



Ninth Report

of the

**STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS
AND STATUTES REVISION**

**Overview of Petitions
May 1994 - December 1994**

Presented by the Hon M D Nixon (Chairman)

**9
December 1994**

**STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS
AND STATUTES REVISION**

Date first appointed:

21 December 1989

Terms of Reference:

The functions of the Committee are to consider and report on -

- (a) what written laws of the State and spent or obsolete Acts of Parliament might be repealed from time to time;
- (b) what amendments of a technical or drafting nature might be made to the Statute book;
- (c) the form and availability of written laws and their publication;
- (d) any petition;
- (e) any matter of a constitutional or legal nature referred to it by the House.

A petition stands referred to the Committee after presentation.

Members as at the date of this report:

Hon M D Nixon MLC (Chairman)
Hon A J G MacTiernan MLC
Hon B M Scott MLC

Staff as at the date of this report:

Ms K A Schmidt, Advisory/Research Officer
Mr A C Evans, Committee Clerk

Previous reports:

See Appendix I

Address:

Parliament House, Perth WA 6000, Telephone (09) 222 7222

C O N T E N T S

SUBJECT	PAGE
1. OVERVIEW	4
2. OVERVIEW OF PETITIONS	
2.1 Carawatha Primary School	6
2.2 Mount Henry Hospital	6
2.3 Trading Hours	8
2.4 Ocean Reef Senior High School	9
2.5 Sunset Hospital	10
2.6 Port Kennedy	12
2.7 Bus and Train Fares	12
2.8 Death Penalty	13
2.9 Albany Highway - Mount Barker	13
2.10 Kellerberin Hospital	14
2.11 Hester State Forest	14
2.12 West Pilbara Industrial Development	15
2.13 Kwinana Industry Expansion	16
2.14 Repeal of the Strata Titles Act	17
2.15 Templeton Park, Mandurah	18
2.16 Port Kennedy Land Conservation District Committee	19
2.17 Port Kennedy Scientific Park	19
2.18 Sewerage System	20
2.19 Woodchipping	21
2.20 West Coast Bridge Club	22
2.21 Milk Vendors	22
2.22 MRS 950/33	23
2.23 Swan Valley and Whiteman Park	23
2.24 Seagrass Meadows	24
2.25 Rangeway Police Station	24
2.26 Plantagenet Location 2478	25
 ATTACHMENT A: Previous Reports of the Committee	 26

OVERVIEW OF PETITIONS May 1994 - December 1994

1. BACKGROUND

This paper provides an overview of the petitions considered by the Legislative Council Standing Committee on Constitutional Affairs and Statutes Revision during the Second Session of the Thirty Fourth Parliament of Western Australia from May 1994 to December 1994. The paper includes a summary of each petition, the action taken by the Committee to date, and notes any action outstanding at the time of this report. Twenty-six petitions have been referred to the Committee during the session. Of these, 22 have not yet received full consideration by the Committee. For 14 of these outstanding petitions, the Committee is currently awaiting a response from the principal petitioner in order to proceed. The Committee is currently preparing separate reports regarding the issues raised in two of the petitions.

The Committee's initial approach to each petition is to request a preliminary submission from the principal petitioner and comments from the Member of Parliament tabling the petition and the responsible Minister respectively. During the course of the Committee's considerations, the Committee noted that, in some instances, petitioners were failing to provide a preliminary submission within a reasonable period of time. The Committee is mindful that the lifespan of petitions is bounded by each session of Parliament and is concerned by the number of petitions which, consequently, do not enjoy full consideration by the Committee. To this end, the Committee resolved on 5 October 1994 to require that the principal petitioner

1. forward a written preliminary submission to the Committee within sixty days of the Committee's request, and
2. forward a response to the Minister's comment within thirty days of this comment being forwarded to the petitioner.

The Committee later reduced the required response periods to thirty days and fourteen days respectively.

The petitions referred to the Committee during the Thirty Fourth Session represent a wide range of concerns in the community. These include the closure of schools and hospitals, opposition to planning and infrastructure decisions, environmental issues, and opposition to regulatory decisions. The Committee believes it essential that the Parliament provide a mechanism for members of the community to seek redress with regard to such community concerns. The Committee notes, however, that the Parliamentary forum is, appropriately, an avenue of last resort for the resolution of such concerns. To this effect, the Standing Orders of the Legislative Council state

The Council will not receive or consider a petition whose subject matter constitutes or discloses a cause of action and the promoter has not exhausted legal remedies otherwise available to him.

