



THIRTY-NINTH PARLIAMENT

REPORT 44

**STANDING COMMITTEE ON ENVIRONMENT AND
PUBLIC AFFAIRS**

OVERVIEW OF PETITIONS

1 JULY 2015 TO 31 DECEMBER 2015

Presented by Hon Simon O'Brien MLC (Chairman)

March 2016

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:

“2. Environment and Public Affairs Committee

- 2.1 An *Environment and Public Affairs Committee* is established.
- 2.2 The Committee consists of 5 Members.
- 2.3 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 Council; and
 - (c) petitions.
- 2.4 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.
- 2.5 The Committee may refer a petition to another Committee where the subject matter of the petition is within the competence of that Committee.
- 2.6 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 Simon O'Brien MLC (Chairman)	Hon Stephen Dawson MLC (Deputy Chair)
Hon Brian Ellis MLC	Hon Paul Brown MLC
Hon Samantha Rowe MLC	

Staff as at the time of this inquiry:

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EXECUTIVE SUMMARY

- 1 The Standing Committee on Environment and Public Affairs (Committee) is pleased to present this overview of the petitions finalised between 1 July 2015 and 31 December 2015 (the reporting period).
- 2 Petitions remain a popular method of informing Members of Parliament about issues that affect the community and the Committee's inquiries enhance transparency of government policy and decisions. Through the petitions process, the public can bring the attention of the Parliament and the Executive to important matters that may not have been adequately addressed by other means.
- 3 This Committee of the Legislative Council is unique in Australia in considering all petitions tabled. This is an important function which brings issues of public concern to the attention of the Parliament.
- 4 During the reporting period, 15 new petitions were tabled in the Legislative Council and the Committee concluded its inquiries in relation to 17 petitions. The Committee also tabled a separate report into one petition during the reporting period.
- 5 Copies of public evidence relating to petitions, including submissions and government responses, are available for Members to download on the Committee's website at www.parliament.wa.gov.au/env/petitions.

CHAPTER 1

INTRODUCTION

HISTORY AND FUNCTIONS OF THE COMMITTEE

- 1.1 The Standing Committee on Environment and Public Affairs (Committee) was appointed by the Legislative Council on 17 August 2005.
- 1.2 The functions of the Committee are outlined in the Committee's Terms of Reference in Schedule 1 of the Standing Orders of the Legislative Council:
 - 2.3 *The functions of the Committee are to inquiry 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 Council; and*
 - (c) *petitions.*

PETITIONS

- 1.3 A petition is a formal request for action from individuals or groups. The petitions process, through which the general public can bring issues of concern to the attention of the Parliament, provides a fundamental link between the community and the Parliament.
- 1.4 All conforming petitions tabled in the Legislative Council by a Member of the Legislative Council, except those that raise a matter of privilege, are referred to the Committee. While a petition only needs one signature to be tabled, most petitions contain many signatures.
- 1.5 The Committee's consideration of petitions serves to enhance transparency and to inform the Parliament and the public about current issues of concern to the community. A petition will not always bring about a change of policy by the Government or achieve the specific objectives desired by petitioners. The Committee's inquiries, however, ensure that petitioners are provided with an explanation for government decisions or actions. The petitions process is instrumental in providing a direct channel of communication between Parliament and the people.

Petitions process

- 1.6 The nature and extent of inquiries relating to each petition varies depending on the nature of the issues raised; in most cases, however, the Committee will request a submission from the principal petitioner and tabling Member. These submissions enable the Committee to better understand the issues involved and the action, if any, already undertaken by the petitioner to resolve the matter.
- 1.7 Once submissions are received, the Committee will usually request a response to the petition from the relevant minister. The Committee may also seek responses from other organisations (such as local governments) and carry out other investigations as required.
- 1.8 In many instances, the Minister's response to the petition will provide an explanation for the policy or action in question. Sometimes the Committee will need more information to clarify the issues to its satisfaction. These inquiries may include further correspondence with relevant stakeholders or a hearing to obtain more detailed evidence. On occasion, the Committee will resolve to conduct a formal inquiry into the matter.

Overview of petitions

- 1.9 This report provides an overview of the petitions considered and finalised by the Committee between 1 July 2015 and 31 December 2015 (the reporting period).

Separate reports on certain petitions and inquiries

- 1.10 During the reporting period, the Committee tabled one separate report in relation to a petition: Report 41, which was in relation to Petition 42 – *Request to repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005*. For further detail on Petition 42, refer to the commentary in Chapter 2 of this report.

COMMITTEE WEBSITE

- 1.11 The Committee's website at www.parliament.wa.gov.au/env is a central source of information about petitions tabled in the Legislative Council and contains copies of public documents, including the terms of each petition, submissions, government responses and transcripts of public evidence. Hard copies of documents can be provided upon request.

CHAPTER 2

PETITIONS FINALISED BETWEEN JULY AND DECEMBER 2015

2.1 The Committee finalised 17 petitions between 1 July 2015 and 31 December 2015 and tabled one separate report based on a petition during this time.

PETITION 42 — OPPOSE ENVIRONMENTAL PROTECTION (ENVIRONMENTALLY SENSITIVE AREAS) NOTICE 2005

2.2 This petition was tabled by Hon Mark Lewis MLC on 17 June 2014, with 14 signatures in support.

2.3 Report 41, *Petition No. 42 – Request to repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005* was tabled in the Legislative Council on 11 August 2015. Refer to the Committee’s report for further detail on the scope and detail of this petition.

