

41ST PARLIAMENT



Report 63

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Overview of Petitions 1 July 2022 to 31 December 2022

Presented by
Hon Peter Foster MLC (Chair)
June 2023

Standing Committee on Environment and Public Affairs

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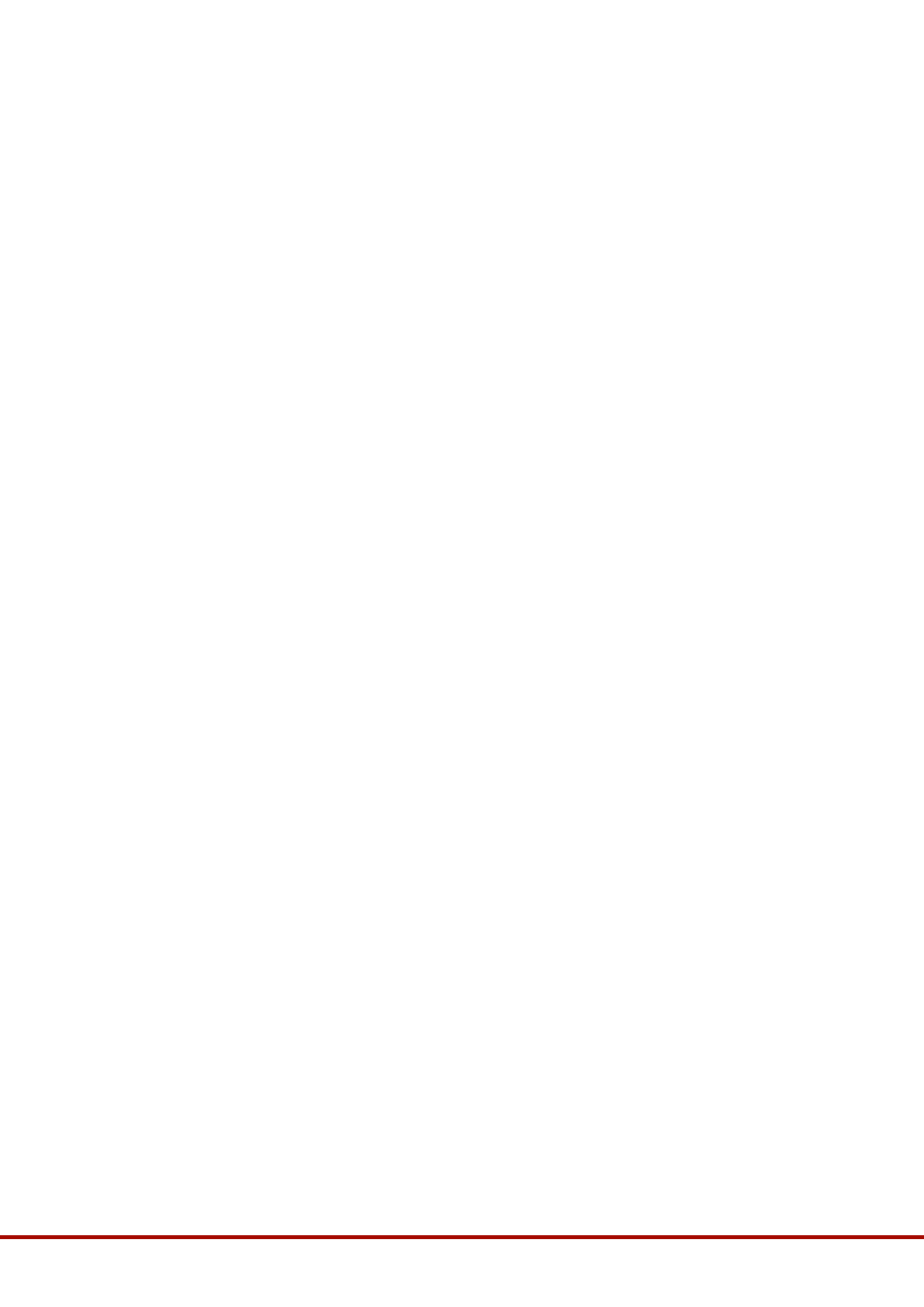
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1 Introduction

History and function 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 to the Standing Orders of the Legislative Council. At paragraph 2.3, it says:

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.

Petitions

1.3 A petition is a formal request for action from individuals or groups. The petitions process provides a fundamental link with the community. The general public can bring issues of concern to the attention of the Parliament through this process.

1.4 Conforming petitions¹ presented in the Legislative Council by a Member are referred to the Committee.² The promoter of the petition (known as the 'principal petitioner') must reside in Western Australia or, if a corporate body, have its registered office in Western Australia.

1.5 Reasons for non-conformance with Standing Order 101 include:

- reflection upon a vote in the Legislative Council in the same calendar year
- seeking a direct grant of public money from the Legislative Council
- containing statements adverse to, or making allegations of improper, corrupt or illegal conduct against, a person (whether by name or office)
- containing or disclosing a matter in breach of a secrecy provision of, or an order imposed or made under the authority of the law.

1.6 Whilst most petitions contain many signatures, this is not necessary. Petition No. 66, regarding the proposals for a demersal fishing ban, contained 17,885 signatures. By way of contrast, Petition No. 16, regarding Fiona Stanley Hospital, contained only 2 signatures (though this was by way of a re-tabling of a petition launched in the 40th Parliament). However, just one signature is sufficient for a petition to be regarded as conforming.

1.7 A petition will not always bring about a change of policy by the Government or achieve the specific objectives desired by petitioners. A report by the Committee in 2020 raised concerns about the expectations of some petitioners about what outcomes might be achieved. The Committee heard evidence that:

¹ Petitions are considered to be 'conforming' if they meet the conditions set out in Standing Order 101 of the Standing Orders of the Legislative Council as to form and content, and have been certified as conforming by the Clerk.

² Standing Order 102 of the Standing Orders of the Legislative Council.

- there is a misconception by some petitioners that a parliamentary committee is a decision-making body with the power to overturn or recommend the overturning of decisions of other bodies
 - there is often a perception that a petition will lead to a significant change such as legislation or a new policy
 - some petitioners believe there is an automatic right to attend a hearing before a committee, and that there will be a full inquiry
 - it is impossible to please every petitioner and it is important to manage expectations by being very clear in guidance what will occur and why decisions can be made.³
- 1.8 Following that report, a fact sheet was produced to explain the petitions process, a copy of which is sent to all principal petitioners at the submission stage (paragraph 1.14).
- 1.9 That fact sheet explains to the principal petitioner that the Committee is not a decision-making body, and only has the power to make recommendations for the Government to consider. It does not have the power to direct, amend or overturn the decisions of other bodies. It cannot make binding decisions to resolve the matters or issues raised in the petition, and only the Government has the power to change policy or take other action to resolve these matters.
- 1.10 Despite those limitations, the results of the Committee's enquiries may provide petitioners with an explanation for Government decisions or actions.

Introduction of e-petitions

- 1.11 The Legislative Council agreed to trial an e-petitions system, which commenced on 1 January 2022.⁴ The procedures governing e-petitions are contained in the Legislative Council's [Temporary Order](#) of 9 September 2021, the effect of which was extended to 31 October 2024.⁵
- 1.12 Petitions can now be created on the Parliament's [website](#).
- 1.13 The Committee considers e-petitions in the same way as paper petitions once they have been tabled in the Legislative Council.

Petitions process

- 1.14 The nature and extent of the investigation into each petition will vary depending on the nature of the issues raised. In most cases, the Committee will request a submission from the principal petitioner and the 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.
- 1.15 Once submissions are received, the Committee will usually request a response to the petition from the relevant Government Minister. The Committee may also seek responses from other organisations (such as local governments) and carry out other investigations as required.

³ Standing Committee on Environment and Public Affairs, report 54, *The functions, processes and procedures of the Standing Committee on Environment and Public Affairs - are they clear for petitioners and do they reflect its core petitions role?*, Western Australia, Legislative Council, September 2020, p 6.

⁴ Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 9 September 2021, pp 3680-3688. This was on the recommendation of the Standing Committee on Procedure and Privileges, See Report 64, *Review of the Standing Orders*, Western Australia, Legislative Council, September 2021, pp 25-7.

