



**THIRTY-SEVENTH PARLIAMENT**

**REPORT 9**  
**STANDING COMMITTEE ON ENVIRONMENT AND**  
**PUBLIC AFFAIRS**  
**ANNUAL REPORT 2006**

Presented by Hon Louise Pratt MLC (Chair)

May 2007

## STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

### Date first appointed:

17 August 2005

### Terms of Reference:

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

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

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

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

Hon Louise Pratt MLC (Chair)

Hon Paul Llewellyn MLC

Hon Bruce Donaldson MLC  
(Deputy Chairman)

Hon Robyn McSweeney MLC

Hon Kate Doust MLC

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

Mark Warner, Committee Clerk

Vincent Cusack, Advisory Officer (General)

### Address:

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

lcco@parliament.wa.gov.au

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

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# REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

## IN RELATION TO THE

### ANNUAL REPORT 2006

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#### 1 INTRODUCTION

- 1.1 Prior to the previous, Thirty-Sixth Parliament, it was the usual practice for the Governor, on advice from the Executive, to prorogue and reopen the Parliament once a year.<sup>1</sup> Reflecting this practice, parliamentary committees prepared 'sessional' reports for tabling in the Legislative Council on their work during that period.
- 1.2 In June 2003, the Government indicated that it did not intend to continue to ask the Governor to prorogue on an annual basis<sup>2</sup> and prorogation did not occur in August 2003 or August 2004 during the Thirty-Sixth Parliament. Reflecting this shift in practice, in the Thirty-Seventh Parliament, parliamentary committees of the Legislative Council will table annual reports relating to their work during the calendar year.

#### 2 REPORTING PERIOD

- 2.1 This report covers the period of activity by the Standing Committee on Environment and Public Affairs (**Committee**) between 31 January 2006 and 31 December 2006 in the second year of the Thirty-Seventh Parliament.

#### 3 ESTABLISHMENT OF THE COMMITTEE

- 3.1 The Committee was established on 17 August 2005 as part of a series of changes to the Legislative Council committee system.
- 3.2 The Committee's current terms of reference are published on the inside cover of this Report.
- 3.3 The Committee continues the work of the previous Standing Committee on Environment and Public Affairs (**Former Committee**), which operated during the Thirty-Sixth Parliament from 24 May 2001 until 17 August 2005. The Committee's terms of reference are predominantly the same as those of the Former Committee, but with five Members rather than seven.

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<sup>1</sup> Hon Kim Chance, MLC, Minister for Agriculture and Leader of the House, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 25 June 2003, p9149.

<sup>2</sup> *Ibid*, p9150.

- 3.4 The functions of the Committee are to inquire into and report on: public and private policies, practices, schemes, arrangements or projects in Western Australia (WA) which affect or may affect the environment; any bill referred by the House; and petitions.

#### **4 MEMBERSHIP**

- 4.1 Following the change to the Committee's terms of reference in August 2005 there were five Members appointed being: Hon Louise Pratt MLC (Chair), Hon Bruce Donaldson MLC (Deputy Chairman), Hon Kate Doust MLC, Hon Paul Llewellyn MLC, and Hon Robyn McSweeney MLC.

#### **5 STAFF AND SUPPORT SERVICES**

- 5.1 The Legislative Council Committee Office supports the Committee. The Committee has been staffed by Vincent Cusack, Advisory Officer (General) and Mark Warner, Committee Clerk.
- 5.2 The Committee's terms of reference provide that, where relevant, it is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecological sustainable development and the minimisation of harm to the environment.
- 5.3 During 2006 the Committee reviewed the term "ecologically sustainable development" and considered it important to provide a synopsis of the evolution of the more widely used term of "sustainability" throughout Australia in this report.