2.4 The Government Response to that report was tabled on 13 October 2015.¹

PETITION 56 — PILBARA UNDERGROUND POWER PROJECT

2.5 This petition was tabled by Hon Robin Chapple MLC on 9 September 2014 and contained 878 signatures.² The same petition was also tabled on 14 October 2014 and 22 October 2014, with 44 and 41 signatures, respectively.³

2.6 The petitioners requested that the Legislative Council inquire into various aspects of the Pilbara Underground Power Project (PUPP), including:

- the failures by Horizon Power and the former Shire of Roebourne to carry out a satisfactory due diligence assessment of the project
- outsourcing concerns and cost overruns of PUPP
- the lack of meaningful consultation with the community
- what can be done to reduce the financial impact of PUPP on residents.

¹ Tabled Paper 3486, Legislative Council, 13 October 2015.

² Tabled Paper 1828, Legislative Council, 9 September 2014.

³ Tabled Paper 2112, Legislative Council, 14 October 2014 and Tabled Paper 2185, Legislative Council, 22 October 2014.

2.7 Both the principal petitioner, Ms Danielle Hage, President of the Karratha City Ratepayers Association, and Hon Robin Chapple, were concerned with the amounts that the City of Karratha and Horizon Power are charging residents:

*Many of the bills that have been issued by the City of Karratha are incorrect. When challenged we are getting back and forth between Council and HP [Horizon Power] with no one taking responsibility for this. People have been double billed, billed for something they already have or just billed incorrectly.*⁴

*I support the principal petitioner's concerns that the charges now being imposed by the City of Karratha do not reflect the stated commitments given by the President of the Shire of Roebourne, Horizon Power and the Pilbara Cities during the project's inception and stated costs. I consider the cost overruns of the project now lumped onto the residents of Karratha to be unfair, unnecessary and unwarranted.*⁵

2.8 The Minister for Energy responded to the petitioners' concerns as follows:

- the Department of Local Government and Regional Development and the former Office of Energy worked, with Horizon Power, through a detailed process to confirm the scope of the PUPP and develop '*what was considered at the time, a robust cost estimate.*'⁶ This process included working with an independent external consultant (Deloitte Consulting), the development of the Pilbara Revitalisation Plan and a review by the former Office of Energy of the State Underground Power Project
- Horizon Power uses a mix of internal and external resources, including contract labour. External contractors were sought through an open tender process, with probity checks undertaken by independent third parties and oversight by the External Steering Committee (comprising representatives of the Pilbara Development Commission, City of Karratha and the Department of Regional Development and Lands)
- the original PUPP budget of \$130 million was affected, '*like many infrastructure projects in the Pilbara over the period in question ... by a range of pressures associated with rapid economic expansion as a result of high demand for resources.*'⁷ Horizon Power has maintained a revised cost

⁴ Submission from Danielle Hage, principal petitioner, 13 October 2014, p 1.

⁵ Submission from Hon Robin Chapple MLC, tabling Member, 10 October 2014, p 1.

⁶ Hon Mike Nahan MLA, Minister for Energy, letter, 9 December 2014, p 2.

⁷ *ibid.*, p 3.

estimate of \$230 million since 2012, which the Minister describes as *'the real price for delivering the works, not a cost overrun'*⁸

- since the launch of PUPP in 2010, the City of Karratha and Horizon Power have publicised the project and updated residents via press and advertising. The Minister noted that, since PUPP was officially launched in Karratha, there has been a high turnover of property owners in the area, which may contribute to residents believing that they were not consulted about the project
- Horizon Power has worked closely with PUPP's funding partners to ensure that the project works are delivered at a fair price. Some aspects of the project have been excluded from charges to the City of Karratha (and therefore ratepayers) and are being funded by the State Government through the Royalties for Regions program and by Horizon Power. On that basis, Horizon Power believes that it *'has acted appropriately and diligently'* to deliver the project at a fair and reasonable price.

2.9 The Committee notes that the Auditor General identified a number of factors in the planning and management of PUPP which contributed to a revised cost forecast and schedule:

*Unrealistic estimates and inadequate early planning, coupled with governance and project management inadequately matched to risk, led to overruns and delays ...*⁹

2.10 PUPP is now forecast to cost \$252 million and be completed by June 2018, but the Auditor General found that the changes made by Horizon Power since 2012 have improved the budgeting, contracting and project management aspects of PUPP and that:

*These changes address the problems experienced in delivering PUPP and improve the likelihood of meeting the revised completion date and budget. This is encouraging and helps to reassure taxpayers that there should be no further surprises.*¹⁰

2.11 In light of the Auditor General's views on the improvements made since 2012, the Committee concluded its inquiries into this petition on 19 August 2015.

⁸ *ibid.*, p 4.

⁹ Colin Murphy, Auditor General, *Pilbara Underground Power Project Planning and Management Issues Contributed to Cost Increases and Delays: Auditor General*, Media Statement, Office of the Auditor General, Perth, 12 August 2015, p 1.