⁵ Legislative Council, *Debates*, 2023, p 759.

- 1.16 In many instances, the Minister's response to the petition will provide to the Committee an explanation for the policy or action in question. Sometimes the Committee will need more information to clarify the issues to its satisfaction. These enquiries may take the form of further correspondence or a hearing to obtain more detailed evidence. On occasion, the Committee will resolve to conduct a formal inquiry into the matter.
- 1.17 The Committee may decide to limit or conclude its consideration of a petition if:
- there are other ways to address the issues in the petition which have not been pursued
 - the matter has been or is being dealt with by the relevant authority. For example, planning or environmental matters have established decision making and appeal processes over which the Committee has minimal influence
 - the issues raised in the petition will be, or have already recently been considered and/or debated by the Legislative Council
 - the matter is the same or very similar to a petition or petitions the Committee has already considered
 - the petition is the subject of a commercial dispute or legal action
 - other reasons determined on a case-by-case basis.

Overview of petitions

- 1.18 This report provides an overview of petitions finalised by the Committee during the period 1 July 2022 to 31 December 2022 (the reporting period).
- 1.19 Twenty-two new petitions were referred to the Committee during this time.
- 1.20 The Committee concluded its consideration of 18 petitions, 10 of which were e-petitions. They are outlined in Part 2 of this report.
- 1.21 Of the 19 petitions still under consideration at the end of the reporting period (listed in Part 3), 11 were initiated through the e-petition system.

Committee webpage

- 1.22 The Committee's webpage at www.parliament.wa.gov.au/env is a central source of information about petitions tabled in the Legislative Council. It contains copies of public documents including the terms of each petition, submissions, Government responses and transcripts of evidence. Hard copies are made available on request. It also advises of the status of the Committee's consideration of each petition.

2 Finalised petitions

Petition No. 14—Moratorium on subdivision in bushfire prone areas

Date Tabled and Tabled Paper (TP) number	15 June 2021 (TP 272)
Number of signatures	2,941
Principal petitioner	Peter Brazier
Tabling Member	Hon Matthew Swinbourn MLC
Date Finalised	21 September 2022

- 2.1 This petition referenced the 2021 Wooroloo bushfires, where 86 properties were destroyed and approximately 10,750 hectares burnt. The petition supported an independent review of the State Planning and Development framework in Western Australia’s bushfire prone areas. Further, it recommended that the Government investigate a moratorium on sub-division development in high bushfire prone areas.
- 2.2 The principal petitioner (submission, 11 July 2021) called for an update to the State Planning Policy SPP 3.7 ‘Planning in Bushfire Prone Areas’, to better protect communities in extreme bushfire prone areas.
- 2.3 The tabling Member (submission, 1 July 2021) stated:
- The design, density and layout of development in bushfire prone areas has a direct correlation with the survivability of the people living in those areas in the event of a bushfire. Poor design, inappropriate density, and the layout of developments can create bottlenecks, one way access and trap people trying to escape a bushfire. Our planning schemes need to ensure that any development, including subdivision, in bushfire prone areas does not increase the risks to established communities, nor place greater demands on existing infrastructure, such as the local road network and available water supplies.
- 2.4 The Committee wrote to the Minister for Emergency Services and twice to the Minister for Planning. The Minister for Emergency Services (letter, 27 August 2021) advised:
- Petition No. 014 refers to development within high Bushfire Prone Areas. Bushfire Prone Areas are designated by the FES Commissioner, cover approximately 93% of the State and are identified in the Map of Bushfire Prone Areas. There is no distinction as to the level applied to a designated bushfire prone area. Therefore, if a moratorium was implemented, it could affect all areas of the State designated as bushfire prone.
- 2.5 The Minister for Planning (letter, 1 August 2022) advised similarly, and stated that public consultation on the Map of Bushfire Prone Areas (Map), State Planning Policy 3.7 (SPP 3.7) and the associated Guidelines for Planning in Bushfire Prone Areas was likely to occur by mid-2023.
- 2.6 Following consideration of the responses from Ministers, the Committee concluded its enquiries on 21 September 2022, on the basis that:
- the Ministers’ office had confirmed that any relevant outcomes from the Royal Commission into National Natural Disaster Arrangements and the Wooroloo Bushfire Inquiry would be included in further iterations of SPP 3.7

- the difficulties experienced by many Western Australians due to current housing pressures, including, rising rental costs and the limited supply of houses, meant that it was not considered an appropriate time to recommend a moratorium on development as proposed
- whilst the development of the new policy and guidelines may be some time away, the current SPP 3.7 concludes with the 'Precautionary Principle', which offers a measure of comfort.

Petition No. 16—Fiona Stanley Hospital

Date Tabled and Tabled Paper (TP) number	16 June 2021 ⁶ (TP 281)
Number of signatures	2
Principal petitioner	Michael Doyle
Tabling Member	Hon Kyle McGinn MLC
Date Finalised	21 September 2022

- 2.7 This petition called for Fiona Stanley Hospital (FSH) to be mandated as a 'Centre for Excellence' in the treatment of Neuroendocrine tumour (NETs) cancer patients.
- 2.8 NeuroEndocrine Cancer Australia submitted on behalf of the principal petitioner (submission, 23 November 2020). In the submission, it advised that NETs are complex and heterogeneous tumours, occurring equally in men and women and at any age. These tumours can be slow or fast growing with symptoms often not presenting until the advanced phase. The petitioners believed that FSH should be the sole provider for treatment. FSH has over 15 years' experience managing NETs and had made large investments to generate impressive strides in treatment options, according to the submission.
- 2.9 The Committee sought a response from the former Minister for Health, initially during the 40th Parliament. The Minister (letter, 18 January 2021) advised that WA Health had commenced a 3-phase program to update the Clinical Services Framework 2014-2024 (CSF). The CSF update would review aspects of governance, equity of access, funding and workforce implications.
- 2.10 In addition, the Western Australian Cancer and Palliative Care Network's Clinical Implementation Unit (WACPN CIU), based within the North Metropolitan Health Services, had appointed a Rare and Less Common Cancers Clinical Nurse Consultant (RLCC CNC) who would coordinate care for persons with NETs.
- 2.11 In July 2022, the current Minister for Health (letter, 12 July 2022) stated:
- The WACPN CIU is also in the process of creating a dedicated and permanent statewide CNC role that will work with complex, metastatic patients including Neuroendocrine Cancer (NET) regardless of where they are receiving their care.
- 2.12 In a later letter (letter, 15 September 2022), the Minister said:
- The process to update individual specialities in the CSF involves consultation with Health Service Providers clinical, operational and Executive staff as well as utilising well established Consumer Advisory Groups within public hospitals who work in

⁶ This petition was originally tabled in the 40th Parliament on 10 November 2020 by Hon Samantha Rowe MLC and contained 2,183 signatures, but it lapsed at prorogation before enquiries finished. The Committee used the submissions and correspondence obtained during the previous Parliament where appropriate.

partnership with the Health Consumers Council WA for many projects. From a cancer perspective the Department of Health will also work closely with the Cancer Network to engage with patients and other non-government and not for profit support agencies as required.

- 2.13 Following consideration of the responses received, the Committee concluded its enquiries on 21 September 2022.
- 2.14 In making that decision, the Committee noted that the CSF review was ongoing. As part of that review, widespread consultation was occurring and would continue to occur.
- 2.15 Moreover, whilst there was no commitment to base the requested 'Centre of Excellence' at FSH, as requested by the petitioners:
- that must ultimately be a decision taken by the medical experts based on the best advice
 - the decision must be taken in light of operating conditions across the entire Western Australian health service, and
 - the Minister had advised that, from a cancer perspective, the Department of Health would work closely with the Cancer Network to engage with patients and other non-government and not for profit support agencies as required.
- 2.16 Further, the Committee had been informed by the former Minister for Health (Hon Roger Cook MLA, letter, 9 August 2021) that a RLCC CNC has been appointed to the WACPN CIU. The Minister had advised the Committee that this person had a dedicated and permanent statewide role that would work with complex, metastatic patients, NETs, regardless of where they were receiving their care.

