hon Alannah MacTiernan MLA, Minister for Planning, 13 February 2006, p1.

<sup>41</sup> Proclamation, *Government Gazette*, No 27 (Special), Perth, Friday, 3 February 2006, p607.

<sup>42</sup> Letter from Dr Judy Edwards MLA, Minister for the Environment, 30 December 2005, p1.

- the condition of the vegetation to be retained in the conservation area was generally at the lower end of vegetation condition for the site; and
- the reliance on rehabilitation and restoration, along with a significant management effort in maintaining the biodiversity values of the site was considered uncertain and not preferable when compared to in-situ conservation of bushland.

5.108 The Minister for the Environment concluded with the following:

*While my decision means that the previous proposal cannot be implemented, it remains open to the university to seek approval for an alternative proposal that provides for an approved biodiversity and conservation outcome.*<sup>43</sup>

5.109 Any future development proposal by UWA for Underwood Avenue Bushland would be subject to the usual planning processes including environmental requirements.

5.110 In the Committee's view, both Kings Park and Shenton Bushland appear to be adequately protected.

5.111 AK Reserve, or Lot 713, was acquired by the State Government for 'public purpose'. It is included in *Bush Forever 312* and has a Parks and Recreation classification.

5.112 By being included in *Bush Forever 312*, AK Reserve forms part of *Bold Park and Adjacent Bushland City Beach*.

5.113 Notwithstanding the *Perry Lakes Redevelopment Act 2005* the Committee sought clarification on the second part of the petitioner's request – to protect bushland on AK Reserve.

5.114 The protection of bushland on AK Reserve relies to a large extent on section 27(4) of the *Perry Lakes Redevelopment Act 2005* which states that:

*The Minister must not approve a draft redevelopment plan for the AK redevelopment area unless satisfied it contains provisions that ensure*

*a) that as much of the existing flora on the AK Reserve land as possible is conserved in a corridor running in a broadly east-west direction; and*

*b) that the corridor is enhanced with flora that is indigenous to the land so as to create a continuous belt of such flora.*<sup>44</sup>

5.115 In addition, in outlining the Minister's functions section 12(2) of the *Perry Lakes Redevelopment Act 2005* states:

---

<sup>43</sup> Ibid.

*The sporting facilities must be constructed wholly or partly on the AK Reserve land or on land in the AK redevelopment area or on land outside the AK redevelopment area, as the Minister decides, but not on the Perry Lakes land.*<sup>45</sup>

- 5.116 In response to the question, ‘how much bushland is intended to be preserved on AK Reserve’, the Minister for Sport and Recreation quoted section 27(4) (a) of the *Perry Lakes Redevelopment Act 2005* and continued:

*To achieve this a feature survey of AK Reserve has been completed and the Department of Sport and Recreation has currently commissioned Dr Paul van der Moezel of ATA Environmental consultants to undertake a Flora and Fauna Survey, based on a project scope developed by the Botanical Parks and Garden Authority. Once these surveys have been completed I am expecting to be advised of the site and composition of the east-west corridor. This will form the basis of the Redevelopment Plan required under the Act which requires approval of the Environmental Protection Agency [sic] and the West Australian Planning Commission. This approval is required before construction of the facilities can commence.*<sup>46</sup>

- 5.117 In relation to the second question, ‘what efforts are being taken to secure the development of some/all of the sporting facilities on land outside the AK redevelopment area’, the Minister replied:

*The Department of Sport and Recreation in partnership with the University of Western Australia (UWA) is currently undertaking a Master Plan for AK Reserve and adjacent UWA land with a view to determining the location for the three sporting facilities. The current indication as stated publicly by Hon Giz Watson MLC is that the Rugby facility will not be located on AK Reserve. Further, the athletics facility is likely to be sited on AK Reserve, UWA land and Main Roads Reserve. It is only the basketball facility that will be located entirely on AK Reserve and it’s intended to locate it in the existing cleared area.*<sup>47</sup>

- 5.118 The Committee noted that Environmental Protection Authority approval is required before construction of any of the facilities can commence.

- 5.119 The Committee believed that the first request of the petitioners – the creation of a Regional Park was unachievable because of the *Perry Lakes Redevelopment Act 2005* and

---

<sup>44</sup> Section 27 (4), *Perry Lakes Redevelopment Act 2005*.