¹⁰ *ibid.*

PETITION 69 — GENETICALLY MODIFIED CROPS FREE AREAS ACT 2003

2.12 This petition was tabled several times in 2014 and 2015, as follows:

- 19 November 2014: tabled by Hon Lynn MacLaren MLC, 480 signatures
- 20 November 2014: tabled by Hon Paul Brown MLC, 128 signatures
- 20 November 2014: tabled by Hon Martin Aldridge MLC, 24 signatures
- 23 September 2015: tabled by Hon Darren West MLC, 467 signatures.¹¹

2.13 The petitions, identical in content, requested that the Legislative Council take the following action:

- retain the *Genetically Modified Crops Free Areas Act 2003* (GM Act)
- call for an independent review of the Act by a parliamentary committee
- support farming free from genetic modification (GM)
- introduce legislation to compensate any non-GM crop farmer who suffers economic loss from GM crop contamination.

2.14 The principal petitioners are concerned that the GM Act is an essential part of the national regulatory system and enables Western Australians to decide what types of crops are grown and where they are grown.¹²

2.15 The Minister for Agriculture responded to the petitioner's concerns as follows:

- the repeal of the GM Act will not affect the licensing process for GM crops or the national regulatory system established by Commonwealth legislation. Repealing the GM Act will mean that once a crop has been approved as safe by the Office of the Gene Technology Regulator, there is no additional legislative impediment for Western Australian growers of GM crops
- a statutory review of the GM Act was conducted in 2009, however, a further review is not required by legislation. The Department of Agriculture and Food has consulted with key industry and marketing representatives on the repeal of the GM Act, including the Grains Industry Association of Western Australia, Cooperative Bulk Handling and the Ord River District Cooperative Limited

¹¹ Tabled Paper 2263, Legislative Council, 19 November 2014; Tabled Paper 2276, Legislative Council, 20 November 2014; Tabled Paper 2277, Legislative Council, 20 November 2014 and Tabled Paper 3359, Legislative Council, 23 September 2015.

¹² Submission from Anne Marie Copeland, principal petitioner, 2 January 2015 and Submission from Janette Liddelow, principal petitioner, 20 January 2015.

- the Department of Agriculture and Food spends over \$10 million per year on non-GM related activities, with much of this directly relevant to organic and biodynamic growers
 - the statutory review of the GM Act conducted in 2009 found that a strict liability system to protect farmers should not be introduced.¹³
- 2.16 The Genetically Modified Crops Free Areas Repeal Bill 2015 is currently before the Legislative Council for debate. The petition and all related correspondence is publicly available on the Committee's website to inform the Legislative Council in its consideration of the bill.
- 2.17 The Committee concluded its inquiries into this petition on 19 August 2015.

PETITION 79 — HIGH ROAD HOTEL, PARKWOOD

- 2.18 This petition was tabled by Hon Sue Ellery MLC on 24 February 2015 and contained 2493 signatures.¹⁴ The petition opposed the permanent closure of the High Road Hotel in Parkwood as part of the redevelopment of the site by Coles Supermarkets Australia Pty Ltd (Coles). The principal petitioners also requested that the Legislative Council inquiry into the development assessment panel process generally.
- 2.19 The redevelopment proposed by Coles in 2013, the owners of the site, originally involved the construction of a supermarket and liquor store, with the High Road Hotel and the TAB remaining in modified form. In 2014, however, Coles submitted revised plans to the City of Canning which proposed minor changes to the main façade and elevations of the shopping centre and demolition of the existing hotel. The hotel site would be replaced with car parking.
- 2.20 The petitioners believe that the demolition of the hotel constitutes a significant change to the existing planning approval, not simply a modification, which therefore requires a new development application to the relevant planning authorities. The demolition of the hotel would also deprive the community of its '*community hub*'¹⁵ and '*the only local establishment in the area that offers a place for people to go after work to have a drink, relax and unwind.*'¹⁶
- 2.21 The City of Canning advised the Committee that, with regard to the issue of the hotel being demolished:

¹³ Hon Ken Baston MLC, Minister for Agriculture and Food, letters, 17 March 2015 and 24 April 2015.

¹⁴ Tabled Paper 2588, Legislative Council, 24 February 2015.

¹⁵ Submission from Hon Sue Ellery MLC, tabling Member, 18 March 2015, p 1.

¹⁶ Submission from Tanya Woosnam, principal petitioner, 8 April 2015, p 1.

*there are no planning grounds that would allow the City or the JDAP [Joint Development Assessment Panel] to refuse the demolition of this structure.*¹⁷

- 2.22 The Minister for Planning agreed with the City of Canning's advice and noted that, while the petitioners consider the hotel to be an important community focal point, '*the building is located on private land and the continued use of the building as a hotel is a decision only the landowner can make.*'¹⁸
- 2.23 The Committee held a hearing with Mr Barry Sargeant, Director General of the Department of Racing, Gaming and Liquor, to discuss the liquor licensing process and regulation of the industry in general.

Uniform Legislation and Statutes Review Committee's inquiry

- 2.24 The Standing Committee on Uniform Legislation and Statutes Review conducted an inquiry into the operation and effectiveness of the Planning and Development (Development Assessment Panels) Regulations 2011 during 2015.
- 2.25 Report 93, *Review of Planning and Development (Development Assessment Panels) Regulations 2011*, was tabled in the Legislative Council on 8 September 2015. The report contained 19 recommendations regarding the general operation and process that development assessment panels undertake. The report can be accessed at www.parliament.wa.gov.au/uni.
- 2.26 As a result of the information received and the inquiry undertaken by the Uniform Legislation and Statutes Review Committee above, the Committee concluded its inquiries into the matter on 5 August 2015 and resolved to finalise the petition on that date.