Petition No. 20—Dog Act 1976

Date Tabled and Tabled Paper (TP) Number	5 August 2021 ⁷ (TP 435)
Number of signatures	107
Principal petitioner	Cindy Burt
Tabling Member	Hon Tjorn Sibma MLC
Date Finalised	23 November 2022

- 2.17 This petition asked the Legislative Council to investigate the introduction of stronger penalties for dog attacks, with the removal and destruction of offending dogs from the community. It further appealed for compulsory education programs for owners of dogs reported for nuisance behaviour.
- 2.18 The principal petitioner (submission, 7 December 2020) stated that community awareness surrounding dog attacks in Western Australia has grown due to distressing dog attack cases being publicised in the media. This had led to many in the community feeling that the *Dog Act 1976* (the Act) required amendment to protect people and their animals, and for owners to face accountability with stronger penalties.
- 2.19 The Minister for Local Government (letter, 3 September 2021) stated:

⁷ This petition was originally tabled in the 40th Parliament on 24 November 2020 by Hon Tjorn Sibma MLC and contained 638 signatures, but it lapsed at prorogation before enquiries finished. The Committee used the submissions and correspondence obtained during the previous Parliament where appropriate.

The *Dog Act 1976* (the Act) currently provides significant penalties for offences relating to dog attacks. Standard dog attacks causing injury can be punished by fines of up to \$10,000, the amount of which can be doubled in circumstances involving restricted breeds or dogs with a known history of committing attacks. The Act also provides a maximum jail sentence of 10 years in situations where an attacking dog kills a person or threatens their life. This penalty is comparable to those penalties applicable to accidental death or manslaughter.

- 2.20 The Minister further noted that the Act has a 'dangerous dog' order that provides restrictions for dogs deemed a risk to the community. These restrictions include a requirement for a dangerous dog to wear a muzzle and leash in public, with specified collars, and for owners to have suitable home enclosures with dangerous dog warning signs visible.
- 2.21 The Committee wrote to the following local governments requesting dog attack data and processes to report dog attacks:
- City of Albany
 - City of Busselton
 - City of Joondalup
 - City of Kalgoorlie Boulder
 - City of Karratha
 - City of Mandurah
 - City of Rockingham
 - City of Stirling
 - City of Swan
 - City of Wanneroo
 - Shire of Broome.
- 2.22 The Committee also requested responses from the Western Australia Local Government Association (WALGA) and the Royal Society for the Prevention of Cruelty to Animals (RSPCA WA) to share their views on the terms of the petition.
- 2.23 The Committee held hearings on 27 April 2022 with:
- Department of Local Government, Sport and Cultural Industries (DLGSCI)
 - City of Albany
 - Shire of Broome
 - City of Mandurah
 - City of Swan.
- 2.24 On 24 November 2022, a report on the Committee's consideration of the petition's terms was tabled in the Legislative Council.⁸ The Committee finalised the petition on the same day:
- The Committee concluded that the current penalties available to the court system are significant.
 - Furthermore, the reduction of wandering dogs and dog attacks would likely be boosted by providing more education and awareness campaigns that teach owners

⁸ Standing Committee on Environment and Public Affairs, report 60, *Petition No. 20 – Dog Act 1976*, Western Australia, Legislative Council, November 2022.

responsible dog ownership and communicate to young people about common dog behaviours and the protocol for approaching dogs.

- 2.25 The Committee further concluded that the DLGSCI should create uniform 'dangerous dog' enclosure guidelines for local governments that are comprehensive and robust. There is currently some ambiguity in the term 'enclosure', which can be challenged by the public.
- 2.26 The Committee further welcomed the introduction of a centralised dog registration system, scheduled to be operational in late 2023. It is anticipated that this system should allow for the inclusion of dog attack data across the State.

Petition No. 43—Save the Black Cockatoos

Date Tabled and Tabled Paper (TP) Number	23 February 2022 (TP 1080) and 11 August 2022 (TP 1476)
Number of signatures	1,071 and 789
Principal petitioner	Patrick Cullen
Tabling Member	Hon Stephen Pratt MLC
Date Finalised	17 August 2022

- 2.27 The petition raised concerns about the ongoing destruction and degradation of the feeding, roosting and nesting habitats of South West Black Cockatoos. The petition asserted that the falling population numbers of Carnaby's, Baudin's and Forest Red-tail Cockatoos was driving the species to extinction.
- 2.28 The petition called on the Legislative Council to recommend that the Government:
- Initiate an immediate moratorium on the clearing of habitats, including the Jarrah Forests for mining bauxite and other minerals and the Gnangara pines for housing development
 - Conduct an inquiry into the population decline of the three named species of Black Cockatoo, to consider the need for emergency plans to protect those species, to review the current efficacy of current management plans, and to assess the barriers to progress of the uptake of recommendations made in habitat protection plans and recovery plans.
- 2.29 The principal petitioner (submission, 30 March 2022) stated:
- Much of the woodlands and forest habitat has been cleared and what remains is fragmented and degraded by logging, thinning, mining, drying from climate change and inappropriate fire management practices. This has resulted in the depletion of their food habitat, roosting areas, and old trees with large hollows essential for nesting.
- 2.30 The Committee wrote twice to the Minister for Environment and the Minister for Forestry.
- 2.31 The Minister for Environment (letter, 28 April 2022) told the Committee:
- DBCA [the Department of Biosecurity, Conservation and Attractions] recognises that the historical clearing of banksia woodlands and other food sources has had impact on the population of Carnabys cockatoos. As such, the Government continues to focus on reducing the loss of habitat through environmental impact assessment processes under State and Commonwealth legislation.
- 2.32 The Committee decided to conclude its consideration of the petition on 17 August 2022. In making that decision, the Committee felt that it was unlikely that an inquiry by the Legislative

Council could add any additional value to the research already occurring by well-resourced agencies.

- 2.33 Additionally, the Committee noted that an immediate moratorium on the clearing of areas would result in various commercial contracts and agreements becoming unworkable. This could open the Government up to liability for damages. Further, supply chains may rely on the mined materials, and plans would need to in place to source the materials from elsewhere, or for the use of alternative materials. A ban on such clearing would likely need to be a gradual phase out.
- 2.34 The Committee also noted that, although no formal inquiry was ongoing, a number of government departments and agencies had responsibility for preserving the South West Black Cockatoo population. There is State and Federal legislation and policy specifically aimed at protecting the species. The Minister for Environment had advised that the Department of Biodiversity, Conservation and Attractions is working with the Commonwealth Government on the development of an updated recovery plan, based on current scientific evidence, to address the decline and to support the persistence of the species. Scientific research is ongoing.

Petition No. 44—Flood mitigation in Carnarvon

Date Tabled and Tabled Paper (TP) Number	24 February 2022 (TP 1084)
Number of signatures	70
Principal petitioner	Anthony Vrankovich
Tabling Member	Hon Neil Thomson MLC
Date Finalised	10 August 2022

- 2.35 This petition called for an independent engineering review into the Carnarvon flooding event that took place in February 2021.
- 2.36 The principal petitioner (submission, 25 March 2022) submitted that the Gascoyne horticulture district experienced record-breaking rainfall over a 24-hour period, causing devastating flooding to roughly 60 fresh food producers in the area:
- The aftermath saw significant disruption to the livelihoods of many growers in the region and the situation soon developed into one of anxiety, and consternation for producers who, compounded by labour shortages due to COVID, faced and continue to face the potential for devastating financial loss because of flood.
- 2.37 The Committee wrote to the Minister for Regional Development, the Minister for Water and the Minister for Environment.
- 2.38 The response from the Minister for Regional Development (letter, 3 August 2022) advised that the success of the horticultural region was dependent on the arid, sub-tropical conditions that cause periodic flow and flooding events from the Gascoyne River. These conditions were instrumental in recharging the Carnarvon Flood Plain. Without flooding events, the industry would not have sustained access to a water source to support the \$100 million (8%) gross value of production stimulated from the area.
- 2.39 The Minister for Water (letter, 3 August 2022) stated:
- A range of mitigation options are used to lessen the risks of flooding and flood damages in Carnarvon and the surrounding horticultural area. These mitigation measures include non-structural measures, including land use planning, building

development controls, flood warning systems and flood response planning. In addition, several structural measures (levees) have been constructed over the last 60 years to alter floodplain flows to reduce risks to the townsite area and most of the horticultural properties.

