



EIGHTEENTH REPORT

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

**OVERVIEW OF PETITIONS
MARCH 1996 - NOVEMBER 1996**

Presented by Hon Murray Nixon MLC (Chairman)

**18
June 1997**

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

Date first appointed:

21 December 1989

Terms of Reference:

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

- (a) what written laws of the State and spent or obsolete Acts of Parliament might be repealed from time to time;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

A petition stands referred to the Committee after presentation.

Members as at the date of this report:

Hon M D Nixon MLC
Hon M G Patterson MLC
Hon T R Helm MLC

Staff as at the date of this report:

Mr Peter Williams, Advisory/Research Officer
Ms Kelly Campbell, Committee Clerk

Previous reports:

See Appendix I

Address:

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

ISBN 0 7309 8753 1

CONTENTS

1.	INTRODUCTION	1
2.	OVERVIEW OF PETITIONS	2
2.1	ACACIA GUINETII	2
2.2	SOIL CONSERVATION LAND USE POLICY	2
2.3	CANNING HIGHWAY, EAST FREMANTLE	3
2.4	REGIONAL PARK SOUTH OF GUILDERTON	4
2.5	FREE RAIL TRAVEL FOR PENSIONERS	4
2.6	MOTOR VEHICLE TRADERS	6
2.7	FREMANTLE REGIONAL STRATEGY	7
2.8	EYRE HIGHWAY INTERSTATE CHECKPOINT	7
2.9	NORTHERN CITY BYPASS ROAD	8
2.10	PORT KENNEDY LAND CONSERVATION DISTRICT COMMITTEE	8
2.11	X-RATED PORNOGRAPHY	9
2.12	COOLBELLUP DEVELOPMENT	10
2.13	NORANDA PRIMARY SCHOOL - ASBESTOS ROOF	10
2.14	LOCAL GOVERNMENT AFFIRMATIVE ACTION	12
2.15	KARAWARA REDEVELOPMENT	12
2.16	JANDAKOT AIRPORT	13
2.17	LARGE SCALE URBAN DEVELOPMENT	14
2.18	METROPOLITAN REGION SCHEME 950/33	14
2.19	SWAN VALLEY AND WHITEMAN PARK	15
2.20	D'ENTRECASTEAUX NATIONAL PARK	17
2.21	DEPARTMENT OF COMMUNITY DEVELOPMENT	18
2.22	OVER DEVELOPMENT IN NORTH FREMANTLE (MRS 970/33)	18
2.23	WESTERN AUSTRALIAN BUILDING WORKERS	19
2.24	AGRICULTURAL PRACTICES	19
2.25	HESTER STATE FOREST	20
2.26	SCHOOL CLEANING SERVICES	21
2.27	COMPULSORY CONNECTION TO SEWERAGE SYSTEM	21
2.28	REZONING OF LOT 843	22
2.29	FISHERIES DEPARTMENT	22
2.30	BEENUP MINESITE	22
2.31	DECRIMINALISATION OF ABORTION	23
2.32	STRATA TITLES ACT	24
2.33	WESTERN AUSTRALIAN SECESSION	25
2.34	UNIVERSITY FUNDING AND HECS	25
2.35	LIVE SHEEP TRADE	25
2.36	HIGH SPEED CHASES	26
2.37	UNACCEPTABLE CRIME LEVELS	26
2.38	CONNOLLY COMMUNITY CENTRE	27
2.39	JAMES ALLISON	27
2.40	FRANCES MARY CHAN AFFAIR	28
2.41	SENIORS' MOBILITY PROGRAMS	28
2.42	PRIVATISATION OF NON-MEDICAL SERVICES AT OSBORNE PARK HOSPITAL	28
2.43	COMMUNITY BASED MIDWIFERY	29
2.44	JUVENILE CRIME	29
2.45	ACQUIRED BRAIN INJURY	30
APPENDIX I	LIST OF REPORTS	i

1. INTRODUCTION

This Report provides an overview of the petitions considered by the Legislative Council Standing Committee on Constitutional Affairs and Statutes Revision ("Committee") during the Fourth Session of the Thirty-Fourth Parliament of Western Australia from March 1996 to November 1996.

The Report includes a summary of each petition, a description of the action taken and notes any action outstanding at the date of the Report or any recommendations arising from the Committee's deliberations.

During this session, the Committee was referred a total of seventy-six (76) petitions ranging over forty-five (45) different topics. The Committee was again encouraged by the fact that the petitions were representative of a very wide spectrum of concerns in the community. These ranged from issues of environmental concern and urban planning to issues concerning such diverse subjects as health care, education services and public transport.