PETITION 81 — DEATH IN POLICE CUSTODY

- 2.27 This petition was tabled on 26 February 2015 by Hon Robin Chapple MLC and contained 701 signatures in support of the petition.¹⁹
- 2.28 The principal petitioner requested an independent public inquiry into the death in custody of Ms Dhu on 4 August 2014 at the South Hedland watch house. The petition also requested that the Legislative Council make broader recommendations to the Government regarding medical assistance provided to detainees in lock-ups and alternatives to detention and community programs.

¹⁷ Lyn Russell, Chief Executive Officer PSM, City of Canning, letter, 7 May 2015, p 3.

¹⁸ Hon John Day MLA, Minister for Planning, letter, 18 May 2015, p 2.

¹⁹ Tabled Paper 2599, Legislative Council, 26 February 2015.

- 2.29 The submission from the principal petitioner, on behalf of the Deaths in Custody Watch Committee (WA) Inc., advised that immediate reform is required to find alternatives to imprisonment as a sentencing option for fine default, as imprisonment *‘incurs an excessive cost to the state and disproportionately affects people on low incomes.’*²⁰
- 2.30 The Attorney General advised the Committee that:
- the State Coroner’s Office was undertaking preliminary investigations into Ms Dhu’s death and, as such, a separate independent inquiry was not considered necessary
 - there are many enforcement options available before imprisonment can be considered and the policies and procedures in relation to fine default are *‘continually under review by the Department [of the Attorney General]’*²¹
 - the State Government does not support a *‘justice reinvestment approach’* which would take a *‘significant proportion of the custodial infrastructure budget and redirect it towards community-based programs’*. The Department of the Attorney General supports crime prevention initiatives and research into factors that drive crime.²²
- 2.31 The Minister for Police advised the Committee that a project team within the Department of the Premier and Cabinet has been investigating ways to reduce Aboriginal incarceration and deaths in custody. The Government is considering the project team’s report as well as *‘a range of initiatives aimed at the creation of safer custody environments, avoiding incarceration for low level offending and prevention and diversion.’*²³ The Minister for Police’s response also referred to the Community Crime Prevention Fund, which is used to pay for priorities such as early intervention for children, responding to antisocial behaviour and reducing drug and alcohol related crime.
- 2.32 Having brought the information to the attention of the Attorney General and the Minister for Police, the Committee resolved to finalise the petition on 5 August 2015 and provided copies of the Government’s responses to the principal petitioner.
- 2.33 The State Coroner commenced an inquiry into the death of Ms Dhu in November 2015. The inquest is ongoing.

²⁰ Submission from Marc Newhouse, 9 April 2015, p 2.

²¹ Hon Michael Mischin MLC, Attorney General, letter, 10 June 2015, p 2.

²² *ibid.*

²³ Hon Liza Harvey MLA, Minister for Police, letter, 18 June 2015, p 1.

PETITION 82 — FOOD SECURITY CAPACITY BUILDING PROJECT IN BROOME

- 2.34 This petition, tabled by Hon Mark Lewis MLC on 18 March 2015, contained 72 signatures and requested that the Legislative Council provide funding and resources to support household food security for Aboriginal families in Broome and conduct an investigation into the relationship between food security and Aboriginal juvenile crime rates.²⁴
- 2.35 The principal petitioner's registered charity, Feed the Little Children Inc. (FTLC), supports the Aboriginal community in Broome through its food security projects and meal preparation for families in need.
- 2.36 According to the responses received from various Ministers, there are additional avenues for FTLC to apply for government funding and establish local partnerships to continue its valuable work for the community in Broome. The Committee passed on this information and departmental contact details to the principal petitioner to assist FTLC in its future projects.
- 2.37 The Committee concluded its inquiries into this matter on 5 August 2015 and the petition was finalised on that date.

PETITION 84 — CRIMINAL LAW AMENDMENT (HOME BURGLARY AND OTHER OFFENCES) BILL 2014

- 2.38 This petition was first tabled on 22 April 2015 by Hon Jacqui Boyde MLC and contained 113 signatures.²⁵ It is identical in content to three petitions subsequently tabled on 5 May 2015, 16 June 2015 and 20 August 2015 by Hon Sue Ellery MLC and Hon Robin Chapple MLC, respectively.²⁶
- 2.39 The petitioners were opposed to the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014 and requested several amendments to the bill in the event that the Legislative Council did resolve to pass the bill. The principal petitioner, Ms Tammy Solonec, submitted that the bill would have a '*disproportionate impact on Indigenous young people*' and expressed concerns about the mandatory minimum terms of detention for home burglary offences committed by juveniles.²⁷
- 2.40 As the bill was being considered by the Legislative Council at the time of the Committee's inquiries, the Committee formed the view that the petitioners' concerns

²⁴ Tabled Paper 2649, Legislative Council, 18 March 2015.

²⁵ Tabled Paper 2792, Legislative Council, 22 April 2015.

²⁶ Tabled Paper 2832, Legislative Council, 5 May 2015; Tabled Paper 2965, Legislative Council, 16 June 2015 and Tabled Paper 3188, Legislative Council, 20 August 2015.

²⁷ Submission from Tammy Solonec, 18 June 2015, p 1.

had been brought to the attention of Members through its tabling in the Legislative Council.

- 2.41 The Committee therefore resolved to conclude its inquiries and finalised the petition on 5 August 2015. The Committee notes that Royal Assent was given to the bill on 24 September 2015.