2.40 In light of the responses received, the Committee concluded its enquires on 10 August 2022. In doing so, the Committee noted that regular flooding on part of the Carnarvon irrigation area is a common event and is generally accepted by growers. Nevertheless:

- Major investment to deal with flooding outcomes and prevention in the region has occurred since 2010, and is occurring
- The Carnarvon Floodplain Management Working Group had been established. It had produced a report. The Minister for Regional Development had accepted all of the 27 recommendations made in that report to promote a coordinated, long-term strategic approach to floodplain management in the Carnarvon irrigation area
- A detailed survey was to be undertaken to define hydraulic conditions and update hydraulic modelling of the horticulture area
- Updated modelling was expected to increase confidence in expected flood behaviour for larger events, and a management plan would be formulated.

Petition No. 45—Regional Electricity Network

Date Tabled and Tabled Paper (TP) Number	17 March 2022 (TP 1136) and 24 March 2022 (TP 1174)
Number of signatures	2116 and 47
Principal petitioner	Hon Martin Aldridge MLC
Tabling Member	Shane Love MLA
Date Finalised	10 August 2022

2.41 The petition expressed concerns about the vulnerability of the regional Western Australian electricity network. It suggested the network was susceptible to extended power outages. Such outages impacted public health, commerce, education and emergency response.

2.42 The petition requested the Legislative Council to support an independent inquiry into Western Power and Horizon Power to examine:

- preparedness for and response to power outages
- the appropriateness of the extended outage payment
- the policies and procedures for mitigating fire risk

and to make recommendations to improve the resilience and performance of the network and to better serve those who depend on it.

2.43 In support of the petition, the tabling Member (6 April 2022) stated that, since 1 November 2021, Mid West communities had experienced frequent outages. These outages totalled more than 2,500 hours without power. More than 6,900 households had experienced extended outages lasting more than 12 hours. He added:

Businesses in the Mid West have reported stock and revenue losses, increases to insurance premiums because of claims associated with outages, high costs associated with installing their own generators, and the impact on staff who lose out on shifts and wages due to outages. Tourism and hospitality businesses have

been particularly impacted, especially in smaller towns, where unreliable power may cause visitors to move on or even be unable to settle accounts on departure.

2.44 The Minister for Energy (letter, 17 June 2022) apologised to regional customers who had experienced extended power outages. He agreed that it was imperative that regional power reliability issues be addressed, particularly given that climate change will exacerbate existing risks.

2.45 On the basis of the Minister’s response, the Committee finalised its consideration of the petition on 10 August 2022. In doing so, the Committee noted in particular that:

- the terms of the petition had been addressed by the Independent Review of the Christmas Outages, as well as by substantial policy work and programs of Western Power and Horizon Power
- Western Power had been directed to address the recommendations of that report, which included bushfire risk mitigation strategies, network resilience planning focused on extreme climate events and communication with customers
- Horizon Power had also been requested to examine the report and consider opportunities applicable to its systems
- several actions relating to the recommendations of the report were already underway, including Western Power’s review of its bushfire risk measures
- the Extended Outage Payment Scheme had been increased, and the payment rate and eligibility criteria compared favourably to other Australian jurisdictions
- regional reliability issues were being addressed through existing and planned programs of work.

Petition No. 47—Crime and anti-social behaviour across the Kimberley

Date Tabled and Tabled Paper (TP) Number	6 April 2022 (TP 1207)
Number of signatures	558
Principal petitioner	Harold Tracey
Tabling Member	Hon Neil Thomson MLC
Date Finalised	10 August 2022

2.46 The petition called on the Government to acknowledge the escalating levels of anti-social behaviour and violent crimes occurring in the Kimberley. To address the crisis, it asked the Government to expand existing programs where they have proved successful, and to fund new solutions.

2.47 The principal petitioner, then President of the Shire of Broome (submission, 25 April 2022) submitted that, across the Kimberley, there were unprecedented levels of theft, vandalism and rock throwing. This was attributed to drug and alcohol abuse and cases of family violence that were plaguing the community. He said that:

The rise in crime and anti-social behaviour is permeating every aspect of life in the Kimberley and is having a very real impact on our region’s economy, liveability and long term sustainability.

2.48 The Committee sought responses from the Minister for Police, the Minister for Regional Development and the Minister for Child Protection; Women’s Interests; Prevention of Family and Domestic Violence; Community Services.

- 2.49 The Minister for Police (letter, 16 June 2022) advised the Committee of a number of police operations, including Operation Regional Shield, focusing on early intervention to identify at-risk street present young people and targeting high harm offenders. That operation had realised success in terms of crime reduction, he said. Operations Clay and Heat Shield 3 had provided additional police resources, again with some success in reducing reported crime.
- 2.50 A further operation, Operation Bignell, had targeted liquor related issues in Derby.
- 2.51 The Minister for Regional Development (letter, 13 June 2022) stated:
- I share the petitioner's deep concern and sense of urgency about the patterns of crime across the Kimberley region. Accounts of children and adolescents engaging in violent and extreme behaviour are by now all too common and well documented. They include ram raids against police vehicles and shops, extreme vandalism of community services, and instances of social media being used to coordinate challenges across the region.
- 2.52 The Minister informed the Committee of the Government's \$40.4 million Kimberley Youth and Community Justice Response, which included:
- \$15 million towards an on-country residential facility to provide an alternative to detention, as well as \$500,000 to plan and develop other safe place proposals
 - \$4.3 million to expand the Government's successful Target 120 program to 4 new sites in the Kimberley (Broome, Halls Creek, Fitzroy Crossing and Derby)
 - \$11.7 million to extend the Kimberley Schools Project to keep young people engaged with the education system
 - \$2.5 million for Operation Regional Shield, enabling police to deploy additional resources to parts of regional Western Australia as required
 - \$2 million for the Kimberley Community Action Fund, which will provide grants to community organisations and businesses to improve security and fund initiatives to reduce crime
 - \$2 million to pilot an early intervention and intensive family support service for young people at risk
 - \$1 million to develop a business case for a Western Australia School of Agriculture in the Kimberley, to bolster training and employment opportunities for young people in the region
 - \$1.1 million to expand the Broome night patrol from 2 to 7 nights per week, and to enhance case management for young people in supervised activities.
- 2.53 The Minister for Child Protection; Women's Interests Family and Domestic Violence; Community Services (letter, 1 June 2022) also advised the Committee of some of those Government's funding initiatives. She concluded:
- Addressing issues that are generations in the making will take time and we are determined to make lasting and meaningful change.
- 2.54 The Committee finalised its consideration of the petition on 10 August 2022, noting the commitment to the \$40.4 million inter-agency investment to deliver a range of programs and initiatives to respond to youth crime and break the cycle of reoffending in the Kimberley.
- 2.55 Further, the Committee noted that the relevant Ministers had all acknowledged the need for both an immediate response to crime and long-term, effective investments into improving the lives and prospects of young Aboriginal people and their families.

Petition No. 48—Manning Park in Beeliar Regional Park

Date Tabled and Tabled Paper (TP) Number	7 April 2022 (TP 1217)
Number of signatures	2,525
Principal petitioner	Andrew Joske
Tabling Member	Hon Stephen Pratt MLC
Date Finalised	17 August 2022

2.56 The petition raised concerns on the adequacy of care, control and management of the Manning Park section of the Beeliar Regional Park, due to the endangered biodiversity at the Bush Forever site. The petition had a particular issue with the inclusion of recreational activities such as mountain biking into management plans.

2.57 The principal petitioner (submission, 2 May 2022) requested that the Manning Park Reserve be managed with:

- conservation of its flora and fauna as the principal goal
- modification to the status of the park to be an “A Class Reserve” to ensure its protection in perpetuity
- future development proposals being assessed by the Environmental Protection Authority.