Standing Order 134.

The Committee notes that at least three petitions tabled during the session are in breach of SO134 and cautions Members to be mindful of SO134 when tabling petitions.

2. OVERVIEW OF PETITIONS

2.1 CARAWATHA PRIMARY SCHOOL

(a) Summary

Petition tabled by Hon John Halden on 11 May 1994 strongly objecting to the proposed closure of Carawatha Primary School and the relocation of the Language Development Centre.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Minister for Education;
- Hon John Halden MLC.

(c) Action Required

In the absence of a submission from the principal petitioner, the Committee has resolved to take no further action with regard to this petition.

2.2 MOUNT HENRY HOSPITAL

(a) Summary

Petition tabled by Hon Kim Chance on 11 May 1994 requesting

1. That the State Government continue to provide the same level of Permanent Care Nursing Home Beds for patients at Mt. Henry Hospital. This is in addition to the Specialty Units.
2. That the Minister for Health cease immediately any plans or negotiations to transfer Mt. Henry Permanent Care Beds to the Private Sector.
3. That the Restorative Unit North and South, and the Day Hospital be retained at Mt. Henry Hospital in its current form.

(b) Action To Date

Submissions were requested and received from

- the principal petitioner;
- Hon Kim Chance MLC;
- the Minister for Health.

Information was also obtained from the 1992/93 Mt Henry Hospital Annual Report and through direct consultation with the Manager of Mt Henry Hospital, Ms Judith Roseveare.

Mt Henry Hospital is financed by the State Government, the Commonwealth Government, and patient fees. Clients are sourced from three areas:

1. Assessment by Aged Care Assessment Teams which direct clients towards the most appropriate level of residential and/or other care;
2. Transfer from the Extended Care Department at Royal Perth Hospital for slow stream rehabilitation or care awaiting placement; and
3. Transfer through the Post Surgical Transfer/Discharge Co-ordinator at Royal Perth Hospital.

The Committee understands that, at the time the petition was tabled, a number of clients requires nursing home care only, as opposed to the full level of care provided by a secondary hospital such as Mt Henry. Consistent with the recommendations of the McCarrey Report, the hospital is currently implementing a programme to transfer those clients to the private sector. Mt Henry is intended to remain as an interim stay, acute care secondary hospital, with specialty beds for clients including young disabled people, and people with neurological conditions such as head injuries. It is anticipated that the extra beds that will become available will assist in easing pressure on tertiary hospital beds currently occupied by nursing home care clients.

A number of issues regarding the care available in the private and public sectors were raised in the above submissions. These are discussed below:

- (i) *Private nursing homes are not able to deliver the level of care that is provided at Mt Henry.*

In considering this concern, the Committee noted that, as a secondary hospital, Mt Henry necessarily provides a higher level of care than nursing homes. This level of care is reflected in the level of funding that the hospital receives and in the mix of staff employed at the hospital.

The Committee understands that a comprehensive assessment of each patient at Mt Henry indicated that 63 of the approximately 280 patients do not require the level of care provided at a secondary hospital, and would be best suited to a nursing home environment.

- (ii) *Private sector residents do not have ready access to medical facilities in the advent of a change in the required level of care changes.*

The medical care for nursing home residents rests with the visiting general practitioner. When a higher level of care is required, *eg.*, a resident suffering a stroke, residents are often transferred to interim acute care. Patients requiring acute care for an indefinite period may be transferred to Mt Henry Hospital.

(iii) *Some classes of patients are not accepted by private sector nursing homes due to the high level of care required and the need for private sector organisations to remain financially viable.*

While private nursing homes are free to determine the mix of residents, the balance of residents requiring different levels of care needs to be carefully determined in order to maintain financial viability. Placements often become available only after the relocation or death of a patient with a similar classification. It appears that the majority of residents accepted in the private sector are classified as levels three and four.

(iv) *Residents will be moved from Mt Henry Hospital against their will.*

Further to discussions with the Manager of Mt Henry Hospital, Ms Judith Roseveare, it appears that the transfer process has been managed sensitively and with due regard for the wishes of the residents. Residents have been given the opportunity to discuss their preferences regarding nursing home location, gender mix, transfer with friends, and smoking regulations with social, nursing, and medical staff. Residents and their families have been taken on visits to private nursing homes to assist with their decision. Where possible, agreements regarding transfer have been reached with the resident to avoid conflict between the resident and the resident's family.