PETITION 85 — ROWLES LAGOON WATER SKIING AREA

- 2.42 This petition contained 518 signatures and was tabled by Hon Mark Lewis MLC on 23 April 2015.²⁸ The purpose of the petition was to request the re-gazettal of Rowles Lagoon in the Goldfields as a water skiing area for residents and visitors to the region.
- 2.43 Rowles Lagoon is a semi-permanent freshwater lake managed by the Department of Parks and Wildlife (DPaW). It was previously gazetted as a water skiing area, but this gazettal was revoked on 8 March 2005.
- 2.44 The principal petitioner advised the Committee that there is no alternative area in the Goldfields region that can legally be used for water skiing and that the lagoon has been a popular water sports area since the 1970s.²⁹
- 2.45 The Minister for Environment advised the Committee that the prohibition of water skiing at Rowles Lagoon took into account a number of considerations:

[DPaW] is required to manage activities in accordance with the relevant legislation and designated use for the area and to find an appropriate balance between often conflicting uses and demands ...

In addition to the direct management issues and costs associated with gazetting and managing a water ski area ... note the changing circumstances since Rowles Lagoon was last gazetted for water skiing in 1994 and 2004 including changed community expectations about the environment, a greater emphasis on visitor risk management in response to increasing litigation, Aboriginal involvement and opposition to power boats and water skiing, inclusion of the management of Aboriginal culture and heritage into the purpose of the reserve and a better understanding of environmental issues. The current status is a reflection of trying to balance all these matters.³⁰

- 2.46 The Committee resolved to finalise this petition on 12 August 2015.

²⁸ Tabled Paper 2807, Legislative Council, 23 April 2015.

²⁹ Submission from Kellie Chassaing, 9 June 2015, p 2.

³⁰ Hon Albert Jacob MLA, Minister for Environment, letter, 7 July 2015, p 2.

**PETITION 88 — OPPOSING SOUTH COAST CRUSTACEAN MANAGED FISHERY
MANAGEMENT PLAN 2015**

- 2.47 This petition was tabled on 17 June 2015 by Hon Adele Farina MLC and contains five signatures in support.³¹ The petitioners requested that the Legislative Council oppose the South Coast Crustacean Managed Fishery Management Plan 2015 (the 2015 Plan), which was published in the *Government Gazette* on 29 May 2015 and came into effect on 1 June 2015.
- 2.48 The principal petitioner, Mr Alan Miles, submitted that the 2015 Plan has various detrimental effects on fishers, including:
- creating a redistribution of wealth in relation to the existing rock lobster pot licences
 - cancelling south coast rock lobster pot licences prior to their expiry on 31 December 2015 and allocates those licences to others
 - not permitting affected fishers to appeal to the State Administrative Tribunal (SAT).³²
- 2.49 Hon Adele Farina, the tabling Member, also highlighted the inequity of the proposed reallocation of lobster pot licences prior to their expiry, with no compensation to be given to current licence holders and ‘*little consistency in the reallocation.*’³³
- 2.50 The Minister for Fisheries explained that the purpose of the 2015 Plan was to consolidate the crustacean fisheries on the south coast of Western Australia under a single managed fishery management plan. The Minister acknowledged that the allocation of fishery entitlements is complex and sensitive.³⁴ The Department of Fisheries (DOF) appointed an independent allocation panel to consult with fishers, which recommended the reallocations, following consultation and the previous Minister for Fisheries’ decision.³⁵
- 2.51 The Minister for Fisheries also advised the Committee that DOF informed South Coast Rock Lobster licence holders that their licences would be revoked after 30 June 2015 and that any fishing after that date would be in accordance with their new South

³¹ Tabled Paper 2991, Legislative Council, 17 June 2015. See also National Parks and Nature Conservation Authority, *Rowles Lagoon Conservation Park and Clear and Muddy Lakes Nature Reserve Management Plan 2000-2010*, report prepared by Department of Conservation and Land Management, 2000, Perth, p 22.

³² Submission from Alan Miles, principal petitioner, 24 July 2015, pp 2-3.

³³ Submission from Hon Adele Farina MLC, tabling Member, 31 July 2015, p 1.

³⁴ Hon Ken Baston MLC, Minister for Fisheries, letter, 9 September 2015, p 2.

³⁵ *ibid.*, p 3.

Coast Crustacean Managed Fishery Licence, for use during the same fishing season. DOF did not receive any comments from industry on this matter.

2.52 With regard to the lack of an appeal to SAT, the Minister for Fisheries submitted that:

The State Administrative Tribunal (SAT) reviews administrative decisions made by the Department's Chief Executive Officer. In the case of declaring a new management plan, the decision on access and allocation criteria is made by the Minister for Fisheries and is not reviewable by SAT, although a person could appeal to the SAT if they considered that, in refusing to grant a licence, the CEO did not correctly apply the criteria.

Licence holders had the opportunity to comment on the ... recommendations on access and allocation that were released in 2013, or by making a representation regarding the Minister's proposed access and allocation criteria ... prior to the gazettal of the new Plan.³⁶

2.53 The Committee resolved to close the petition on 16 September 2015.

PETITION 89 — DEVELOPMENT OF CHRYSTAL HALLIDAY NURSING HOME

2.54 This petition, containing 174 signatures, was tabled by Hon Liz Behjat MLC on 17 June 2015.³⁷ The petition was opposed to the height of a four storey building being built as part of the redevelopment of Chrystal Halliday nursing home in Karrinyup.