The Committee continues to believe that it is essential for the Parliament to provide a mechanism for members of the community to seek redress or explanation of their concerns, particularly those which relate to the administrative actions of government. The presentation of petitions constitutes a mechanism by which members of the public may directly address Parliament. The Committee therefore is able to perform a role in reviewing the actions of the executive.

The Committee's object in reviewing these petitions is to foster public discussion on matters of community interest. It allows interested people or groups to express their views and have them considered in a bipartisan forum. Furthermore, Western Australia is the only Australian state with a Parliamentary Committee dedicated to the review of petitions.

The Committee notes, however, that the Parliamentary forum must be regarded as the avenue of last resort for the resolution of such concerns. To this effect, Standing Order 133(c)(vii) of the Legislative Council states

A petition shall not seek relief or a declaration in circumstances where the matter is justiciable and legal remedies available to the petitioner have not been exhausted.

The Committee notes that at least three (3) of the petitions tabled during the session were in breach of Standing Order 133(c)(vii) and cautions Members to be mindful of the Standing Orders when tabling petitions.

Finally, the Committee notes that the calling of the State election, and the consequent prorogation of Parliament on Thursday, 14 November 1996 has prevented the Committee from completing or continuing its investigations into a number of the petitions it received during the Fourth Session.

2. OVERVIEW OF PETITIONS

2.1 ACACIA GUINETII

A petition (*TP # 29*) was tabled by Hon Bruce Donaldson MLC on 14 March 1996 claiming hardship over a period of ten years due to a so-called rare plant *Acacia Guinetii* having been found on their farming property "Murphy" located at Yetna, via Geraldton by a local Conservation and Land Management officer in 1982.

The Committee sought written submissions on the petition from:

- i) the principal petitioner;
- ii) the Minister for the Environment; and
- iii) Hon Bruce Donaldson MLC.

In this petition, the Committee was asked to investigate claims of hardship due to the discovery of a rare plant on the farming property owned by the petitioners. This plant, known as *Acacia Guinetii*, was protected as a rare and endangered flora under the *Wildlife Conservation Act 1950* ("Act") until May 1992.

The petitioners claim that the discovery of this plant effectively prevented them from farming the affected land, which comprised one-third of their property, for a period of ten years and resulted in losses in excess of \$1.5 million.

The Committee recommended that the Minister for the Environment should give consideration to requesting the Treasurer to approve an *ex gratia* payment to the petitioners pursuant to section 58B of the *Financial Administration and Audit Act 1985*.

The Committee's findings were outlined in the Seventeenth Report.

2.2 SOIL CONSERVATION LAND USE POLICY

A petition (*TP # 28*) was tabled by Hon Bruce Donaldson MLC on 14 March 1996 seeking the assistance of the Legislative Council in addressing the issues of clearing controls and remnant vegetation management as affected by the soil conservation land use policy, including the associated issues of equity, such as compensation and alternative land use.

The Committee sought written submissions on the petition from:

- i) the principal petitioner;
- ii) the Minister for the Environment;
- iii) the Minister for Primary Industries; and
- iv) Hon Bruce Donaldson MLC.

A submission from the petitioners asserted that the prohibition on the use and control of land under the State Government's Soil Conservation Land Use Policy has unfairly restricted the right to farm on land and has inhibited the effectiveness and viability of alternative land use.

The land conservation policy is governed by the *Soil and Land Conservation Act 1945* ("Act"), which is currently administered by the Minister for Primary Industries.

The purpose of the Act is to prevent and mitigate land degradation in Western Australia. Under the Act, the Commissioner of Soil and Land Conservation ("Commissioner") has a responsibility to prevent any activities which are likely to result in land degradation. This protection includes the exclusion of stock to prevent passive clearing by grazing.

In considering the issues raised in this petition, the Committee recognised the difficulties which face conservation authorities in balancing the need to protect the environment through responsible soil and land management practices and the rights of landholders to put their land to economic use.

Therefore, the Committee resolved to recommend the appointment of a Select Committee to investigate the matters raised in the petition.

The Committee's findings were outlined in the Sixteenth Report.

2.3 CANNING HIGHWAY, EAST FREMANTLE

Three petitions (*TP #s 168, 199 and 370*) were tabled by Hon Jim Scott MLC on 19 and 27 March 1996 and on 20 June 1996 opposing the proposal to gazette a widened road reserve on Canning Highway at East Fremantle.

The Committee sought written submissions on the petition from:

- i) the principal petitioner;
- ii) the Minister for Transport;
- iii) the Minister for Local Government; and
- iv) Hon Jim Scott MLC.