<sup>45</sup> Ibid, section 12 (2).

<sup>46</sup> Letter from Hon John Kobelke MLA, Minister for Sports and Recreation, 18 May 2006, p1.

<sup>47</sup> Ibid.

because Underwood Avenue Bushland is owned and managed by the University of Western Australia.

- 5.120 Since only the basketball facility will be located on the “*existing cleared area*” of AK Reserve, the Committee considered that the intrinsic environmental values of AK Reserve will not be compromised.
- 5.121 Consequently, the Committee finalised the petition on 24 May 2006.
- 5.122 The Committee recognised the petitioners’ contribution to the debate and considered that their concerns had been brought to the attention of the Legislative Council by the tabling of the petition.

### **Petition No 20 - Local Midwifery Care Options Across WA**

- 5.123 On 19 October 2005, Hon Giz Watson MLC tabled a petition in the Legislative Council [TP#882] containing 949 signatures requesting the Legislative Council to:

*1. take note of the benefits of midwifery care for women and their families, based in the community or small local hospitals across WA, as set out in the proposal ‘Implementing the National Maternity Action Plan (NMAP) in WA*

*2. supports the recommendations of implementing the NMAP in WA; and*

*3. recommend to the Government that it provide adequate funding and support for midwifery-led services as in Implementing the NMAP in WA.<sup>48</sup>*

- 5.124 The Committee considered the petition and the submission received and wrote to the Minister for Health for comment.
- 5.125 The Minister for Health informed the Committee that a draft Maternity Framework is being developed which will include discussion on all available models of care. The draft is expected to be completed in May 2006 and then the process of consultation will be advertised.<sup>49</sup>
- 5.126 The Committee reviewed the National Maternity Action Plan and noted in particular recommendation No 5, which states:

*... that the Western Australian Community Midwifery program, with its emphasis on community management and its provision of one-to-one continuity of midwifery care, be used as a proven and successful template for community midwifery programs to be established in all other states*

<sup>48</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 19 October 2005, p6516.

<sup>49</sup> Letter from Hon Jim McGinty MLA, Minister for Health, 3 April 2006, p1.

*and Territories. Such Programs would ideally offer this type of care to women choosing to give birth in hospital delivery suites, birth centres or in the community.*<sup>50</sup>

- 5.127 The Committee reminded the petitioners of the former Environment and Public Affairs Committee report titled *A Petition on Primary Midwifery Care*<sup>51</sup> and particularly recommendation 3 which states “*the Committee recommends that the Government provide secure long-term funding for the Community Midwifery Program*”.
- 5.128 The Committee considered that the issues raised in the petition had been brought to the attention of the Legislative Council, noting that there was a motion before the House seeking a parliamentary inquiry that included community based midwifery services.
- 5.129 The Committee finalised the petition on 22 March 2006.
- 5.130 A Select Committee into Public Obstetric Services was subsequently established on 24 May 2006.

#### **Petition No 21 - Sunset on the Swan River Foreshore at Dalkeith**

- 5.131 On 19 October 2005, Hon Giz Watson MLC tabled a petition in the Legislative Council [TP#883] containing 100 signatures stating that:

*We, the undersigned residents of Western Australia are opposed to the sale of State heritage listed land at the Iris Avenue end of the site known as Sunset on the Swan River foreshore at Dalkeith and say this proposed sale is*

*1. totally against the wishes of the local community as well as the Western Australian community at large and that*

*2. selling off this permanent listed State Heritage Land at Iris Ave, being part of the site known as Sunset at Dalkeith is contrary to the intent and provisions of the WA State Heritage Act and any intention of the State Government to direct this land to be struck off the State Heritage Register is also in contravention of the intent and provisions of the State Heritage Act.*<sup>52</sup>

- 5.132 The petition requested the Government to:

---

<sup>50</sup> Maternity Coalition, Australian Society of Independent Midwives Community Midwifery WA Inc, ‘National Maternity Action Plan: for the Introduction of Community Midwifery Services in Urban & Regional Australia’, *Birth Matters Journal of the Maternity Coalition Inc*, Volume 6.3, September 2002, p5.

<sup>51</sup> Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 13, *A Petition on Primary Midwifery Care*, 13 November 2004, piv.

