



THIRTY-SEVENTH PARLIAMENT

REPORT 4
STANDING COMMITTEE ON ENVIRONMENT AND
PUBLIC AFFAIRS
ANNUAL REPORT 2005

Presented by Hon Louise Pratt MLC (Chair)

March 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 (Chair)

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:

Stefanie Dobro, Advisory Officer (General)

Mark Warner, Committee Clerk

Vincent Cusack, Advisory Officer (General)

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REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

ANNUAL REPORT 2005

1 INTRODUCTION

- 1.1 Prior to the previous, Thirty-Sixth Parliament, it was usual practice for the Governor, on advice from the Executive, to prorogue and reopen the Parliament once a year.¹ Reflecting this practice, parliamentary committees prepared 'sessional' reports for tabling in the Legislative Council on their work during that period.
- 1.2 In June 2003, the Government indicated that it did not intend to continue to ask the Governor to prorogue on an annual basis² and prorogation did not occur in 2003 or 2004 during the Thirty-Sixth Parliament. Reflecting this shift in practice, in the Thirty-Seventh Parliament, parliamentary committees of the Legislative Council will table annual reports relating to their work during the calendar year.

2 REPORTING PERIOD

- 2.1 This report covers a four-month period of activity by the Standing Committee on Environment and Public Affairs (**Committee**) between 17 August 2005 and 31 December 2005 in the first year of the Thirty-Seventh Parliament.
- 2.2 This Report also includes activity by the previous Environment and Public Affairs Committee (**Former Committee**), which operated until 17 August 2005.

3 ESTABLISHMENT OF THE COMMITTEE

- 3.1 The Committee was established on 17 August 2005 as part of a series of changes to the Legislative Council committee system.
- 3.2 The Committee's current terms of reference are published on the inside cover of this Report.
- 3.3 The Committee continues the work of the Former Committee. The Committee's terms of reference are predominantly the same as those of the former Committee but with five Members.

¹ Hon Kim Chance, MLC, Leader of the House, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, June 25 2003, p9149.

² *Ibid*, p9150.

- 3.4 The functions of the Committee are to inquire into and report on: public and private policies, practices, schemes, arrangements or projects in Western Australia which affect or may affect the environment; any bill referred by the House; and petitions.
- 3.5 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 ecological sustainable development and the minimisation of harm to the environment. The concept of Ecologically Sustainable Development (**ESD**) was adopted as a goal by Australian governments, including Western Australia, in 1992 following the Earth Summit in Rio.³ Ecologically sustainable development 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.*"
- 3.6 The term ESD is associated with the concept of 'sustainability' and the Committee notes the State Sustainability Strategy launched by the Western Australian Government in September 2003.⁴

4 MEMBERSHIP

- 4.1 The former Committee consisted of seven Members being: Hon Louise Pratt MLC (Chair), Hon Bruce Donaldson MLC (Deputy Chairman), Hon Ken Baston MLC, Hon Matt Benson-Lidholm MLC, Hon Kate Doust MLC, Hon Paul Llewellyn MLC and Hon Robyn McSweeney MLC.
- 4.2 Following the change to the Committee's terms of reference in August 2005 there were five Members appointed being:
- Hon Louise Pratt MLC (Chair);
 - Hon Bruce Donaldson MLC (Deputy Chairman);
 - Hon Kate Doust MLC;
 - Hon Paul Llewellyn MLC;
 - Hon Robyn McSweeney MLC.

5 STAFF AND SUPPORT SERVICES

- 5.1 The Legislative Council Committee Office supports the Committee. The Committee has been staffed by Stefanie Dobro, Advisory Officer (General) and Mark Warner, Committee Clerk.

³ Ecologically Sustainable Development Steering Committee, *National Strategy for Ecologically Sustainable Development*, Canberra: Australian Government Publishing Service, 1992.

⁴ <http://www.sustainability.dpc.wa.gov.au/docs/Strategy.htm> (accessed on 29/08/05).

- 5.2 The Committee notes the departure of Advisory Officer (General), Stefanie Dobro from the Legislative Council Committee Office and thanks her for her contribution to the Committee.

6 WORK OF THE COMMITTEE IN 2005

- 6.1 When Schedule 1 of the Standing Orders was amended, the Legislative Council resolved that:

*The Committees now established under Schedule 1 may inquire into and report on those matters referred to, or initiated by, their predecessor committee and for that purpose may consider evidence and records relating to the same.*⁵

- 6.2 Consequently, the Committee resolved to continue a number of inquiries and issues which were before the Former Committee and these are referred to in this Report.