(c) *Action Required*

The Committee has resolved to take no further action at this stage and has written to the principal petitioner to this effect.

2.3 TRADING HOURS

(a) *Summary*

Petition tabled by Hon John Cowdell on 11 May 1994 opposing the wholesale deregulation of trading hours in Western Australia and the reintroduction of 24 hour trading in Mandurah.

(b) *Action To Date*

Submissions were requested from

- the principal petitioner;
- the Minister for Fair Trading;
- Hon John Cowdell MLC.

A response from the Minister for Fair Trading noted that Mandurah has observed extended trading hours for almost twenty years. The Committee notes that the January 1994 initiative by the City of Mandurah to further deregulate trading hours was rescinded in response to opposition from local small businesses, and trading hours returned to previous extended hours conditions on 8 April 1994.

With regard to the deregulation of trading hours across Western Australia, the Committee notes that a review of the Retail Trading Hours Act 1987 has recently been released and intends to examine the review report in due course.

The Committee notes that no further submission was received from the principal petitioner.

(c) Action Required

The Committee has resolved to

1. take no further action with regard to trading hours in Mandurah; and
2. respond to the review of the Retail Trading Hours Act.

2.4 OCEAN REEF SENIOR HIGH SCHOOL

(a) Summary

Petition tabled by Hon Ross Lightfoot on 11 May 1994 regarding overcrowding at Ocean Reef Senior High School.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Minister for Education;
- Hon Ross Lightfoot MLC.

A subsequent submission from the Ocean Reef Senior High School Parents and Citizens Association (P&C) noted that the P&C believes that the school ideally accommodates 900 students and was built to cater for a maximum of 1200. The current enrolment is 1301 and is projected to increase to 1500-1700 in 1995. This projection is based solely on expected enrolments from the Clarkson/Quinns area to the north of Burns Beach Road. The P&C believes that the school cannot cater for continued growth in the northern corridor, and requested that a new school be established to service the Clarkson/Quinns area from 1996.

The Committee has noted that the 1994/95 Capital Works Programme allocates \$400,000 to carry out preliminary planning for a new high school in the Clarkson/Quinns Rock area. The school, which is to open in 1997, is intended to provide accommodation relief for Ocean Reef Senior High School. The Committee sought comment from the principal petitioner regarding the allocation in August 1994.

(c) Action Required

In the absence of a further response from the petitioner, the Committee has resolved to take no further action in this regard.

2.5 SUNSET HOSPITAL

(a) Summary

Petition tabled by Hon Reg Davies on 11 May 1994 calling on Parliament to

1. Acknowledge the heritage value of Sunset Hospital;
2. Ensure that Sunset Hospital has the necessary funding for its proper refurbishment;
3. Insist that the Government does not sell or close the Sunset Hospital and relocate its residents;
4. Acknowledge that many of the long term residents with no family see Sunset Hospital as their "home" and fellow resident as their "family".

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Minister for Health;
- Hon Reg Davies MLC.

The 1992-93 Sunset Hospital Annual Report and two reports commissioned by the Health Department regarding the closure of the hospital were also reviewed.

Sunset Hospital provides services under three programmes:

- Nursing Home
- Hostel
- Day Centre.

The Nursing Home Programme provides multidisciplinary care for patients of all ages with an identified need and for whom no provision can be made in the private/voluntary nursing home sector. In the past 3-5 years, the programme has increasingly catered for younger male residents suffering from substance abuse. In 1992/93, the programme realised a bed average of 76. This represents a 15% decrease from the previous financial year.

The Hostel Programme provides multidisciplinary and personal care for clients for whom no provision is made in the private/voluntary sector but who do not require nursing home care. A Commonwealth initiative to encourage hostels to take residents deemed Category Five and Four under the Residents Classification Instrument has increased the physical dependence of clients of this programme. In 1992/93, the programme realised a bed average of 83, which, similar to the Nursing Home Programme, represents a decrease of 13% from the previous financial year.

The Day Centre programme provides referred clients with a range of activities designed to slow the rate of deterioration in cognitive and physical functioning. In 1992/93, the total number of clients fell 10% to 63.