<sup>52</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 19 October 2005, p6516.

*(a) abide by their published policy manifesto of 2000 whereby it stated that “Labor will restore heritage to the forefront of government consideration and see that sites throughout both metropolitan and country Western Australia are protected” and*

*(b) recognise there is no possible justification for attempted sale of precious foreshore public open space Sunset land at Iris Avenue.<sup>53</sup>*

5.133 The Committee resolved to consider petitions 21 & 23 concurrently.

#### **Petition No 23 - Heritage Land at Sunset on the Swan River Foreshore at Dalkeith**

5.134 On 17 November 2005, Hon Giz Watson MLC tabled a petition in the Legislative Council [TP#1044] containing 300 signatures stating that:

*We, the undersigned residents of Western Australia are opposed to the sale of State Heritage Listed land and the destruction of Sunset’s heritage landscape setting on the Iris Avenue side of the site known as Sunset on the Swan River foreshore at Dalkeith and also to the fencing in of this land. Your petitioners therefore humbly pray that the Legislative Council will*

- a) oppose any sale of this land,*
- b) oppose any attempts to place buildings, carparks or any other facility on this land which would destroy the historic landscape setting,*
- c) require the outer line of fencing on this land be removed immediately to allow free pedestrian access to some of this land by the people of Western Australia; and*
- d) place conditions on all existing and future administrators, leaseholders, managers and users of this land that this land is always to be retained as landscape setting for Sunset in keeping with Sunset’s 1904 architecture and also that it remain as open tree-studded grassed parkland for the passive recreational use and enjoyment by all West Australians and their visitors in perpetuity.<sup>54</sup>*

5.135 The petitioners asserted that the Iris Avenue land at Sunset should not be sold because of its historical, cultural and recreational value for the people of Perth. The petitioners made the following point:

---

<sup>53</sup> Ibid.

<sup>54</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 17 November 2005, p7460.

*The whole site, including the land at Iris Avenue (Crown "A" Class Reserve 1667) was classified by the National Trust in 1993 and received permanent status on the State Register of Heritage Places in 1997.*

5.136 The Committee wrote to the Minister for Housing and Works for comment on the terms of the petition and the submissions.

5.137 In response the Minister for Housing and Works stated that:

*To enable the master plan to be implemented, the Government proposes to shortly introduce the Sunset Hospital Site Bill 2006 into Parliament to secure the necessary approvals. The issues raised in these petitions will be addressed in some detail in the 2<sup>nd</sup> reading speech on the Bill.*

*The Bill will facilitate certainty for a project that has been subject to numerous land use studies and public consultation processes since its closure in 1996. The Bill provides for the University to take over the care, control and management of most of the site as the UWA Arts Centre that will result in the adaptive reuse and ongoing conservation for all the significant heritage buildings. The University will also tender part of the site for a residential aged care facility, which provides a link to the site's original use. This will be subject to a ground lease from the University to a private aged care developer / operator that will enable the University to use the rental income to contribute to ongoing conservation of the site. The University land (92% of the site) will remain an "A" Class reserve.<sup>55</sup>*

5.138 On 18 May 2006 the Sunset Hospital Site Bill 2006 was introduced into the Parliament.<sup>56</sup> The Committee is of the view that many of the issues raised by the petitioners will be addressed during the passage of the Bill through the Parliament.

5.139 The Committee finalised both Petitions on 24 May 2006.

#### **Petition No 25 - Regarding the Perry Lakes Redevelopment Bill 2005**

5.140 On 30 November 2005, Hon Anthony Fels MLC tabled a petition in the Legislative Council [TP#1108] containing 1648 signatures expressing opposition to the Perry Lakes Redevelopment Bill 2005 as the Bill:

- *Unduly interferes with democratic local government;*
- *removes assets that are the rightful property of the landholders;*  
*and*

---

<sup>55</sup> Letter from Hon Michelle Roberts MLA, Minister for Housing and Works, 11 May 2006, p1.

<sup>56</sup> Hon Michelle Roberts MLA, Minister for Housing and Works, Western Australia, Legislative Assembly, *Parliamentary Debates (Hansard)*, 18 May 2006, p11.