#### **6 ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- 6.1 'Sustainable Development' has no universally accepted definition. It has over a number of decades been defined in many different ways. One of the most popularly used definitions comes from the 1987 World Commission on Environment and Development, *Our Common Future* (**the Brundtland Report**),<sup>3</sup> which states:

*Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.*<sup>4</sup>

- 6.2 The Brundtland Report recognised that sustainable development means adopting lifestyles within the planet's ecological means. The Brundtland Report also made it clear that the world's current pattern of economic growth is not sustainable on

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<sup>3</sup> Dr Gro Harlem Brundtland was the Chairperson of the World Commission on Environment and Development and the report is often referred to as the Brundtland Report.

<sup>4</sup> Gro Harlem Brundtland (Chair), The World Commission on Environment and Development, *Our Common Future*, Oxford University Press, Oxford, 1987, p43.

ecological grounds and that a new type of development is required to meet foreseeable human needs.

- 6.3 Australia has used a slightly different term namely Ecologically Sustainable Development (**ESD**). In 1990, the Commonwealth Government suggested the following definition for ESD in Australia:

*... using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.*<sup>5</sup>

- 6.4 The Committee understands that ESD is development that aims to meet the needs of Australians today, while conserving our ecosystems for the benefit of future generations. To do this, methods need to be developed for using those environmental resources which form the basis of the Australian economy in a way which maintains and, where possible, improves their range, variety and quality. At the same time resources need to be utilised to develop industry and generate employment. As such, ESD represents one of the greatest challenges facing Australia's governments, industry, business and the community now and in the future.

- 6.5 The Australian National Strategy for Ecologically Sustainable Development (**National Strategy**)<sup>6</sup> evolved over several years and through extensive consultation with all levels of government, business, industry, academia, voluntary conservation organisations, community-based groups and individuals. The National Strategy's origins stem back to the release of the World Conservation Strategy in 1980, the National Conservation Strategy for Australia in 1983, and the 1987 Brundtland Report.

- 6.6 ESD is, according to the National Strategy, characterised by:

- consideration of the wider economic, social and environmental (**Triple Bottom Line**) implications of governmental and private actions;
- taking a long term rather than a short term view when assessing those actions;
- reduction of the likelihood of serious environmental impacts;
- reduction of divisive and damaging confrontations which have characterised some developments;
- improvements in the quality of our land, air and water; and

<sup>5</sup> Department of the Prime Minister and Cabinet, *Ecologically Sustainable Development: A Commonwealth Discussion Paper*, Canberra, Australian Government Publishing Service, 1990.

<sup>6</sup> Ecologically Sustainable Development Steering Committee, *National Strategy for Ecologically Sustainable Development*, Canberra, Australian Government Publishing Service, 1992.

- the development of new environmentally friendly products and processes.
- 6.7 The ESD model of decision making under the National Strategy offers a method of minimising conflict at all levels. It has been adopted by governments, at least on paper, as the central plank of Australia's environmental management framework. The National Strategy sets out the Council of Australian Government's view of the potential of ESD:

*By developing this Strategy, we have demonstrated our belief that a co-ordinated approach to ESD is required... The goal is development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.<sup>7</sup>*

### **Evolution towards sustainability in Western Australia**

6.8 In late 2003, and after a lengthy consultation period, the Western Australian Government launched its State Sustainability Strategy (**WA Sustainability Strategy**). This comprehensive report went beyond the earlier definitions of ESD, and mere references to the triple bottom line approach, by focusing on the need to 'integrate' the environment, economic and social principles and outcomes.

6.9 In the WA Sustainability Strategy, sustainability is defined as:

*... meeting the needs of current and future generations through an integration of environmental protection, social advancement, and economic prosperity.<sup>8</sup>*

6.10 The Committee understands that a main concern with the earlier references to, and assessments of, ESD in Australia was that the triple bottom line issues were often treated in isolation. The inherent failing with that approach was that even when the environmental, economic and social outcomes were listed, often particular benefits were considered to have more merit or were given a 'higher' weighting than others.