Petitions

- 6.3 A function of the Committee, as provided by its term of reference 1.3(c), is to inquire into and report on petitions.
- 6.4 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.
- 6.5 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.
- 6.6 The Western Australian Legislative Council is the only House of Parliament in Australia that refers all petitions to a committee for inquiry and report.⁶ In many other jurisdictions petitions are simply recorded in *Hansard* and no further investigation is undertaken.

⁵ Hon Kim Chance, Leader of the House, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 17 August 2005, p4088.

⁶ 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/EPetitions_QUL/HTLM/MinisterialResponse.htm (accessed on September 13 2005). 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 November 28 2005).

6.7 The Committee has resolved to report regularly to the Parliament on the progress of petitions that stand referred to the Committee. Please refer to the committee's previous reports on petitions for more details.⁷

6.8 The Committee received 55 petitions on 26 individual topics (listed below) during this reporting period. The Committee finalised 10 petitions and has 16 remaining for consideration as of 31 December 2005. Topics on which the Committee received petitions included:

- Water Corporation Trunk Main, Helena Valley Road
- Blue-gum and Commercial Forestry Ban, Porongurup National Park
- Kimberley Water Supply Project
- Cane Toads
- Dual Carriage Way between Wanneroo Road and Yanchep Road
- Juvenile Detention Centre in the Goldfields
- Resumption of Private Land for Public Use
- the Public Library Service
- Depleted Uranium Munitions in WA
- GM Free Status in WA
- the Alcoa Kwinana Liquor Burner
- the Mental Health Advocacy Program
- Woodchip Mill at Bunbury Port
- Uranium Mining in WA
- Aerial Spraying of Insecticides
- the Yilgarn Drainage System
- Synergy Regional Call Centres
- A Prayer for Relief - Mr Neil Winzer
- AK Reserve and Underwood Avenue Bushland
- Local Midwifery Care Options
- the Sunset Site at Dalkeith
- Consumer Utility Hardship

⁷ Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 2, *Overview of Petitions*, 22 September 2005; and Report 3, *Overview of Petitions*, 1 December 2005.

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- the Sunset Site Dalkeith
 - Marina at Point Peron
 - the Perry Lakes Redevelopment Bill 2005
 - the Karri Forest (Crowea 09) Northcliffe

Ombudsman

- 6.9 Certain issues or matters raised in a petition may come under the Parliamentary Commissioner for Administrative Investigations' (**Ombudsman**) jurisdiction as set out in the *Parliamentary Commissioner Act 1971*.
- 6.10 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.

Reports tabled

- 6.11 Since its establishment on 17 August 2005, the Committee has tabled the following three reports:
- *Report 1: Preventing the Entry and Establishment of Cane Toads into Western Australia* (tabled on 15 September 2005),
 - *Report 2: Overview of Petitions Report* (tabled on 22 September 2005), and
 - *Report 3: Overview of Petitions Report* (tabled on 1 December 2005).

7 SEMINARS AND CONFERENCES

- 7.1 Between 27 and 29 September 2005 Hons Louise Pratt and Paul Llewellyn MLCs and Stefanie Dobro, Advisory Officer (General) attended the Conference of Environment and Public Works Committee in Canberra. The cost of attendance at the conference was \$7 500.
- 7.2 The theme of the conference was *Sustainability and Bushfire Recovery*. The agenda is extracted below:
- Bushfire recovery and sustainability through the National 5 Rs';
 - Eco-villages in the ACT;
 - Fire adaptation of Australian flora;
 - Future outlook – bushfire risk and climate change;
 - Native vegetation and the Eyre Peninsula bushfire;
 - Bushfire – the demise and rise of ACT forests;

- Post 2003 Canberra bushfires – a planning perspective;
- VicUrban creating sustainable communities – delivering outcomes and tools for change;
- Tidbinbilla – yesterday, today, tomorrow;
- What do we do when there are too many helping hands? Or not enough skilled ones?
- Communicating for recovery – an ACT case-study;
- People and place in bushfire recovery in ACT;
- The Phoenix Association’s garden regeneration project.

7.3 In addition the Advisory Officer (General) attended the Environmental Protection Law workshops, at the UWA Law School, between 4 and 6 July 2005. The workshop themes are extracted below:

- the institutional framework;
- policy instruments and information tools;
- regulatory and other controls;
- environmental impact assessment;
- criminal liabilities;
- civil liabilities.

8 CONCLUSION

8.1 Since its establishment on 17 August 2005, the Committee has worked effectively and efficiently in considering petitions referred by the House, has tabled three reports and has commenced a number of other inquiries.

8.2 The Committee considers that through the process of conducting its inquiries, matters are brought into sharper focus in the public arena, and that policy responses often occur prior to the tabling and publication of reports containing recommendations.

8.3 The Committee has a number of potential lines of inquiry that it is considering. The Committee looks forward to continuing its work in 2006.



Hon Louise Pratt MLC

Chair

23 March 2006