2.55 The principal petitioner submitted that petitioners are concerned that the proposed development would neither '*fit into the landscape*' nor '*reflect existing and/or desired streetscape character*' of the area.³⁸ Residents were also concerned about the effects of the proposed development on property prices and on the privacy of neighbouring properties.

2.56 The City of Stirling considered the proposed redevelopment of Chrystal Halliday at an ordinary meeting of its council on 30 June 2015 and rejected the proposal.³⁹ The Metro North West Joint Development Assessment Panel subsequently also refused the proposed redevelopment of the nursing home on 23 July 2015.

2.57 The Committee therefore resolved to finalise the petition on 5 August 2015.

³⁶ *ibid.*, p 6.

³⁷ Tabled Paper 2992, Legislative Council, 17 June 2015.

³⁸ Submission from Alison Gibbons, principal petitioner, 26 June 2015, p 1.

³⁹ The City of Stirling Council endorsed its Responsible Authority Report to the Metro North West Joint Development Assessment Panel, which had recommended that the development be refused: City of Stirling, *Minutes of the Ordinary Meeting of the Council*, 30 June 2015, p 287.

PETITION 90 — PROPOSED CAPITAL CITY OF PERTH LEGISLATION

- 2.58 This petition was tabled by Hon Liz Behjat MLC on 18 June 2015 and contained 470 signatures. Petitioners were opposed to the potential enlargement of the City of Perth's boundaries to include Kings Park Botanical Gardens, QEII hospital, Hollywood private hospital and the University of Western Australia.⁴⁰
- 2.59 The petition referred to proposed legislation which had not yet been brought before the Legislative Council. Upon the proposed legislation being introduced to the Legislative Council, the issues raised by the petition could be pursued further during debate on the bill.
- 2.60 As the petitioners' concerns had been brought to the attention of Members through its tabling, the Committee resolved to conclude its inquiries into the matter. The petition was finalised on 5 August 2015.

PETITION 91 — ABORIGINAL HERITAGE SITES

- 2.61 This petition was tabled twice: on 11 August 2015 (975 signatures) and 13 August 2015 (84 signatures); Hon Robin Chapple MLC was the tabling Member on both occasions.
- 2.62 The petitioners requested the support of the Legislative Council to re-register the Burrup Peninsula (Murujuga) as a heritage site, abandon proposed amendments to the *Aboriginal Heritage Act 1972* and establish an inquiry into the AHA, the Department of Aboriginal Affairs and the Aboriginal Cultural Materials Committee (ACMC).
- 2.63 The principal petitioner, Mr Clayton Lewis on behalf of the Aboriginal Heritage Action Alliance, was concerned that the removal of the Burrup Peninsula from the AHA could lead to the damage or destruction of the site (amongst others).
- 2.64 The Minister for Aboriginal Affairs' response addressed the petition as follows:
- only the ACMC has the power to make decisions relating to Aboriginal heritage sites
 - the ACMC decision regarding the site DA 23323 will not impact upon the status of the 1300 registered Aboriginal sites on the Burrup Peninsula
 - the Minister has instructed the ACMC to re-assess DA 23323 and a further 34 sites '*as a matter of caution.*'
- 2.65 The Committee finalised its inquiries into this petition on 2 December 2015.

⁴⁰ Tabled Paper 3011, Legislative Council, 18 June 2015.

PETITION 92 — BAUXITE MINING

2.66 This petition was tabled on 11 August 2015 by Hon Robin Chapple MLC and contained 4425 signatures.⁴¹ The petition requested that the Legislative Council oppose exploration tenements being converted into mining licences in Morangup, Wooroloo, Wundowie, the Perth hills and the Avon Valley.

2.67 The principal petitioner, Mr Brian Dale, expressed his concerns regarding the ‘*potential impacts of the proposed mines and associated infrastructure upon the natural environment and the community.*’⁴² The Avon and Hill Mining Awareness Group was formed by concerned residents in response to the potential for bauxite mining proposals and a refinery being built in the Avon and hills region.

2.68 The Minister for Environment advised the Committee that:

- the Bauxite Alumina Joint Venture (BAJV) and the related company Bauxite Resources Limited (BRL) were undertaking feasibility studies for bauxite projects in the Avon area, including investigating potential environmental and social impacts
- in preliminary discussions with the proponents, the Environmental Protection Authority (EPA) has advised BAJV and BRL that formal environmental impact assessments would be required if the companies decided to proceed with their planned bauxite projects
- in addition to the EPA’s assessment of any proposals, other statutory approvals may also be required before the bauxite mines could proceed, such as the regulation of emissions and discharges, surface and ground water use and approvals pursuant to the *Mining Act 1978*
- the projects are still in the ‘*early phase of design*’ and will be subject to consideration by the Minister for Environment and the Minister for Mines and Petroleum in due course.⁴³

2.69 The Minister for Mines and Petroleum further explained that:

the grant of a mining tenement ... does not give the holder any right to mine or disturb the ground until secondary approvals have been granted after a rigorous and comprehensive process pursuant to various State legislative procedures that involves public consultation.

⁴¹ Tabled Paper 3066, Legislative Council, 11 August 2015.

⁴² Submission from Brian Dale, principal petitioner, 1 September 2015, p 1.

⁴³ Hon Albert Jacob MLA, Minister for Environment, letter, 2 October 2015, p 2.

*I consider the environmental, water, noise, dust, etc issues identified within the petition should be appropriately assessed as part of the environmental approval process required for all mining operations.*⁴⁴

2.70 The Committee therefore concluded its inquiries into this petition on 14 October 2015 and the petition was finalised on that date.