6.11 To provide guidance for overcoming that problem, the WA Sustainability Strategy emphasised the need for all proposals to be assessed by considering the environmental, social and economic factors together to ensure that trade-offs are minimised.

6.12 In other words, the WA Sustainability Strategy provides the framework that enables private enterprise, the community and government to find net benefit in all three areas.

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<sup>7</sup> *Ibid.*

<sup>8</sup> Government of Western Australia, *The Western Australian State Sustainability Strategy: a vision for quality of life in Western Australia*, Perth, September 2003, p24.



- 6.13 The Committee acknowledged the conceptual clarification contained in the WA State Sustainability Strategy but noted the need to constantly revise and reinforce the objective of integrating the triple bottom line approach across all spheres of government.
- 6.14 The Committee noted that the term “ecologically sustainable development” may not be entirely appropriate in the Committee’s terms of reference as the term “sustainability” is the current preferred term used throughout Australia.

## **7 WORK OF THE COMMITTEE IN 2006**

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

*The Committees now established under Schedule 1 may inquire into and report on those matters referred to, or initiated by, their predecessor committee and for that purpose may consider evidence and records relating to the same.<sup>9</sup>*

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

### **Petitions**

- 7.3 A function of the Committee, as provided by its term of reference 1.3(c), is to inquire into and report on petitions.
- 7.4 A petition is a request for action by the Legislative Council from a citizen or resident or a group of citizens or residents. The Committee considers petitions that have been tabled by a Member of the Legislative Council on behalf of a person or groups within the community.
- 7.5 When reviewing petitions, the Committee seeks to provide a forum for public discussion on matters of community interest and to allow interested persons, or groups, to bring their concerns to the attention of the Legislative Council.
- 7.6 The Western Australian Legislative Council is the only House of Parliament in Australia that refers all petitions to a committee for inquiry and report.<sup>10</sup> In many

<sup>9</sup> Hon Kim Chance MLC, Leader of the House, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 17 August 2005, p4088.

<sup>10</sup> In Queensland, the Clerk of the Parliament sends petitions to the relevant Minister. The Minister may respond to the Clerk, who then tables the response, forwards a copy of the response to the tabling Member and publishes the response on the Parliament’s website. See <http://www.parliament.qld.gov.au> (accessed on 7 May 2007). Petitions tabled in the Senate are “brought to the notice of the appropriate Senate Committee”; however, there is no requirement for those committees to inquire into or report back to the Senate on the petition. See <http://www.aph.gov.au/Senate/pubs/guides/briefno21.htm> (accessed on 7 May 2007).

other jurisdictions petitions are simply recorded in *Hansard* and no further investigation is undertaken.

*The Parliamentary Commissioner for Administrative Investigations (Ombudsman)*

- 7.7 Certain issues or matters raised in a petition may come under the Parliamentary Commissioner for Administrative Investigations' (**Ombudsman**) jurisdiction as set out in the *Parliamentary Commissioner Act 1971*.
- 7.8 The Committee liaises regularly with the Ombudsman's office in recognition of the fact that a matter raised by a petition may have been previously considered or could currently be under consideration by that office.
- 7.9 The Committee has resolved to report regularly to the Parliament on the progress of petitions that stand referred to the Committee under Standing Order 134(i) of the *Standing Orders of the Legislative Council*. Please refer to the committee's overview of petitions reports for more details.<sup>11</sup>
- 7.10 The Committee received 19 petitions during this reporting period. The Committee finalised 19 petitions, some of which were carried over from the previous year, and there were 15 petitions remaining for consideration as of 31 December 2006.

**8 PETITIONS FINALISED BY THE COMMITTEE BETWEEN 31 JANUARY AND 31 DECEMBER 2006**

- 8.1 The following list of petitions were finalised by the Committee between 31 January and 31 December 2006.

Petition No 2 – Bluegum and Commercial Forestry Ban – Porongurup. Finalised on 21 June 2006.