2.58 The Committee wrote to the Minister for Planning, the Minister for Environment and the City of Cockburn.

2.59 The Minister for Environment (18 July 2022) advised the Committee that regional parks have significant conservation, landscape and recreational value. The Minister noted that the Manning Lake Reserve zoning is mixed for ‘Conservation and Protection’ and ‘Recreation’, allowing for different uses and facilities.

2.60 The Minister for Planning (letter, 27 July 2022) stated that the management of Manning Park is the responsibility of the City of Cockburn.

Local governments are suitable management bodies for achieving these outcomes. Divergent and evolving community expectations for the function of urban parks and reserves can make this task challenging. Key tools for meeting this challenge include local government Local Planning Strategies and their various supporting documents (including local open space and recreation strategies). These documents are subject to community consultation and need to be reviewed at appropriate intervals.

2.61 Principles of responsible conservation underpin the City of Cockburn’s management of the reserve (letter, 11 August 2022). The City specifically commented that the proposed introduction of mountain bike trails was in response to the public producing unsanctioned trails that impact conservation values:

It was considered that the establishment of good quality, well designed and maintained trails would prevent additional unsanctioned trails from being developed in the conservation areas of the reserve. If the establishment of formal trails was determined to be feasible from an environmental perspective, the City would then close off any additional unsanctioned trails and revegetate the area with native plants.

- 2.62 The Committee concluded its enquiries on 17 August 2022, satisfied that the City of Cockburn’s management of the reserve placed conservation and preservation of flora and fauna at the forefront of its planning.
- 2.63 The Committee noted that the thinking behind the creation of a mountain biking pathway was in fact to protect and enhance habitat values by reducing unsanctioned mountain biking. The concept was released for public consultation in 2020, and has been under consideration since that time. As the letter from the City of Cockburn stated, there were no current plans to establish trails in the park. This is pending the outcome of a detailed evaluation report into 4 matters of concern, including a full evaluation of the biodiversity and environmental values of the area.
- 2.64 The status of the park, and any future development within the park made by the City of Cockburn, would be subject to the normal statutory processes, should they apply. The Committee has no control over those processes.

Petition No. 49—State of Emergency Declarations

Date Tabled and Tabled Paper (TP) Number	10 May 2022 (TP 1248)
Number of signatures	8,318
Principal petitioner	Bianca Cobby
Tabling Member	Hon Nick Goiran MLC
Date Finalised	30 November 2022

- 2.65 This petition concerned the Government’s COVID-19 response, in particular the State of Emergency declared by the Government on 15 March 2020 under the *Emergency Management Act 2005* and the ‘public health State of Emergency’ declared the following day under the *Public Health Act 2016*. Both of these had been renewed every fortnight since, but the petitioner complained that the Premier and Ministers had refused to make the relevant health advice and any associated modelling publicly available.
- 2.66 The petition asked that the Legislative Council urgently inquire into this matter so that all health advice and modelling used to justify each State of Emergency declaration would be tabled in Parliament without further delay.
- 2.67 In his submission in support of the petition, the tabling Member (submission, 10 June 2022), stated that:
- Vaccine mandates, border closures and snap lockdowns have had an immeasurable impact on the lives of Western Australians. There is considerable public interest in the tabling of the health advice and modelling that inform the ‘State of Emergency’ declarations.
- 2.68 As part of its enquiries, the Committee wrote to the Premier, the Minister for Health and the Minister for Emergency Services. The Minister for Health declined the invitation to respond to the petition or the tabling Member’s submission (letter, 17 October 2022).
- 2.69 In his response (letter, 24 October 2022), the Minister for Emergency Services outlined the State of Emergency Framework under the *Emergency Management Act 2005*. Regarding State of Emergency Extensions, he wrote:
- It is noted that the *Emergency Management Amendment (COVID-19 Response) Act 2020* provided a sunset clause for section 72A powers inserted into the EM Act to help manage the COVID-19 pandemic. The sunset clause was required to be

extended on four occasions. On each occasion, parliament was provided an outline for the process of extending the state of emergency declaration. The process being that the Minister for Emergency Services sought advice from the State Emergency Coordinator, as anticipated in section 56 of the EM Act and supported by the emergency management framework outlined in the EM Act. There was no legislative requirement for detailed written advice to be provided or for other direct advice to be sought by the Minister for Emergency Services.

Nonetheless, it was also noted during those parliamentary processes that the Chief Health Officers advice to the WA Government on COVID-19 was published on the WA.gov.au website.

2.70 The Minister concluded:

As the Minister for Emergency Services, I have been transparent in the processes and legislative requirements for extending the State of Emergency Declaration under the EM Act. As it is the State Emergency Coordinator that informs consideration of the state of emergency declaration, it is not appropriate for the EM Act to be used as a justification for seeking historical publication of any advice and modelling that was not required to be provided or published under its provisions.

With the new COVID-19 Declaration framework, the legislative requirement to seek and publish detailed advice from the Chief Health Officer to the State Emergency Coordinator will be adhered to.

2.71 The then Premier (letter, 20 November 2022) went on to inform the Committee that:

The WA Government has also announced that an independent review of WA s response and management of the COVID-19 pandemic will be commissioned. Further details of the review, including its terms of reference and membership, will be released in due course. Any inquiries by the Standing Committee on Environment and Public Affairs (the Committee) would duplicate the work of the independent review.

2.72 On the basis of those responses, the Committee concluded its consideration of the petition on 30 November 2022.

Petition No. 50—Minimum penalties for animal abuse

Date Tabled and Tabled Paper (TP) Number	10 May 2022 (TP 1249)
Number of signatures	695
Principal petitioner	Kate Kramara
Tabling Member	Hon Dr Brad Pettitt MLC
Date Finalised	12 October 2022

2.73 The petition expressed concern at the 'leniency' of minimum penalties given for cases of animal abuse under the *Animal Welfare Act 2002* (Act). The petition requests that the Legislative Council support a review of the Act, specifically the minimum penalties at subsections 19(1) and 19(2).

2.74 The principal petitioner's motivation to commence the petition lay in the animal abuse case of a Katanning man, captured by CCTV outside a local supermarket, beating his dog

(submission, 11 August 2022). The man received a 9-month community-based order and a 3-year ban on owning animals.

- 2.75 The Committee wrote to the Minister for Agriculture and Food, RSPCA WA and the Australian Veterinary Association – WA Branch (AVA).
- 2.76 The Minister for Agriculture and Food (letter, undated) advised that in 2019 a review of the Act by an independent panel had been commissioned. In the subsequent report, the panel made 52 recommendations to improve the operation and effectiveness of the Act:

In relation to penalties for being cruel to an animal, the Panel recommended that the Act be amended to include indictable aggravated cruelty offences for serious acts of cruelty (Recommendation 38) that would be accompanied by tougher penalties. The Panel also recommended that, where an individual or corporation is convicted of an indictable offence, a permanent prohibition order be required to be made unless the accused can demonstrate exceptional reasons why such an order should not be made (Recommendation 41). The Panel did not make a recommendation to increase the mandatory minimum penalty for cruelty.

...

DPIRD [the Department of Primary Industries and Regional Development] is working to implement these recommendations. Amendments to the Act are being prepared, including those relating to recommendations 38 and 41. Subject to drafting priorities, DPIRD plans to carry out public consultation in the first quarter of 2023. Key stakeholders and members of the public will be invited to comment on the draft Bill over an eight-week consultation period.

- 2.77 RSPCA WA (letter, 29 September 2022) stated that it had worked extensively with the independent panel, and the AVA (letter, 27 September 2022) told the Committee that it had made a submission. Both organisations advised that specific consideration of increasing the minimum penalties was not part of the review.
- 2.78 The Minister expressed her concerns about the case of the abused dog, and recognised the shocking nature of the incident, but did not view the case as a reason for increasing minimum penalties. She stated that the Courts had the authority to impose a greater penalty, adding that the hierarchy of sentencing options in the *Sentencing Act 1995* considers a community-based order as a more serious sentencing option compared to a fine.
- 2.79 The Committee concluded its consideration of the petition on 12 October 2022, on the basis that a review of the *Animal Welfare Act 2002* had already taken place in the recent past. Steps to draft new legislative provisions, including aggravated cruelty offences, had commenced. A public consultation process was to follow in the first quarter of 2023. The matter was being dealt with by the proper authorities.