The hospital receives 76% of its total income from the State Government. Commonwealth Government grants and patient charges contribute 11% and 13% respectively.

Although the hospital has implemented a restructuring programme which has seen the total costs of each programme reduced during the past three years, this has been offset by the decline in the bed average. Since 1990/91, the average cost per resident per day has increased by 7.6% to \$175.66. Although patients other than public patients are charged a daily bed fee, outpatient services are administered free of charge. The bed day costs, therefore, reflect costs associated with the Day Centre.

Submissions from the petitioner and the Minister for Health address the following concerns:

(i) The heritage value of Sunset Hospital.

The petitioner has indicated that the hospital may have a heritage value to the State. The Committee has since been advised that a conservation plan for the site is being prepared by the Building Management Authority and has requested the BMA to forward a copy of the review when this becomes available.

(ii) Poor financial management.

The petitioner claims that poor financial management has contributed to the degeneration of the hospital buildings, citing free pharmaceuticals and undercharging of residents fees compared to the private sector. The petitioner proposes strategies for improving the viability of the hospital. These include the establishment and lease of on-site retirement villas and diversification of the catering services to local residents.

(iii) Welfare of residents.

The petitioner claims that relocation of current residents will cause unnecessary trauma and separation from friends. The Minister for Health has indicated that the relocation process will include consideration of residents who will benefit from remaining together.

(iv) Motive for closure.

An attachment to the petitioner's submission charges that the government's motive for the closure of the hospital and the degeneration of the facilities rests with the land value of the site.

(c) Action Required

The Committee has resolved not to proceed with the health aspects of the petition, noting that this is essentially a matter of government policy. The Committee intends, however, to review the BMA conservation plan when this becomes available.

2.6 PORT KENNEDY

(a) Summary

Petition tabled by Hon Jim Scott on 12 May 1994 requesting that no housing be allowed on the land within the Port Kennedy Development area.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Minister for Planning;
- Hon Jim Scott MLC.

The Committee has reviewed the submissions and a number of documents regarding the environmental and planning aspects of the development. The Committee has also met with a representative from Fleuris Pty Ltd, the principal petitioner, and an independent environmental scientist, and visited the Port Kennedy development site.

(c) Action Required

The Committee's deliberations with regard to this petition will be encompassed in the Committee's tenth report.

2.7 BUS AND TRAIN FARES

(a) Summary

Petition tabled by Hon Sam Piantadosi on 9 June 1994 objecting to any proposed increase in bus and train fares.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Minister for Transport;
- Hon Sam Piantadosi MLC.

A subsequent submission from the Minister for Transport noted that public transport fares in Perth are the lowest among mainland capital cities and account for 20% of total annual operating costs. The Minister noted that current public transport reform through competitive tendering aims to reduce public transport costs while retaining Government control over fares policy.

(c) Action Required

In the absence of a submission from the principal petitioner, the Committee has resolved to take no further action with regard to this petition.

2.8 DEATH PENALTY

(a) Summary

Petition tabled by Hon Jim Scott on 9 June 1994 opposing reintroduction of the death penalty.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Attorney General;
- Hon Jim Scott MLC.

Submissions have subsequently been received from the petitioner, Hon Jim Scott, and the Attorney-General. The Committee noted advice from the Attorney that the Government does not have a current policy on the re-introduction of the death penalty, but would consider a referendum if necessary.

(c) Action Required

Further to the Attorney-General's advice and consideration of relevant research, the Committee has resolved to take no further action and has advised the petitioner to this effect.

2.9 ALBANY HIGHWAY - MOUNT BARKER

(a) Summary

Petition tabled by Hon Bob Thomas on 16 June 1994 opposing the realignment of Albany Highway at Mount Barker.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Minister for Transport;
- Hon Bob Thomas MLC.

A subsequent response from Hon Bob Thomas raises the following concerns:

- (i) The realignment will involve resuming up to 30% of some Hassell Street properties;
- (ii) The realignment traverses a wetland area;
- (iii) The cost of the alignment.

The Minister for Transport has advised the Committee that the realignment was finalised further to consultation with local residents and has been approved by the Shire of Plantagenet, the Environmental Protection Authority, and the Department of Conservation and Land Management. The Committee understands that the alignment is designed to improve road safety, particularly with regard to the two existing level crossings, and caters for the existing creek system and a local population of Southern Brown Bandicoots.