Petition No 11 – Alcoa Liquor Burner at Kwinana. Finalised on 22 March 2006.

Petition No 13 – Woodchip Mill at Bunbury Port. Finalised on 22 March 2006.

Petition No 14 – Uranium Mining in WA. Finalised on 31 May 2006.

Petition No 15 – Aerial Spraying of Insecticides in the Great Southern. Finalised on 21 June 2006.

Petition No 16 – Yilgarn Drainage System in the Eastern Wheatbelt. Finalised on 12 April 2006.

Petition No 17 – Synergy Regional Call Centres. Finalised on 3 May 2006.

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<sup>11</sup> Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 5, *Overview of Petitions*, 24 August 2006; and Report 6, *Overview of Petitions*, 6 December 2006.

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Petition No 19 – Regional Park for Bushland Protection. Finalised on 24 May 2006.

Petition No 20 – Local Midwifery Care Options across WA. Finalised on 12 April 2006.

Petition No 21 – Sunset on the Swan River Foreshore at Dalkeith. Finalised on 22 March 2006.

Petition No 23 – Heritage Land at Sunset at Dalkeith. Finalised on 24 May 2006.

Petition No 24 – A Proposed Marina at Point Peron. A separate report was tabled in the Legislative Council on 7 December 2006 and thus the petition was finalised.<sup>12</sup>

Petition No 25 – Regarding the Perry Lakes Redevelopment Bill 2005. Finalised on 15 March 2006.

Petition No 26 – Regarding the Karri Forest (Crowea 09) – Northcliffe. Finalised on 3 May 2006.

Petition No 27 – New Primary School in Hillarys. Finalised on 25 October 2006.

Petition No 28 – Infill Deep Sewerage for Spearwood, Hamilton Hill and Munster. Finalised on 25 October 2006.

Petition No 29 – Sorry Day Public Holiday. Finalised on 23 August 2006.

Petition No 30 – Select Committee into Wait Times for Children needing Therapeutic Services. Finalised on 21 June 2006.

Petition No 32 – Australind Rail Service. Finalised on 18 October 2006.<sup>13</sup>

## **9 REPORTS TABLED**

9.1 During 2006 the Committee tabled the following four reports in the Legislative Council:

- *Report 4: Annual Report* (tabled on 23 March 2006).
- *Report 5: Overview of Petitions Report* (tabled on 24 August 2006).
- *Report 6: Overview of Petitions Report* (tabled on 6 December 2006).
- *Report 7: A Petition into the Proposed Marina at Point Peron* (tabled on 7 December 2006).

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<sup>12</sup> Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 7, *A Petition into the Proposed Marina at Point Peron*, 7 December 2006.

<sup>13</sup> Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 5, *Overview of Petitions*, 24 August 2006; and Report 6, *Overview of Petitions*, 6 December 2006.

## **10 SEMINARS AND CONFERENCES**

Between 24 and 27 July 2006 Hon Louise Pratt MLC (Chair) attended the 11<sup>th</sup> Annual Conference of Parliamentary Public Works and Environment Committees in Queensland. The cost of attendance at the conference was \$4,109.

10.1 The theme of the conference was *Ecotourism and Developing Infrastructure*. The agenda is extracted below:

- The Queensland Ecotourism Plan 2003 – 2008
- Inspection – Couran Cove
- Ecotourism and the Couran Cove Resort Project
- Binna Burra Mountain Lodge
- Inspection – Binna Burra and Gold Coast Hinterland Great Walk
- Managing Tourism in Queensland parks
- The Great Walks of Queensland project
- Environmentally sustainable design and construction of tourism infrastructure
- The management of tourism in the Great Barrier Reef Marine Park
- Ecotourism in the Great Barrier Reef Marine Park – operator’s perspectives
- The redevelopment of Green Island as an ecotourism resort
- Quicksilver Connections Reef Biosearch program

## **11 INQUIRY REFERRED BY THE LEGISLATIVE COUNCIL**

11.1 On 23 November 2006, the Legislative Council referred the Local Government Amendment Bill (No. 2) 2006, to the Committee for inquiry and report no later than 3 April 2007.