Petition No. 52—Native logging ban

Date Tabled and Tabled Paper (TP) Number	19 May 2022 (TP 1289)
Number of signatures	361
Principal petitioner	Diana Babis
Tabling Member	Hon Steve Martin MLC
Date Finalised	16 November 2022

- 2.80 The petition asks for the Legislative Council to oppose the ban on native logging due to:

- the negative effects it would have on the forestry industry and surrounding communities
 - an existing shortage of hardwood in Western Australia that would only be exacerbated
 - Western Australia needing to import hardwoods from countries that do not have equivalent ethical and sustainable practices.
- 2.81 The petition was in response to the September 2021 announcement by the Government to cease native hardwood logging in 2024.
- 2.82 The tabling Member (submission, 16 June 2022) stated:
- Of the forest area in our State, just 38% of regrowth forest is available for harvesting. Of this, less than 1% is harvested annually and always regenerated. The native timber sector directly employs more than 500 people and contributes over \$220 million to the Western Australian economy. Secondary industries that utilise timber products, including furniture manufacturers, construction and joinery businesses, firewood suppliers and landscaping services all contribute millions more to the economy and provide thousands more Western Australians with secure employment.
- 2.83 The Committee wrote to the Minister for Environment, the Minister for Forestry and the Minister for State Development, Jobs and Trade. All Ministers highlighted the impact of climate change on the Western Australian environment and the need to protect water sources.
- 2.84 The Minister for Forestry (19 September 2022) advised that, since the 1970's, the State has continued to receive reduced rainfall and higher annual temperatures causing a drying landscape. This rapidly accelerated change to the climate over the past 50 years did not allow the natural environment to adapt. Increasingly, these conditions lead to soil salinity and chronic water stress reducing vegetation density:
- The climatic conditions suitable for the survival and regeneration of several of our iconic eucalypt species are likely to contract as rainfall continues to decline. Jarrah growth is predicted to decline from between 14 per cent and 50 per cent by 2050-70 under moderate (strong action) and high (no action) emissions scenarios respectively. Karri growth is also predicted to decline.
- 2.85 As a result, he said, there is reduced quality and yield of commercial sawlogs. These conditions are negatively influencing the vitality of the State's forestry industry. Forest Management and timber harvesting industries therefore need to adapt.
- 2.86 The Minister for State Development, Jobs and Trade (letter, 1 November 2022) advised:
- The \$80 million Native Forest Transition program comprises three pillars aimed at supporting works and businesses transition away from a reliance on native timber supply and diversify local economies:
1. Workforce Transition Programs
 2. Business Transition Programs
 3. Industry and Community Development Program
- These programs are being progressively rolled out over 2022 - 2024 and will complement the investment the McGowan Government has already made in regional Western Australia to grow jobs and strengthen regional economies.
- The Native Forestry Transition Plan (NFTP) will provide a framework to support our native forestry workers into new employment and to drive diversification of our regional economies to bring new job opportunities to the native forestry

timber region. The NFTP is not working in isolation. As part of the \$5.5 billion WA Recovery Plan to guide Western Australia through COVID-19 recovery, the WA Government invested \$252.3 million in the South West region, to drive economic and social recovery and create a pipeline of local jobs.

- 2.87 The Committee concluded its enquiries on 16 November 2022, noting that the Government had released its draft Forest Management Plan 2024-33, and had launched a public consultation period ending on 18 December 2022. It also noted that financial compensation packages were being made available to those affected by the policy decision.
- 2.88 The Committee therefore took the view that the matter was being dealt with by the relevant authorities, including processes over which the Committee has minimal influence.

Petition No. 53—Home indemnity insurance

Date Tabled and Tabled Paper (TP) Number	14 June 2022 (TP 1963)
Number of signatures	102
Principal petitioner	Tiarna Nouwland
Tabling Member	Hon Wilson Tucker MLC
Date Finalised	19 October 2022

- 2.89 The petition expressed concern regarding the ‘outdated’ Home Indemnity Insurance (HII) cover for new building and home renovation customers, including the QBE policy capped payout of \$100,000. The petition called on the Legislative Council to recommend that the Government review the *Home Building Contracts Act 1991* and the HII.
- 2.90 The principal petitioner (submission, 7 September 2022) detailed her experience in signing a contract with Home Innovation Builders in March 2021. Progress of the build had halted in October 2021, due to the global timber shortage. However, in February 2022, Home Innovation Builders had communicated that it was appointing liquidators.
- 2.91 The tabling Member (submission, 12 July 2022) supported the petition, advising:
- In the event of a builder's death, disappearance or insolvency, a HII policy is intended to cover the completion of the residential building work at no additional cost to the owner. However, the *Home Building Contracts Act 1991* (the Act) provides for a maximum payout of \$100,000. This payout is one of the lowest in Australia and is not pegged to changes in construction costs or inflation. In the current construction market, the maximum payout may only represent a fraction of the cost of the total contract. This is particularly concerning due to the collapse of at least 15 Australian builders in just the past 12 months.
- 2.92 The Committee wrote to the Minister for Commerce. In his response (letter, 18 October 2022), the Minister acknowledged that the HII capped payout of \$100,000 had not kept up with inflation, with economic conditions over recent years worsening the position. He added:
- This relative devaluation in cover has been particularly stark over the past two years as increases in building costs have accelerated amidst material and labour shortages, compounded by impacts of COVID-19 on the economy and supply chains.
- Over several years, the Government has been investigating ways to address this problem and has recently resolved to increase the levels of HII cover required by the HBC Act. This will be achieved through amendments to the *Home Building*

Contracts Regulations 1992 which are currently being drafted by the Parliamentary Counsel's Office.

The regulation changes will give effect to the McGowan Government's decision to double the cover afforded under the scheme, resulting in eligible homeowners being entitled to up to \$40,000 for loss of deposits and up to \$200,000 for incomplete or defective works in the event their builder dies, disappears or becomes insolvent.

- 2.93 The Committee concluded its enquiries on 19 October 2022 based on the Minister's indication.
- 2.94 In October 2022, the Government gazetted the new *Home Building Contracts Regulations 1992*. The HII payout cap is now increased to \$200,000.

Petition No. 55—Local government reform process

Date Tabled and Tabled Paper (TP) Number	9 August 2022 (TP 1457)
Number of signatures	1,017
Principal petitioner	Daniel Hanley
Tabling Member	Hon Tjorn Sibma MLC
Date Finalised	19 October 2022

- 2.95 The petition was opposed to the reform process adopted by the Government to amend the *Local Government Act 1995*. The petitioners did not believe that the reform process upheld the intent of the Act, which is to empower:
- better decision making and accountability
 - greater community participation
 - efficient and effective local government that represents the needs of current and future generations.
- 2.96 The petition further stated that there had been insufficient community consultation to educate the public on the significance of the proposed reforms, limiting meaningful engagement. It called on the Legislative Council to recommend that the State Government discard the process to amend the Act and to commence a new process that required:
- a comprehensive report on the proposed reforms, their intended outcomes and implications
 - community engagement workshops in each local government
 - the tabling of a Local Government Act Amendment Green Bill for public consultation.
- 2.97 The principal petitioner made a submission to the Committee on behalf of the West Australian Ratepayers and Residents Association Incorporated (WARRA) (submission, 9 September 2022). He stated that a major section of the community did not participate in the Governments consultation process, for fear of retribution by parties within local government. They were:
- unwilling to communicate their concern with the reform process and its content owing to the requirement of providing their individual details (notwithstanding the privacy provisions communicated by the Legislative Council).
- 2.98 He added:

WARRA declined to be part of the 'consultation' as it was not fit for purpose, choosing instead to support the Local Government Reform Facebook Group (LGR) submission in the form of a State-wide community consultation survey. The LGR Community Survey submission is representative of a greater number of community organisations and individuals than the individual submissions provided through the department's initial engagement process.