- *excludes the right of local government and ratepayers from the democratic decision making process.*<sup>57</sup>

5.141 The petitioners requested the Legislative Council to:

*... oppose the legislation of the Perry Lakes Redevelopment Bill 2005, to ensure the legislation is not carried.*<sup>58</sup>

5.142 The Perry Lakes Redevelopment Bill 2005 was introduced in the Legislative Assembly on 15 September 2005,<sup>59</sup> and upon passage was introduced in the Legislative Council on 11 October 2005.<sup>60</sup>

5.143 The Committee wrote to both the principal petitioner and the tabling member inviting submissions but received no response.

5.144 The Committee considered the petition and believes that as the matter involved a bill that was considered by the House, and proclaimed as an Act on 3 February 2006, many of the issues raised were dealt with during debate and that the views of the petitioners were brought to the attention of the House by the tabling of the petition.

5.145 The Committee finalised the petition on 15 March 2006.

#### **Petition No 26 - Regarding the Karri Forest (Crowea 09) - Northcliffe**

5.146 On 1 December 2005, Hon Paul Llewellyn MLC tabled a petition in the Legislative Council [TP#1134] containing 37 signatures expressing:

*... opposition to the destruction of mature karri forest in an area near Northcliffe know as Crowea 09;*

*concern that the value of tourism and recreation, which are sustainable uses of the forest, is being ignored; and*

*belief that the proposed clearfelling of this area of mature karri forest will mean an economic loss to the local and general community.*<sup>61</sup>

5.147 The petitioners requested the Legislative Council to hold an inquiry to:

<sup>57</sup> Hon Anthony Fels MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 30 November 2005, p7870.

<sup>58</sup> Ibid.

<sup>59</sup> Hon Alannah MacTiernan MLA, Minister for Planning, Western Australia, Legislative Assembly, *Parliamentary Debates (Hansard)*, 15 September 2005, p5471.

<sup>60</sup> Hon Kim Chance MLC, Leader of the House, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 11 October 2005, p5989.

<sup>61</sup> Hon Paul Llewellyn MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 1 December 2005, p7960.

*... ascertain whether there is greater value in keeping this area of mature karri forest for the benefit of the local and the general community in perpetuity than in destroying it for the short-term gain for a few.*<sup>62</sup>

- 5.148 The petitioners raised environmental concerns and sustainability implications with logging, and highlighted the importance of tourism to the Northcliffe community.
- 5.149 The Committee wrote to the Ministers for Forestry, Environment and Tourism and to the Shire of Manjimup for comment on the terms of the petition and the submission.
- 5.150 The Shire of Manjimup referred to the State Government's "Protecting our old growth forests policy" (**the Policy**) and went on to provide the following information:

*The Conservation Commission of WA subsequently developed the Forest Management Plan 2004 – 2013 (the Plan) which was approved by the Minister for the Environment under section 60 of the Conservation and Land Management Act 1980.*

*Under the Policy and in finalising the Plan, a total of 1.264 million hectares of forests was reserved. The Conservation Commission of WA considered the Crowea Block when preparing the Plan but this was not considered worthy of special protection and was not reserved and is part of the remaining 1.209 million hectare forest area that is available for harvesting.*

*It is understood that Crowea Block has a gross area of 158 hectares but only 41 hectares of this is planned to be harvested and 17 hectares selectively thinned. 140 hectares of significant buffers, fauna habitat zones and areas associated with the Bibbulmun Track, Warren River and its tributaries are already reserved.*<sup>63</sup>

- 5.151 The Minister for Forestry provided information similar to that of the Shire and continued with the following:

*In the original planning concept drafted by the Forests Products Commission (FPC) prior to community feedback, the walktrail (which is in fact an old logging and access track) was designated in part for use as a log extraction road. Following consultation with CALM, and community representatives to the FPC during 2005, the coupe design was amended. It now proposes to protect from current harvesting disturbance an additional area of 28 hectares covering the track, to the north of it as far as the Bibbulmun Track reserve (an average distance of 150 metres) and to the south of it for 60 metres with an additional 100*

---

<sup>62</sup> Ibid.

<sup>63</sup> Letter from Mr Vern McKay, Chief Executive Officer, Shire Manjimup, 27 March 2006, p1.