(c) Action Required

The Committee has resolved to take no further action regarding the petition and has written to the petitioner to this effect.

2.10 KELLERBERIN HOSPITAL

(a) Summary

Petition tabled by Hon Kim Chance on 22 June 1994 requesting that the government:

1. Allow the Kellerberin District Memorial Hospital to continue to provide theatre services consistent with level three delineation including the provision of general anaesthesia;
2. Bring to an end the current programme of reducing medical services to country people.

(b) Action To Date

Submissions were requested and received from

- the principal petitioner;
- the Minister for Health;
- Hon Kim Chance MLC.

The Committee notes that the theatre at Kellerberin District Memorial Hospital has been reopened for a twelve month trial period. The service will then be assessed against performance indicators for standards of clinical practice, theatre utilisation, quality assurance and cost. Both the petitioner and Hon Kim Chance have indicated their preference to withhold their comment until the outcomes of the trial are released.

(c) Action Required

The Committee has resolved to take no further action at this stage.

2.11 HESTER STATE FOREST

(a) Summary

Petition tabled by Hon Jim Scott on 28 June 1994 regarding logging of the Hester State Forest.

(b) Action To Date

Submissions were requested and received from

- the principal petitioner;
- the Minister for the Environment;
- Hon Jim Scott MLC.

Submissions have also been received from Jean Wheatley and Rosamund Courtauld, both of Bridgetown. The Committee has also reviewed a number of documents relevant to the current Conservation and Land Management Forest Management Plan and has met the principal petitioner and with representatives from CALM.

Detailed submissions from Hon Jim Scott and the Bridgetown Greenbushes Friends of the Forest (BGFOF) raise the following concerns:

- Hester State Forest is a small forest encompassing 4000ha to the north and east of Bridgetown and forms part of its "green belt";
- increasing salinity in the Hester catchment;
- two blocks of the forest have been proposed as Conservation Parks: 780ha to the east and 1080ha to the west;
- lack of local community consultation;
- in 1992, an appeals committee report appointed by the then Minister for the Environment, Hon Jim McGinty, recommended that Hester State Forest become a Conservation Park or be logged on a 300 year rotation;
- Hester will be logged by "heavy selection cut method" commencing in 1995.

The BGFOF requests that logging be carried out on a 300 year rotation.

A submission from the Minister for the Environment has advised that the decisionmaking process regarding logging in Hester State Forest has been consistent with statutory requirements. This included public consultation and examination of appeals to the draft management plan by an appeals committee. The current Forest Management Plan has subsequently included the further reservation of the eastern block of the forest as a Conservation Park in recognition of points raised by the Bridgetown community.

(c) Action Required

The Committee intends to conduct a public workshop in Bridgetown early in 1995 to discuss the issues raised in the petition.

2.12 WEST PILBARA INDUSTRIAL DEVELOPMENT

(a) Summary

Petition tabled by Hon Jim Scott on 9 August 1994 regarding industrial development in the West Pilbara. Specifically, the petition notes that the petitioners

1. Oppose the development of any land for industrial purposes north of the present complex in Withnell Bay and all the land to the east of the Burrup road inclusive of the pistol range and Hearson Cove.

2. Believe that recent planning of industrial development in the region has proceeded in an ad-hoc manner and has inadequately considered social and environmental issues.
3. Believe suitable alternative sites for industrial development exist in the West Pilbara.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Ministers for Planning, the Environment, and Resources Development;
- Hon Jim Scott MLC.

The Committee has also reviewed the Burrup Peninsula Draft Land Use and Management Plan and the petitioner's submission in response to the Plan. The response from the Minister for the Environment noted "a widely held belief that there is sufficient land available to provide for industrial development to the south of [the Burrup Peninsula] and in other locations elsewhere in the Pilbara".

The Committee understands that the Management Board is currently preparing a final report to Cabinet on the basis of responses to the Plan and informal advice from the EPA.

(c) Action Required

The Committee is of the opinion that while the development plans for the area are still in draft form, the petition is currently in breach of Standing Order 134. The Committee has therefore resolved to defer further consideration of the petition until these plans have been finalised, and has written to the petitioner to this effect.

2.13 KWINANA INDUSTRY EXPANSION

(a) Summary

Petition tabled by Hon Jim Scott on 9 August 1994 regarding opposition to

1. The expansion of heavy industry in the Kwinana Industrial Area;
2. The placing of memorials on residential titles;
3. The lowering of air pollution standards; and
4. The re-location of Wattleup.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Ministers for Planning, Environment, and Resources Development;
- Hon Jim Scott MLC.