- 2.99 The Committee requested a response to the petition, and to the submissions received, from the Minister for Local Government.
- 2.100 In his response, the Minister advised (letter, 12 October 2022) that consultation on reforms to the Act had been ongoing since 2017. Over 3,000 survey responses and written submissions had been received. Feedback, including that received during workshops across the State, had informed both the Local Government Review Panel Final Report and the proposed reforms announced in November 2021.
- 2.101 The Minister added that a significant body of other work had informed the package of reforms, including:
- The Local Government Act Review (conducted by the Department of Local Government, Sport and Cultural Industries (DLGSC) between 2017-2020)
 - The Local Government Review Panel Final Report (2020)
 - The Report of the City of Perth Inquiry (2020)
 - The Select Committee into Local Government Final Report (2020)
 - Direct engagement with the local government sector and the community
 - Other reports to Government, including authorised inquiry reports.
- 2.102 A consultation period on the package of reforms had occurred between 10 November 2021 and 25 February 2022. The final package of reforms was released on 3 July 2022.
- 2.103 Describing the outcomes of the public survey, the Minister added:
- More than half of the submissions were from community groups, individuals in the community and businesses. I note that some of these submissions were assembled by organisations through member or online surveying.
- For instance, a submission which appears to be affiliated with the West Australian Ratepayers and Residents Association (entitled One Voice for WA) reports on an online survey. While the representativeness of this survey is unclear, the results that are presented do appear to indicate broad support for the themes and core elements of the reform package, as well as the majority of individual reform proposals.
- 2.104 Noting the Minister's response, the Committee concluded its enquiries on 19 October 2022. In making that decision, the Committee noted that:
- consultation on reforms to the *Local Government Act 1995* had been ongoing since 2017
 - the package of reforms had been developed with the assistance of a great deal of information from previous reports, and by recent legislation and policy adopted in other Australian states
 - the package of reform proposals had been open for public comment.
- 2.105 The Committee took the view that the matter was being dealt with by the relevant authority, and the processes that had been employed by that authority had been fair and adequate.

Petition No. 56—Commercial development at Pinnaroo Point, Hillarys

Date Tabled and Tabled Paper (TP) Number	9 August 2022 (TP 1458)
Number of signatures	334
Principal petitioner	Mitchell Sideris
Tabling Member	Hon Martin Pritchard MLC
Date Finalised	23 November 2022

- 2.106 The petitioners opposed the development of commercial premises on Crown land at Pinneroo Point, Hillary's.
- 2.107 In his submission to the Committee (submission, 15 September 2022), the principal petitioner raised questions around the process by which the City of Joondalup had gained approval for the proposed development, and as to the suitability of the proposed development given conservational and geo-heritage concerns.
- 2.108 The Committee wrote to the Minister for Lands, the Minister for Planning and the City of Joondalup as part of its consideration of the petition.
- 2.109 The City of Joondalup (letter, 9 November 2022) told the Committee:
- The key matters raised in the petition appear to relate to the suitability of the development site for its intended purpose as a food and beverage facility and the process leading to the approval of the leases and the development application.
- Most of the matters raised in this petition have previously been clarified by the City in detailed responses to more than 30 questions to City of Joondalup Council meetings, asked by the principal petitioner, Mr Mitchell Sideris.
- 2.110 Mr Pearson continued:
- The petition makes several statements that are inconsistent with the actual process undertaken to secure land tenure and development approval for the project.
- 2.111 He then set out at length the Council's averment of the matters raised by the petitioners.
- 2.112 The Minister for Lands (letter, 8 November 2022) told the Committee that the Department of Planning, Lands and Heritage had also previously provided advice to the principal petitioner regarding the Crown lease at Pinnaroo Point. He went on to explain the details of that lease, the circumstances surrounding its creation and the limitations contained in it. He explained:
- The Lease area was previously part of the adjoining Crown reserve which was created in September 1986 for the purpose of 'Parks and Recreation' and managed by the City. Due to the commercial nature, the land was excised from the reserve to enable a lease to be granted.
- In December 2021, the Western Australian Planning Commission approved a development application for the site, which was guided by the principles of State Planning Policy 2.6 - Coastal Planning. This included consideration of the development in the context of orderly and proper planning for the locality, as well as the preservation of local amenities.
- 2.113 He added:
- The land at Pinnaroo Point has not been sold into private ownership and remains Crown land owned by the State. As noted above, clauses were also included in the

Lease which detail the City's environmental obligations and require the City to manage coastal erosion, including implementation of appropriate coastal hazard mitigation strategies.

- 2.114 The Minister for Planning (letter, 17 November 2022) told the Committee that the Western Australian Planning Commission, as the determining authority, had paid due regard to *Development Control Policy 5.3- Use of Land Reserved for Parks and Recreation and Regional Open Space* (DC 5.3). She continued:

DC 5.3 advises that the use and development of such land for commercial purposes, such as cafes and restaurants, may be supported where considered compatible to the purpose of the reserve and likely to enhance the public access to and enjoyment of the reserve.

In this context, it is worth noting this project is part of a wider initiative being pursued by the City of Joondalup to develop cafes, kiosks and restaurants at various sites. The project aims to provide facilities that will attract visitors and tourists for entertainment and socialising while providing more employment, increasing business opportunities and building a greater awareness of the City's natural assets.

- 2.115 Following consideration of the responses received, the Committee decided on 23 November 2022 not to conduct any further enquiries and to finalise its consideration of the petition. The Committee took the view that the matter is being properly dealt with by the relevant authorities.

Petition No. 57—No further State of Emergency Declarations to be made

Date Tabled and Tabled Paper (TP) Number	9 August 2022 (TP 1459)
Number of signatures	10,294
Principal petitioner	Bianca Cobby
Tabling Member	Hon Nick Goiran MLC
Date Finalised	26 October 2022

- 2.116 This petition was promoted by the same principal petitioner, and was tabled by the same Member of the Legislative Council, as Petition No. 49, reported on earlier in this report (paragraphs 2.65 to 2.72).
- 2.117 This petition was considered separately by the Committee on the basis that a different outcome was sought.
- 2.118 Petition No. 49 essentially asked the Committee to inquire into the alleged lack of transparency surrounding the information used to justify State of Emergency declarations. This petition asked the Legislative Council to make a finding that, given the circumstances of the time, Western Australia should no longer be reasonably considered to be in a State of Emergency. It sought a recommendation that the Premier and his Ministers 'cease and desist from making any further extensions'.
- 2.119 At its meeting on 21 September 2022, the Committee resolved to await the passage of the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022, which was Third Read in the Legislative Council on 19 October 2022. A declaration from the Premier that the State of Emergency was ending as a result was widely expected.

2.120 On 26 October 2022, the Committee resolved to finalise the petition. This was because the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022 had by then completed its passage through the Parliament, and had been Assented to on 21 October 2022.

2.121 The issues raised in the petition had been considered by the Legislative Council.

Petition No. 58—School response to self-injury and suicidal behaviour

Date Tabled and Tabled Paper (TP) Number	9 August 2022 (TP 1460)
Number of signatures	823
Principal petitioner	Mark Cummins
Tabling Member	Hon Dr Steve Thomas MLC
Date Finalised	16 November 2022

2.122 The petition requested an inquiry into the number of schools in Western Australia that had adopted and complied with the document '*School Response and Planning Guidelines for students with suicidal behaviour and non-suicidal self-injury*' (the Guidelines) since its endorsement by the Department of Education, Catholic Education Western Australia and the Association of Independent Schools Western Australia in 2018.

2.123 The principal petitioner (submission, 9 October 2022) told the Committee that the petition was in response to a student at St Mary MacKillop College, Busselton, dying by suicide in February 2021. He was the Head of Year at the college at the time. He told the Committee that he had only discovered the Guidelines subsequently after the students death:

the abovementioned Guidelines were not being followed at St Mary MacKillop College. In-fact, and even more disturbing, these Guidelines were unknown to the school Psychologists, the Principal and the College Leadership Team. From March 2021 to July 2021, the College Pastoral team identified 22 students who we considered were 'high risk' because they had either made a suicide attempt, directly or indirectly disclosed thoughts of suicide or had engaged in self-harm. For each of these students, the abovementioned Guidelines were not followed. The consequences of this non-compliance placed increased risk on these vulnerable students and unnecessary stress on school staff.

2.124 It was clear to the Committee that the key issue was whether the Guidelines were meant to be mandatory. The tabling Member (submission, 2 September 2022) told the Committee:

I believe this answer is instrumental to the petitioners who sought clarity on the issue.