*metres of forests to be selectively thinned with the aim of minimizing the visual impact viewed from the walktrail.*

*When this buffer is combined with the 200 metre buffer along the Bibbulumn Track itself, and other stream reserves in the coupe planning area, the total area of forest that will have no direct disturbance is substantial. In fact the net area of actual harvest in the Crowea 09 coupe is likely to be less than 60 hectares, and of that some is thinnable karri regrowth rather than forest to be clearfelled and regenerated.<sup>64</sup>*

- 5.152 The Minister for the Environment reaffirmed much of the information provided by the Minister for Forestry and the Shire of Manjimup. The Minister for the Environment stated the following:

*... in considering the petition the Standing Committee needs to appreciate that the proposal to harvest in Crowea 09 is the end result of an extensive planning process that has taken account of the full range of uses of the forests of the South West.<sup>65</sup>*

- 5.153 The Minister for the Environment further stated that:

*... there are mature trees in the Crowea 09 Coupe, however, CALM's database does not show any of the coupe as old-growth forest. Neither has the public nominated any areas in Crowea 09 for assessment as old-growth given the past history of the forest block, it is highly unlikely that there are any areas within Crowea 09 that meet the criteria for old-growth.<sup>66</sup>*

- 5.154 The Minister for Tourism reiterated some of the points outlined above and continued with the following:

*I recognise the importance of the tourism industry, however the forests of the South West must sustain a number of different uses, and the planning process has been developed to help ensure that potentially conflicting uses can occur in the most managed way possible.*

*The Forest Management Plan 2004-2013 is partly based on achieving sustainable timber harvest levels and the fact that there is a long term rotation policy which prevents many parts of regrowth forest from being logged for up to 60 years supports this aim.<sup>67</sup>*

<sup>64</sup> Letter from Hon Kim Chance MLC, Minister for Forestry, 11 April 2006, p2.

<sup>65</sup> Letter from Hon Mark McGowan MLA, Minister for the Environment, 5 May 2006, p1.

<sup>66</sup> Ibid, p6.

<sup>67</sup> Letter from Hon Sheila McHale, Minister for Tourism, received 26 April 2006, p1-2.

- 5.155 The Committee noted that the Northcliffe Visitors Centre and the Friends of Blackberry Pool approached the Shire of Manjimup in an attempt to preserve the Crowea 09 coupe. The Shire considered the matter as an item at its Council meeting on 19 January 2006, voting 9-0 against preserving the Crowea 09 coupe.
- 5.156 The Committee has considered the petition, and believes that the Crowea 09 coupe was part of a comprehensive assessment process.
- 5.157 The Committee noted that the Conservation Commission of WA considered the Crowea 09 coupe when preparing the *Forest Management Plan 2004-2013*, and deemed it not worthy of special protection and was therefore not reserved.
- 5.158 The Committee acknowledges that following consultation with the Department of Conservation and Land Management (CALM), and community representations to the Forests Products Commission during 2005, the original coupe design was amended.
- 5.159 The Committee noted the importance of tourism and recreation to the Northcliffe community and more broadly to the South West region of WA. Consequently, the Committee emphasised the need for a 'consistent process' to assess tourism and recreation on an equal footing along with the environmental and economic aspects of the forestry industry.
- 5.160 The Committee recognised the petitioners' contribution to the debate and considered that their concerns had been brought to the attention of the Legislative Council by the tabling of the petition.
- 5.161 The Committee finalised the petition on 3 May 2006.

## **6 PETITIONS BEFORE THE COMMITTEE UP TO 31 MAY 2006.**

- 6.1 The following petitions are the subject of ongoing inquiries by the Committee:
- a) Bluegum and Commercial Forestry Ban - Porongurup. Petition tabled by Hon Giz Watson MLC on 6 April 2005 [TP#228];
  - b) Aerial Spraying of Insecticides in the Great Southern. Petition tabled by Hon Matthew Benson-Lidholm MLC on 18 August 2005 [TP#595];
  - c) Mr Neil Winzer. Petition tabled by Hon Giz Watson MLC on 22 September 2005 [TP#775];
  - d) Utility Consumer Hardship. Petition tabled by Hon Sally Talbot MLC on 15 November 2005 [TP#1001];
  - e) A Proposed Marina at Point Peron. Petition tabled by Hon Giz Watson MLC on 29 November 2005 [TP#1090];

- 
- f) New Primary School in Hillarys. Petition tabled by Hon Peter Collier MLC on 15 March 2006 [TP#1329];
  - g) Infill Deep Sewerage. Petition tabled by Hon Barbara Scott MLC on 2 May 2006 [TP#1475];
  - h) Sorry Day Public Holiday. Petition tabled by Hon Giz Watson MLC on 23 May 2006 [TP#1538]; and
  - i) Select Committee into Wait Times for Children needing Therapeutic services. Petition tabled by Hon Barbara Scott MLC on 25 May 2006 [TP#1541].