A subsequent submission from the principal petitioner noted

- heavy industry is not labour intensive, will have little impact on local unemployment, and will increase pollution levels;
- placing memorials on local residential sites will lower property values;
- air pollution levels are currently satisfactory. Residents oppose recommendations that standards be lowered;
- uncertainty regarding the relocation of Wattleup.

The Committee has also examined an independent review of the TOK report is published in the EPA Bulletin 723: Sustainable Development and the Kwinana Industrial Area. The review notes that the EPA strongly rejects the options of relaxing environmental standards, altering the buffer zone boundary, and removing emissions limits.

Submissions from the Ministers for Planning and the Environment referred the Committee to the Department of Resources Development interim report for public comment, Towards Optimising Kwinana. The report, released in August 1993, provides an inventory of the opportunities and constraints of the Kwinana Industrial Area. The Committee understands that the final report, which will detail land use and management strategies for the area, is currently being drafted. A completion date is currently unavailable, however a Ministerial statement regarding the future of Wattleup is expected by the end of 1994.

(c) Action Required

The Committee notes that, as the land use and management strategy is still in draft form, the petition is currently in breach of Standing Order 134. The Committee has resolved, therefore, to defer further consideration of the petition until a copy of the final report is made available, and has written to the petitioner to this effect.

2.14 REPEAL OF THE STRATA TITLES ACT 1985

(a) Summary

Petition tabled by Hon Barbara Scott on 17 August 1994 "requesting the recall of a portion of the Strata Titles Act 1985 and that further legislation be enacted to protect [the petitioner's] ocean views".

(b) Action To Date

Submissions were requested and received from

- the principal petitioner;
- the Minister for Local Government;
- Hon Barbara Scott MLC.

The Committee has also reviewed decisions arising from action in the District and Supreme Courts and a report of the Parliamentary Commissioner for Administrative Investigations.

A submission from the petitioner claims that the Fremantle City Council acted improperly in dealing with the subdivision of a block of land owned by the petitioner. The land was sub-divided to create two strata titles in 1986, one title containing the petitioner's residence. The petitioner attempted to restrict the height of any development of the second title and claims that subsequent construction, currently unfinished, has failed to comply with these height restrictions. Subsequent action in the District and Supreme Courts found against the petitioner and resulted in an order

that the petitioner deliver the current duplicate certificate of title to enable the new titles to be created.

The Committee understands that the purchaser will commence contempt proceedings against the petitioner in early December.

(c) Action Required

While the Committee recognises that the specific case at hand is most appropriately addressed in the courts, the Committee notes that the case highlights difficulties with s76 and s77 of the Transfer of Land Act. The Committee intends to pursue this issue with the Department of land Administration and the Crown Solicitor's Office and to produce a separate report to the Legislative Council.

2.15 TEMPLETON PARK, MANDURAH

(a) Summary

Petition tabled by Hon John Cowdell on 13 September 1994 highlighting the lack of services and facilities in Templeton Park, Mandurah, and calling upon the Government to build a family centre in the area as a matter of priority.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Minister for Community Development;
- Hon John Cowdell MLC.

David Templeman, Councillor, Mandurah City Council, has also written to the Committee in support of the petition.

A subsequent submission from the petitioner provided information regarding the current housing and population growth and provision of services in the area. A response from the Minister for Community Development also acknowledges the population growth in the region. The Minister noted that the region currently has two family centres and the Peel Family Child Care Scheme, and that the Winjan Aboriginal Association intends constructing facilities in Coodanup. The Minister's letter has been forwarded to the petitioner for comment.

(c) Action Required

The Committee is currently awaiting a response from the petitioner.

2.16 PORT KENNEDY LAND CONSERVATION DISTRICT COMMITTEE

(a) Summary

Petition tabled by Hon Jim Scott on 13 September 1994 requesting that the Legislative Council reaffirm the assurances given in the Council indicating that the Port Kennedy Land Conservation District Committee would be able to use its existing premises until new premises were provided as part of the development, and that the equipment seized under the Port Kennedy Development Act be returned or compensation made.

(b) Action To Date

Submissions have been requested from

- the principal petitioner;
- the Minister for Planning;
- Hon Jim Scott MLC.