PETITION 93 — PERTH FREIGHT LINK PROJECT

2.71 This petition was tabled on 11 August 2015 by Hon Lynn MacLaren MLC with 1424 signatures in support.

2.72 The petition related to the proposed Perth Freight Link Project (also known as ‘Roe 8’ and the ‘Fremantle Link’). The petitioners requested that the Legislative Council inquire into the economic, social and environmental benefits of an alternative development to the Perth Freight Link Project (PFLP).

2.73 The principal petitioner, Ms Grainne O’Donovan, expressed concerns regarding the lack of transparency and the high costs (economic, social and environmental) of the PFLP. The tabling Member also referred to several Aboriginal heritage sites that intersect the project area and the effect that developing the PFLP would have on the continuous use of the area by local Aboriginal peoples.

2.74 The Minister for Transport advised the Committee that the PFLP had ‘*undergone extensive planning over a lengthy period of time*’ and the various stages of the project (Roe 8 and the Fremantle Link) are fully funded strategic road projects that ‘*will help transform the road network in Perth’s southern suburbs.*’⁴⁵ The Minister also addressed the principal petitioner’s concerns as follows:

- the idea of expanding Perth’s freight network in the southern suburbs began in the 1990s, with consultation on the Fremantle Link (known previously as the Leach Hwy (High Street) Upgrade Project occurring between 2011 and 2014
- the Government evaluated 20 strategic options during the development of the project’s business case before deciding on the Roe 8 and Fremantle Link base case as the most appropriate route. The executive summary of this business case is publicly available on the Main Roads website
- the environmental impacts of the project will be mitigated as much as possible, with measures such as the installation of noise walls and fauna underpasses, using land that has already been cleared for overhead power

⁴⁴ Hon Bill Marmion MLA, Minister for Mines and Petroleum, letter, 7 October 2015, p 1.

⁴⁵ Hon Dean Nalder MLA, Minister for Transport, letter, 6 November 2015, p 1.

lines and purchasing 400 hectares of native vegetation to offset the 97.8 hectares that will be lost

- Main Roads ‘has committed to exploring all route options for Perth Freight Link to deliver the best solution for road users, taxpayers and the local community’, which includes the consideration of alternative solutions to the PFLP. The Minister advised that the development of an alternative project, the Outer Harbour, would:

*take approximately 10 years of planning, including up to three years for environmental approvals. In the meantime, Roe 8 and The Fremantle Link of Perth Freight Link Project are needed to not only improve freight access to Fremantle’s Inner Harbour, but also to serve the existing Kwinana Industrial Area and planned Outer Harbour into the future.*⁴⁶

2.75 As the petitioners’ concerns regarding the transparency of planning and decision making were brought to the Western Australian Parliament’s attention through the tabling of the petition, the Committee concluded its inquiries on 18 November 2015 and finalised the petition on that date.

2.76 The Committee notes that the Parliament of Australia’s Senate Rural and Regional Affairs and Transport References Committee is currently inquiring into the decision to commit Commonwealth funding to the Perth Freight Link Project. The committee is due to report to the Senate on 25 March 2016.⁴⁷

PETITION 94 — BUS ROUTE 15

2.77 This petition was tabled by Hon Martin Pritchard MLC on 13 August 2015 and was supported by 179 signatures. The petitioners were opposed to the alterations to Transperth bus route 15 through Mount Hawthorn and Glendalough and the Public Transport Authority’s planning and consultation process.

2.78 Mr Tadeusz Krysiak, the principal petitioner, expressed concerns that the changes to the route would affect seniors and the disabled community in the area and would not generate more patronage.⁴⁸

2.79 The Minister for Transport provided the following information in relation to the changes to bus route 15:

⁴⁶ *ibid.*, p 4.

⁴⁷ Terms of Reference for the inquiry are available at <http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/Perth_Freight_Link/Terms_of_Reference>. Viewed 8 December 2015.

⁴⁸ Tadeusz Krysiak, principal petitioner, letter, 21 September 2015.

- the route 15 service was ‘*particularly circuitous in Mount Hawthorn*’ and, in some areas, consistently demonstrated low patronage
- prior to introducing the changes, Transperth conducted community consultation sessions at local shopping centres and advertised in community newspapers
- to address the concerns of a small portion of the community over the changes, Transperth introduced a new trial route 14, operating as a shuttle between previously-served route 15 stops. Route 14 operates four times a week and patronage is extremely poor.⁴⁹

2.80 The Minister further advised that:

Transperth considers the needs of the entire community when making changes to the network, with a view to maximise patronage and therefore benefit the whole community. Public transport routes are continually being altered to cater for changing passenger travel patterns, new road and rail infrastructure, changing urban land uses and to provide service improvements. While some members of the community may be disadvantaged by the change to the Route 15 bus service, the broader community is benefitting from a faster, more attractive, more legible and more connected service.⁵⁰

2.81 The Committee finalised the petition on 18 November 2015 and provided copies of the Minister’s response to the principal petitioner.

PETITION 95 — ROE HIGHWAY EXTENSION

2.82 This petition was tabled by Hon Kate Doust MLC on 18 August 2015 with 105 signatures. According to the petition, the Roe Highway extension (eastern end of the PFLP) will have a devastating impact on the communities and environments of North Lake, Bibra Lake and Coolbellup, including the Beeliar Wetland. The closure of Hope Road and a section of Forrest Road will also restrict access for residents and cause congestion problems. The petitioners requested the Legislative Council to reverse the decision to allow the Roe Highway extension and allocate the funding for the project to alternative solutions to freight transfer issues.