11.2 The motion of referral by the Legislative Council contained an order, as per Standing Order 230B, which enabled the Committee to consider the policy of the Bill.<sup>14</sup>

11.3 The Committee met its reporting requirement of 3 April 2007<sup>15</sup>

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<sup>14</sup> Hon Paul Llewellyn MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 23 November 2006, p8754.

<sup>15</sup> Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 8, *Local Government Amendment Bill (No. 2)*, 3 April 2007.

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**12 ONGOING PETITIONS AS AT 31 DECEMBER 2006**

12.1 The following petitions were the subject of ongoing inquiries by the Committee:

Petition No 18 – Mr Neil Winzer – A Prayer for Relief. Petition tabled by Hon Giz Watson MLC on 22 September 2005 [TP#775];

Petition No 31 – Family Birth Centre for the South West Region. Petition tabled by Hon Adele Farina MLC on 21 June 2006 [TP#1601];

Petition No 33 – Royal Perth Hospital. Petition tabled by Hon Helen Morton MLC on 29 August 2006 [TP#1810];

Petition No 34 – Protection of Mature Trees on Public Land in Urban Areas. Petition tabled by Hon Giz Watson MLC on 20 September 2006 [TP#1894];

Petition No 35 – Proposal to Clear South Coast Highway Roadside, Denmark. Petition tabled by Hon Giz Watson MLC on 20 September 2006 [TP#1895];

Petition No 36 – South Cardup Landfill. Petition tabled by Hon Giz Watson MLC on 17 October 2006 [TP#2085];

Petition No 37 – Water Rights on Freehold Land. Petition tabled by Hon Anthony Fels MLC on 18 October 2006 [TP#2131];

Petition No 38 – Persecution of Falun Gong Practitioners. Petition tabled by Hon Sally Talbot MLC on 15 November 2006 [TP#2228];

Petition No 39 – Supported Accommodation Services. Petition tabled by Hon Barbara Scott MLC on 16 November 2006 [TP#2236];

Petition No 40 – Relocation of Coolbinia Kindergarten. Petition tabled by Hon Peter Collier MLC on 28 November 2006 [TP#2276];

Petition No 41 – Road Safety Issues in Burswood Road. Petition tabled by Hon Shelia Mills MLC on 23 November 2006 [TP#2277];

Petition No 42 – Perth Modern School – Selection Criteria. Petition tabled by Hon Peter Collier MLC on 5 December 2006 [TP#2299];

Petition No 43 – Road Reserve Management - Shire of Toodyay. Petition tabled by Hon Louise Pratt MLC on 5 December 2006 [TP#2300];

Petition No 44 – Community Policing Bullsbrook. Petition tabled by Hon Donna Faragher MLC on 6 December 2006 [TP#2315];

Petition No 45 – Crabbing in Cockburn Sound. Petition tabled by Hon Barbara Scott MLC on 7 December 2006 [TP#2333].

**13 CONCLUSION**

- 13.1 During 2006 the Committee has worked effectively and efficiently in considering petitions referred by the House under Standing Orders, has tabled four reports and has resolved to report separately to the Legislative Council during 2007 on Petition No 22 – Utility Consumer Hardship.
- 13.2 The Committee considers that through the process of conducting its inquiries, matters are brought into shaper focus in the public arena, and that government responses often occur prior to the tabling and publication of reports containing recommendations.
- 13.3 The Committee is continuing inquiring into petitions and has a number of potential lines of inquiry that it is considering. The Committee looks forward to continuing its work in 2007.



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**Hon Louise Pratt MLC**  
**Chair**

**8 May 2007**