The Minister for Planning has advised the Committee that the Port Kennedy Management Board is unaware of any arrangement between Fleuris and the LCDC regarding permanent on-site accommodation. The Minister's letter has been forwarded to the petitioner for comment.

The Committee notes that questions directed to the Minister for Lands and the Minister for Planning in the Legislative Council on 18 October 1994 indicate that all equipment belonging to the LCDC and the Department of Agriculture was moved to the new LCDC compound on the Port Kennedy site and secured as directed by the Commissioner for Soil Conservation. Any residual items that were the property of the Crown pursuant to s9(b) of the Port Kennedy Development Agreement Act were salvaged by the contractor removing the structures on the site under the terms of his agreement with DOLA.

(c) Action Required

The Committee is currently awaiting a response from the petitioner.

2.17 PORT KENNEDY SCIENTIFIC PARK

(a) Summary

Petition tabled by Hon Jim Scott on 13 September 1994 requesting that the Legislative Council do all in its power to establish a Scientific Park at Port Kennedy under its own Act of Parliament.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Minister for Planning;
- Hon Jim Scott MLC.

The Minister for Planning has advised the Committee that the Port Kennedy Management Board currently plans to engage consultants to assist in determining the management and financial arrangements for an A Class Reserve on Stage 2 of the Port Kennedy Development. The Committee understands that a reserve with this classification would be known as a scientific park. The Minister's letter has been forwarded to the petitioner for comment.

(c) Action Required

The Committee is currently awaiting a response from the petitioner.

2.18 SEWERAGE SYSTEM

(a) Summary

Petition tabled by Hon John Halden on 13 September 1994 requesting the Legislative Council to ensure that connection to the sewerage system not be made compulsory and that an annual fee not be payable if one is not so connected.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Ministers for Works and Services and the Minister for Water Resources;
- Hon John Halden MLC.

A subsequent submission from the petitioner raised the following concerns:

- compulsory connection is an infringement of individual rights unless it can be shown that the continued use of septic tanks is harmful to the welfare of other citizens;
- the Water Authority has not presented scientific evidence that septic tanks are a serious cause of pollution to perth's groundwater and to the Swan-Canning river system.

A submission from the Hon John Halden MLC notes that the option of self-composting toilets is not sanctioned by the Government, and that the location of the petitioners' dwellings high above the water table reduces the likelihood of pollution.

The response from the Minister for Water Resources, indicating his support for the scheme, has been forwarded to the principal petitioner, who has subsequently responded, challenging the benefits cited by the Minister.

(c) Action Required.

During 1995, the Committee intends to examine relevant scientific evidence regarding groundwater pollution from septic tanks; the practicalities and issues regarding the use of self-composting toilets; and Water Authority policy regarding payment for compulsory connection.

2.19 WOODCHIPPING

(a) Summary

Petition tabled by Hon Jim Scott on 13 September 1994 calling on the State Government to immediately

- (i) halt all logging and frequent prescribed burning in the Hawke, Sharpe, Rocky, and Giblett blocks and all other High Conservation Value and Old Growth forests;
- (ii) require CALM to produce a series of options for the future of the wood products industry in WA which do not require the logging of native forests; and
- (iii) examine the employment opportunities that can be created by transferring the WA wood products industry onto tree crops, plantations, and agroforestry.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Minister for the Environment;
- Hon Jim Scott MLC.

The Committee notes, further to advice from the Office of the Minister for the Environment, that,

- No native forest is logged for woodchips. Wood chips, however, may be a by-product of logging activities. Native fallen timber is harvested for craft work and wood stoves.
- Bluegum plantations are logged for woodchips.
- Pine plantations are logged for structural timber.
- the Federal Standing Committee on the Environment is currently conducting an inquiry into government policies which stimulate employment growth.

(c) Action Required

The Committee is currently awaiting responses to the petition.

2.20 WEST COAST BRIDGE CLUB

(a) Summary

Petition tabled by Hon Ross Lightfoot on 1 November 1994 requesting the Legislative Council to do all in its power to assist in resolving the current difficulties being experienced by the Committee and Members of the West Coast Bridge Club in their use of the City Beach Civic Centre which has been their headquarters for a continuing period of 9 years.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Minister for Local Government;
- Hon Ross Lightfoot MLC.