**7 RECOMMENDATION**

**Recommendation 1: The Committee recommends that the Report be noted.**



---

**Hon Louise Pratt MLC  
Chair**

**24 August 2006**

# APPENDIX 1

## MINISTERIAL CONDITIONS STATEMENT NO 678



MINISTER FOR THE ENVIRONMENT; SCIENCE

Statement No.

000678

### STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED (PURSUANT TO THE PROVISIONS OF THE ENVIRONMENTAL PROTECTION ACT 1986)

#### KWINANA LIQUOR BURNER, EMISSIONS REDUCTION PROJECT KWINANA

- Proposal:** The construction and operation of Air Pollution Control Equipment for the Liquor Burner at the Kwinana Alumina Refinery in Cockburn Road, as documented in schedule 1 of this statement.
- Proponent:** Alcoa World Alumina Australia
- Proponent Address:** Kwinana Alumina Refinery, Cockburn Road,  
NAVAL BASE WA 6165
- Assessment Number:** 1548
- Report of the Environmental Protection Authority:** Bulletin 1163

The proposal referred to above may be implemented by the proponent subject to the following conditions:

#### 1 Implementation

- 1-1 The proponent shall implement the proposal as documented in schedule 1 of this statement subject to the conditions of this statement.

#### 2 Proponent Nomination and Contact Details

- 2-1 The proponent for the time being nominated by the Minister for the Environment under section 38(6) or (7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal until such time as the Minister for the Environment has exercised the Minister's power under section 38(7) of the Act to revoke the nomination of that proponent and nominate another person as the proponent for the proposal.

Published on  
23 JUN 2005

29th FLOOR, ALLENDALE SQUARE, 77 ST GEORGE'S TERRACE, PERTH 6000  
TELEPHONE: (08) 9220 5050 FACSIMILE: (08) 9221 4665  
E-MAIL: judy-edwards@dpc.wa.gov.au  
WEBSITE: www.ministers.wa.gov.au/erwards

2-2 If the proponent wishes to relinquish the nomination, the proponent shall apply for the transfer of proponent and provide a letter with a copy of this statement endorsed by the proposed replacement proponent that the proposal will be carried out in accordance with this statement. Contact details and appropriate documentation on the capability of the proposed replacement proponent to carry out the proposal shall also be provided.

2-3 The nominated proponent shall notify the Department of Environment of any change of contact name and address within 60 days of such change.

### **3 Commencement and Time Limit of Approval**

3-1 The proponent shall substantially commence the proposal within 12 months of the date of this statement or the approval granted in this statement shall lapse and be void.

Note: The Minister for the Environment will determine any dispute as to whether the proposal has been substantially commenced.

3-2 The proponent shall make application for any extension of approval for the substantial commencement of the proposal beyond 12 months from the date of this statement to the Minister for the Environment, prior to the expiration of the 12-month period referred to in condition 3-1.

The application shall demonstrate that:

1. the environmental factors of the proposal have not changed significantly;
2. new, significant, environmental issues have not arisen; and
3. all relevant government authorities have been consulted.

Note: The Minister for the Environment may consider the grant of an extension of the time limit of approval not exceeding 12 months for the substantial commencement of the proposal.

### **4 Source Emissions Characterisation Plan**

4-1 Prior to commissioning the Liquor Burner, the proponent shall prepare a Source Emissions Characterisation Plan for identification and quantification of atmospheric emissions from the Kwinana Alumina Refinery operations, to the requirements of the Minister for the Environment on advice of the Department of Environment.