2.125 Shortly after the tabling of this petition in the Legislative Council, the Minister for Education, Hon Sue Ellery MLC, made a statement to the House.⁹ She explained that the principal petitioner had corresponded with her previously, and she had asked the Department of Education to investigate the matter. She went on:

In 2018, in recognition of the growing emergence of suicide ideation and suicide, the Department of Education led a cross-sectoral development of guidelines for suicidal behaviour and non-suicidal self-injury, which were endorsed by the public, independent and Catholic education systems. These guidelines are not mandated;

⁹ Legislative Council, *Debates*, 2022, p 3160.

however, they are designed to be used in conjunction with existing school-based policies.

2.126 She continued:

It is important to note that the implementation of the guidelines is not mandatory.

2.127 The Committee wrote to the Minister for Education, Catholic Education Western Australia (CEWA) and the Association of Independent Schools of Western Australia (AISWA).

2.128 The Minister for Education stated in her response (letter, 14 November 2022):

To avoid any misunderstanding, I can confirm that the guidelines are not mandatory. They are jointly developed by the Department, AISWA and CEWA and are made available to all schools. Schools are encouraged, but not required, to follow them. That said, CEWA has adopted a policy position (Executive Directive - Student Safety, Wellbeing and Behaviour) requiring all of its schools to follow the guidelines.

2.129 CEWA confirmed that approach in its response to the Committee (letter, 7 November 2022).

2.130 The Minister's letter concluded:

Suicide by young people is incredibly complex, and in my experience, is often driven by multiple contributing factors.

It is this complexity that requires a collaborative and cooperative approach by a range of service providers in promoting mental health and wellbeing and in responding to students at risk. The guidelines are just one element of how this occurs, noting that schools are not in themselves mental health institutions.

While I acknowledge the principal petitioner's passion for supporting young people at risk, on the information available to me as Minister for Education and Training, I have not reached the same conclusions he has that there is a systemic failure to implement the guidelines. Rather, I am reassured that effective measures are in place to raise awareness of the guidelines and to support their implementation in each individual school's context.

2.131 Based on the response from the Minister, the Committee finalised its consideration of the petition on 16 November 2022. The Committee took the view that the matter is being properly dealt with by the relevant authorities.

Petition No. 62— Legalising cannabis in Western Australia

Date Tabled and Tabled Paper (TP) Number	16 August 2022 (TP 1490)
Number of signatures	784
Principal petitioner	Hon Sophia Moermond MLC
Tabling Member	Hon Wilson Tucker MLC
Date Finalised	16 November 2022

2.132 This petition requested that the Legislative Council recommend to the Government that it introduce legislation to allow for the development of a regulated cannabis industry. The petition asserted that this would produce positive outcomes such as increased safety to customers, improved safeguarding of minors, a reduction in criminal activity and a source of taxable revenue.

2.133 The principal petitioner (submission, 8 October 2022) and the tabling Member (submission, 7 October 2022) both noted the growing public acceptance towards cannabis use and the possible economic benefits of regulating its use. In his submission, the tabling Member stated:

Western Australia would benefit from such an approach not only in terms of government revenue from taxation, and savings from the criminal justice system, but from the creation of a new industry for the cultivation of cannabis for personal use. This is to say nothing of the opportunities for tourism and retail sales.

2.134 The Committee requested a response from the Minister for Health.

2.135 In her response (letter, 4 November 2022), the Minister highlighted that:

- there were physical and mental health consequences associated with cannabis use, including respiratory, cardiovascular, gastrointestinal problems, as well as anxiety, depression, paranoia and psychosis
- the early uptake of cannabis by juveniles and young adults can lead to cognitive impairment affecting learning, memory and decision making abilities
- there is an estimated \$4.5 billion cost that cannabis use has on the national economy, negatively affecting health, employment, and criminal justice outcomes.

2.136 The Minister’s letter concluded by setting out the Government’s overall position:

The McGowan Government remains committed to ensuring there is access to medicinal cannabis for people with medical needs. However, there is a large body of evidence on the physical and mental health harms related to non-medicinal cannabis use which has the potential to have significant impacts on the broader community.

While the McGowan Government supports a health-based approach to the treatment of people with problems associated with drug and alcohol use, legalising cannabis for recreational use is not supported. Consistent with the available evidence, it is this Government’s position that the harms brought about by legalisation of non-medical cannabis for personal use does not currently outweigh any possible benefits to the Western Australian community.

Our priority is, and remains, the health and wellbeing of our community.

2.137 Based on the response from the Minister, the Committee finalised its consideration of the petition on 16 November 2022.

Petition No. 63—Access to allied health services for ages 0-8

Date Tabled and Tabled Paper (TP) Number	16 August 2022 (TP 1488)
Number of signatures	3,750
Principal petitioner	Joanne Melissa Matthewson
Tabling Member	Hon Donna Faragher MLC
Date Finalised	21 September 2022

2.138 The petition expressed concern about the adequacy of child development services and related programs delivered in Western Australia. Specifically, the long wait lists to access paediatricians, clinical psychologists, allied health specialists and other therapeutic services, to the detriment of newborns through to children.

- 2.139 The petition requested the Legislative Council to support an inquiry into the public's ability to access early learning programs and child development services, for families with children in the range of 0 to 8 years of age.
- 2.140 On 31 August 2022, the Legislative Council established a Select Committee to examine child development services. The terms of reference were:
- (a) the role of child development services on a child's overall development, health and wellbeing;
 - (b) the delivery of child development services in both metropolitan and regional Western Australia, including paediatric and allied health services;
 - (c) the role of specialist medical colleges, universities and other training bodies in establishing sufficient workforce pathways;
 - (d) opportunities to increase engagement in the primary care sector including improved collaboration across both government and non-government child development services including Aboriginal Community Controlled Organisations; and
 - (e) other government child development service models and programs operating outside of Western Australia and the applicability of those programs to the State.
- 2.141 Given that:
- the Select Committee's terms of reference were generally in accordance with the request of the petitioners
 - submissions were open until 24 October 2022 for members of the community who wished to contribute to this inquiry
- the Committee resolved on 21 September 2022 to conclude its consideration of the petition.

3 On-going petitions

Petitions subject to ongoing enquiries

3.1 At the end of the reporting period, the Committee was continuing its enquiries into the following petitions:

- Petition No. 29 — Independent review of DBCA prescribed burning practices
- Petition No. 51 — Marine fish kill in Jurien Bay Marina
- Petition No. 54 — Mining Act 1978
- Petition No. 59 — Safety and compensation for Port Hedland taxi drivers
- Petition No. 60 — Sewerage provisions adjacent to Kenwick Train Station
- Petition No. 61 — Abortion rights in Western Australia
- Petition No. 64 — Ban Greyhound Racing in WA
- Petition No. 65 — Preservation of Mount Claremont Fields
- Petition No. 66 — Proposed 8 or 9 month demersal bans
- Petition No. 67 — Sustainable forest management
- Petition No. 68 — LGBTIQ+ rights in Western Australia
- Petition No. 69 — Funding of ambulance services in WA
- Petition No. 70 — Inquiry into past adoptive policies and practices
- Petition No. 71 — Protecting children from harmful hypersexualised advertising
- Petition No. 72 — Stolen generations compensation
- Petition No. 73 — Removal and abandonment of shopping trolleys
- Petition No. 74 — Stirling First collapse
- Petition No. 75 — Protecting rights of parents and role of faith-based schools
- Petition No. 76 — Planned upgrade to Toodyay Road East Dyandra Road, Morangup.



Hon Peter Foster MLC
Chair

GLOSSARY

Term	Definition
Committee	Standing Committee on Environment and Public Affairs
Principal petitioner	The promoter of the petition
Reporting period	1 July 2022 – 31 December 2022
TP	Tabled Paper Number
Tabling Member	The Member of the Legislative Council that presents the petition to the House under Standing Order 102 of the Standing Orders of the Legislative Council





Standing Committee on Environment and Public Affairs

Date first appointed:

23 May 2017

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) and (2) of the *Environmental Protection Act 1986*.'



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