The Committee has since been advised by the Minister for Local Government that, further to negotiations between the Bridge Club and the Town of Cambridge, the Club will be permitted to remain at the Civic Centre until December 1995.

(c) Action Required

The Committee is currently awaiting a response from the petitioner.

2.21 MILK VENDORS

(a) Summary

Petition tabled by Hon Jim Scott on 1 November 1994 advising that the petitioners believe that the current licensing system for milk vendors should remain in place .

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Minister for Primary Industry;
- Hon Jim Scott MLC.

A response from the Minister for Primary Industry, indicating the advantages of deregulating the industry, has been forwarded to the petitioner for comment. The Minister notes that the vendor of concern to the petitioners has failed to respond to a request by Masters for an expression of interest to continue the service.

(c) Action Required

The Committee is currently awaiting responses to the petition.

2.22 MRS 950/33

(a) Summary

Petition tabled by Hon Reg Davies on 29 November 1994 opposing the MRS 950/33 "due to the unacceptable risks to the natural environment and Perth's groundwater supply and the negative impacts on important heritage areas and existing communities" and requesting that the Legislative Council disallow the major amendment to the Metropolitan Regional Scheme 950/33.

(b) Action To Date

Submissions were requested from

- the principal petitioner;
- the Ministers for Environment and Planning;
- Hon Reg Davies MLC.

(c) Action Required

The Committee is currently awaiting responses to the petition.

2.23 SWAN VALLEY AND WHITEMAN PARK

(a) Summary

Petition tabled by Hon Reg Davies on 29 November 1994 opposing the urbanisation of the Swan Valley and Whiteman Park and requesting the Legislative Council ensure that the boundaries of the proposed Swan Valley legislated area be extended westwards to include Whiteman Park and Bennet Brook and also include the Caversham Air Base in the core of the Swan Valley Policy area B.

(b) Action To Date

Submissions have been requested from

- the principal petitioner;
- the Ministers for Environment and Planning;
- Hon Reg Davies MLC.

(c) Action Required

The Committee is currently awaiting responses to the petition.

2.23 SEAGRASS MEADOWS

(a) Summary

Petition tabled by Hon Barbara Scott on 1 December 1994 opposing any further loss of seagrass meadows in the Cockburn Sound/ Owen Anchorage area of the metropolitan waters and imploring the Government to fulfill its obligations to environmental protection by prohibiting any further activities which cause loss of seagrass meadows.

(b) Action To Date

Submissions have been requested from

- the principal petitioner;
- the Minister for the Environment;
- Hon Barbara Scott MLC.

(c) Action Required

The Committee is currently awaiting responses to the petition.

2.25 RANGEWAY POLICE STATION

(a) Summary

Petition tabled by Hon Kim Chance on 7 December 1994 requesting that recognition be given and consideration taken into our request for a fully staffed Police Station to be established in Rangeway, Geraldton.

(b) Action To Date

Submissions have been requested from

- the principal petitioner;
- the Minister for Police;
- Hon Kim Chance MLC.

(c) Action Required

The Committee is currently awaiting responses to the petition.

2.26 PLANTAGENET LOCATION 2478

(a) Summary

Petition tabled by Hon Murray Montgomery on 7 December 1994 requesting a review of the Albany Shire Council's actions to sell a portion of Plantagenet Location 2478 and ask that no further action be taken to sell any interest in the land until such time as the Parliament has considered our petition.

(b) Action To Date

Submissions have been requested from

- the principal petitioner;
- the Minister for Local Government;
- Hon Murray Montgomery MLC.

(c) Action Required

The Committee is currently awaiting responses to the petition.

APPENDIX 1

LIST OF REPORTS

1. Report regarding a petition seeking legislation on various aspects of substantive law and procedural law relating to sex offences against children.
2. Interim report into links between Government agencies and the failed Western Women Group.
3. Second interim report into links between Government agencies and the failed Western Women Group.
4. Report regarding a petition requesting the Legislative Council to investigate whether the proposed dissolution of the City of Perth contravenes the Constitution Act 1889 or any other Act or Statute.
5. Report in relation to a petition requesting the ban on the use of fishing nets (other than prawn drag nets and throw nets) for recreational fishing in the Pilbara region and the phasing out of certain professional licence endorsements.
6. Report in relation to a petition concerning the export of iron ore through Esperance.
7. Report in relation to a petition concerning the town of Wittenoom.
8. Overview of Petitions: April 1993 - March 1994.