The Source Emissions Characterisation Plan shall set out an implementation programme and document procedures to enable:

1. Identification of the nature and range of atmospheric emissions, including odour, from all substantive point, fugitive and area sources, identifying the nature of excluded sources;

2. Quantification of identified atmospheric emissions from each source individually and cumulatively at the Kwinana Alumina Refinery and Residue Storage Area which are representative of the baseline operations at the premises, including identification of variability resulting from the operation of the refinery outside that baseline mode;
3. Development of an Atmospheric Emissions Inventory for the premises;
4. Description of Air Pollution Control Equipment in operation at the Refinery; and
5. Identification of source locations and their atmospheric emissions contribution within the emissions inventory which have the potential to have significant impacts off-site.

The Source Emissions Characterisation Plan shall include a description and timetable for the ongoing reporting, review and revision (if required) of source emissions characterisation.

Note: In the preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that the advice of the following organisations will be obtained:

- Department of Environment;
- Department of Health;
- Department of Industry and Resources; and
- Kwinana Industries Council.

- 4-2 Within eighteen months following commissioning of the Liquor Burner, the proponent shall complete the Atmospheric Emissions Inventory component of the Source Emissions Characterisation Plan required by condition 4-1.
- 4-3 The proponent shall make the Source Emissions Characterisation Plan required by condition 4-1 publicly available.

## **5 Source Emissions Verification Monitoring Plan**

- 5-1 Prior to the ongoing operation of the Liquor Burner, the proponent shall prepare, implement and report on a Source Emissions Verification Monitoring Plan to the requirements of the Minister for the Environment on advice of the Department of Environment.

The objective of this Plan is to confirm the modeled reduced emissions from the Liquor Burner, as a result of the installation of the new Air Pollution Control Equipment.

This Plan shall include procedures and measures to:

1. document baseline exit emissions from the Liquor Burner's stack before its operation was ceased in May 2002;
2. specify the duration of the verification period, sampling frequency, sampling methods, analytical test methods and quality assurance and quality control procedures for monitoring of exit emissions from the Liquor Burner stack;

3. identify and list all the parameters required to be monitored, which shall include particulates, carbon monoxide, oxides of nitrogen, volatile organic compounds (includes acetone, acetaldehyde, formaldehyde, benzene and toluene) and trace metals;
4. verify that source emissions are no greater than those forming the basis for upgraded performance claims and modelling results as detailed in the Environmental Referral document *Kwinana Liquor Burner Emissions Reduction Project* (Alcoa Worldwide Alumina Australia, dated 5 November 2004).
5. verify that the Liquor Burner stack dimensions are adequate to avoid significant influence of building downwash effects;
6. progress consultation with the community and stakeholders on relevant matters; and
7. provide for technical review by an approved independent expert peer group.

Note: In the preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that the advice of the following organisations will be obtained:

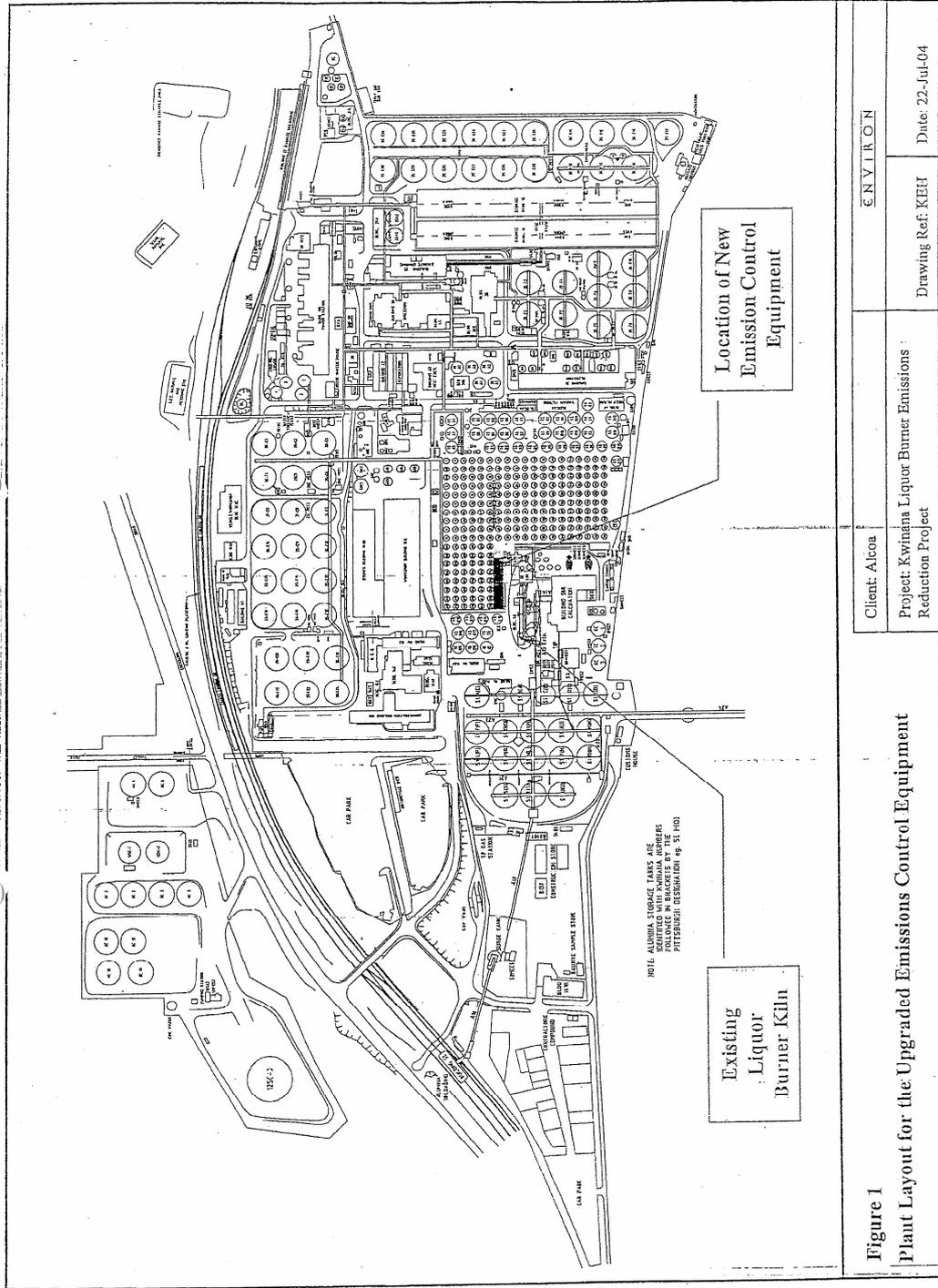
- Department of Environment;
- Department of Health;
- Department of Industry and Resources; and
- Kwinana Industries Council.

- 5-2 During the implementation of the Source Emissions Verification Monitoring Plan required by condition 5-1, the proponent shall report any monitoring results of source emissions which are greater than 20 per cent higher than those presented in the Environmental Referral document *Kwinana Liquor Burner Emissions Reduction Project* (Alcoa Worldwide Alumina Australia, dated 5 November 2004), to the Department of Environment within one week following validation of the result.
- 5-3 The proponent shall submit the monitoring results of the Source Emissions Verification Monitoring Plan to the Department of Environment within three months following the completion of monitoring.

#### Notes

- 1 The Minister for the Environment will determine any dispute between the proponent and the Department of Environment over the fulfilment of the requirements of these conditions.

Dr Judy Edwards MLA  
MINISTER FOR THE ENVIRONMENT; SCIENCE



<p><b>Figure 1</b> Plant Layout for the Upgraded Emissions Control Equipment</p>	<p>Client: Alcoa</p>	<p>ENVIRON</p>
	<p>Project: Kwinaina Liquor Burner Emissions Reduction Project</p>	<p>Drawing Ref: KEH</p>

**Schedule 1**

**The Proposal (Assessment No. 1548)**

The construction and operation of Air Pollution Control Equipment for the Liquor Burner at the Kwinana Alumina Refinery in Cockburn Road, Naval Base.

The Key Proposal Characteristics are as shown in Table 1.

**Table 1 – Key Proposal Characteristics**

<b>Major Components</b>
<ul style="list-style-type: none"><li>• Primary cyclone</li><li>• Filters for particulates control</li><li>• Condensing wet scrubber</li><li>• Regenerative thermal oxidiser unit, and</li><li>• 70-metre stack height.</li></ul>

**Figures (attached)**

Figure 1 – Plant Layout for the Upgraded Emissions Control Equipment.

Figure 2 – Process Flow Diagram of the Upgraded Emissions Control Equipment.