2.83 The principal petitioner, Ms Christine Cooper, raised the following concerns:

- the planned six lane highway will be located very close to existing homes and schools

⁴⁹ Hon Dean Nalder MLA, Minister for Transport, letter, 9 November 2015, pp 1-2.

⁵⁰ *ibid.*, p 2.

- the traffic noise, constant light and air pollution from the estimated 5000 trucks per day will severely impact local residents and primary school children
- the closure of Hope Road will increase congestion
- Beeliar Regional Park at North Lake, home to more than 220 plant species and 123 bird species, including endangered species, will be adversely affected by the development
- there are also significant Aboriginal heritage and historical sites in the area that will be affected by the Roe Highway extension.⁵¹

2.84 The Minister for Transport advised that:

- Roe 8 will be constructed as a four lane dual carriageway and will include bridged overpasses and interchanges
- Main Roads will continue to consult with the community to mitigate the impacts of traffic noise and visual impacts on local residents
- an air quality assessment was conducted which predicted that heavy vehicle exhaust emissions '*would be well below background levels already present in the local atmosphere and below the National Environmental Protection Measure*'
- some members of the community '*may have to adjust their current driving habits and there may be some short-term inconvenience*' but in the long term it is anticipated that Roe 8 will ease congestion
- Main Roads recognises that there will be some disruption at a heritage-listed site in Bibra Lake, but Main Roads will require the construction contractor to engage Aboriginal monitors to be present during excavation work in any area that has the potential to contain buried heritage material. This is in addition to meeting the obligations of the *Aboriginal Heritage Act 1972*.⁵²

2.85 The Minister for Environment provided the following response to the petition:

Main Roads WA referred their proposal to construct Roe 8 to the Environmental Protection Authority (EPA) on 20 April 2009. The EPA determined to assess the proposal ... In assessing this proposal, EPA carried out a thorough and detailed examination of the potential

⁵¹ Christine Cooper, principal petitioner, letter, 9 September 2015, pp 1-2.

⁵² Hon Dean Nalder MLA, Minister for Transport, letter, 13 November 2015.

environmental impacts ... The EPA considered impacts of the proposal to the environment, including to Bibra and North Lake wetlands, remnant bushland, amenity and fauna and concluded that the proposal could be implemented in an environmentally acceptable manner ...

After considering all the information presented to me with respect to the appeals [against the EPA's report] I was of the view that the EPA has adequately assessed Roe 8 ... However, to ensure that the terrestrial environment will be adequately monitored and protected, I required that a number of conditions recommended by the EPA be strengthened ... These conditions relate to amenity, terrestrial environmental quality, wetlands, flora and vegetation and fauna.

- 2.86 While the Committee is unable to reverse the Minister's decision as requested in the petition, the principal petitioner's concerns about the Roe Highway extension have been brought to the Parliament's attention through the tabling of this petition.
- 2.87 The Committee concluded its inquiries into the petition on 18 November 2015.

PETITION 97 — PRESCRIBED BURNING IN SOUTH WEST REGION

- 2.88 This petition, tabled by Hon Barry House MLC on 9 September 2015, contained 1958 signatures in support. The petitioners strongly support hazard reduction and prescribed burning in the South West of Western Australia. The petition requested that the Government put in place a prescribed burning program for forests, reserves and national parks in the South West to the target of eight per cent per year and that adequate funding for day and night burning be made available for the program.
- 2.89 The principal petitioner, Mr Mark Muir, submitted that:

priority should be given to the forest and bushland abutting private landholders and nearby villages and townships having good hazard reduction burns.⁵³

- 2.90 The Minister for the Environment advised the Committee that the burn target of eight per cent proposed in the petition corresponds directly with the target of 200 000 hectares in the South West that has been maintained for two decades. The Minister also advised that the prescribed burning program is complex and a single target figure does not necessarily capture the variables that DPaW must take into account in managing the fire risk, as it:

⁵³ Mark Muir, principal petitioner, letter, 7 October 2015, p 1.

*does not portray the distribution of burns, the state of fuels across the landscape or the bushfire risk in relation to populated areas. On its own this single measure does not effectively contribute to community understanding and appreciation of the prescribed burning program's community protection and biodiversity management outcomes. In recognition of this, three additional performance and reporting measures that better reflect outcomes and residual risk have been developed.*⁵⁴

- 2.91 The Minister also advised that \$20 million over four years has been allocated through the Royalties for Regions program to provide for an enhanced prescribed burning program for the South West of the State. If necessary, night burning would be included in this funding.
- 2.92 The Committee resolved to finalise the petition on 18 November 2015 as the issues raised by the petition are currently being addressed.

PETITION 99 — SWAN VALLEY NYUNGAH COMMUNITY

- 2.93 This petition was tabled on 14 October 2015 by Hon Robin Chapple MLC and contained 72 signatures. The petition was opposed to the continued dispossession of the Swan Valley Nyungah community and requested that the Legislative Council support the community in its efforts and guarantee the '*restoration of natural justice and procedural fairness.*'
- 2.94 The Committee did not receive a supporting submission and the petition was finalised on 2 December 2015.



Hon Stephen Dawson MLC
Deputy Chairman

15 March 2016

⁵⁴ Hon Albert Jacob MLA, Minister for Environment, letter, 13 November 2015, p 1.