The purpose of the proposed Canning Highway reservation, which forms part of the current Fremantle Major MRS Amendment, was to define land which may be required for future safety improvements along the Highway.

The Canning Highway reservation proposal raised many concerns within the community. The Government has therefore resolved not to proceed with the reservation proposal as advertised and has requested Main Roads (Western Australia) to undertake a further review of future widening needs along Canning Highway, in consultation with the local government authorities and the local community.

The Committee has therefore resolved not to proceed with any further consideration of this petition at this time.

2.4 REGIONAL PARK SOUTH OF GUILDERTON

Eighteen (18) petitions (*TP #s 193, 203, 208-209, 240-241, 252, 352, 355-356, 391, 432, 444, 542, 706-707, 732 and 836*) were tabled by Hons Eric Charlton, Tom Stephens, George Cash, Jim Scott, Peter Foss, Max Evans, Cheryl Davenport, Derrick Tomlinson, Val Ferguson, Bruce Donaldson (two), John Cowdell, Nick Griffiths, Murray Nixon and Doug Wenn MLCs respectively requesting that the Government establish a regional park immediately South of Guilderton to protect the mouth and lower reaches of the Moore River.

The Committee notes that this petition was first referred to the Committee on 4 November 1995 during the Third Session of the Thirty-Fourth Parliament. At that time submissions were requested from:

- i) The principal petitioner;
- ii) The Minister for Planning; and
- iii) The Minister for the Environment.

Subsequent to the petition being re-tabled in Parliament, the Committee gave further consideration to the petition and sought additional written submissions from a selection of Legislative Council Members who tabled this petition, including Hons Bruce Donaldson, John Cowdell, Jim Scott, Nick Griffiths and Doug Wenn MLCs.

During the Third Session, the Committee had been informed by the Shire of Gingin that the Concept Plan for the proposed development at Guilderton had not yet been approved. Once approval has been granted, the Concept Plan will be subject to public consultation and comment. The Committee therefore resolved to defer any consideration of this petition until the Concept Plan had been approved and released for public comment.

The Committee has now been advised that on 1 November 1996, the Shire Council did not approve the revised Concept Plan for the third time. The developers have now appealed to the Minister for Planning and the matter is in arbitration.

The Committee has therefore resolved to not proceed with any further consideration of this petition at least until after the completion of the arbitration period.

2.5 FREE RAIL TRAVEL FOR PENSIONERS

Five petitions (*TP #s 192, 291, 318, 433 and 525*) were tabled by Hon Bob Thomas MLC between 26 March 1996 and 21 August 1996 objecting to the State Government's decision to restrict the use by pensioners of their Westrail Free Travel Entitlement during holiday periods.

On 28 February 1996, Westrail announced the introduction of restrictions on the use of the West Australian Pensioner Free Travel Voucher ("Free Travel Voucher") during holiday periods. Effectively, pensioners¹ are unable to travel during holiday periods using their Free Travel Voucher, except on a

¹ The term "pensioner" includes age pensioners (but not "seniors"), war veterans and widows, single parents and disability pensioners.

standby arrangement. Under this arrangement, any seats remaining unsold twenty-four hours prior to departure will be available for free travel by pensioners.

The restrictions took effect from 4 April this year and include the following periods for 1996 : April 4-22 inclusive; July 5-22 inclusive; September 27-October 14 inclusive and December 18-January 31.

The Committee sought written submissions on the petition from:

- i) the principal petitioners;
- ii) the Minister for Transport;
- iii) the Minister for Seniors; and
- iv) Hon Bob Thomas MLC.

During the course of its deliberations, the Committee met with the following persons to discuss the terms of the petition:

- a. Mr Ross Drabble, Commissioner of Westrail;
- b. Mr Martin White, Acting Co-Ordinator, Service Development and Standards, Department of Transport;
- c. Mr Malvin Pascoe, Acting Director, Regional Transport Service Co-Ordination, Department of Transport;
- d. Mrs Alice Mazzarol, Zone Chairman, Zone 108 WA, National Seniors Association; and
- e. Mrs Rosemary Charsley, Branch Development Officer, National Seniors Association.

The Committee also sought public submissions concerning the issues raised by this petition and received eighteen (18) written submissions and thirty-three (33) telephone submissions.

In these submissions, the Committee received opinions from both sides of the debate. Westrail, the Minister for Transport and the Minister for Seniors argue that the cost of unrestricted free travel by pensioners was becoming excessive. The petitioners assert that travel during school holidays is often necessary to maintain vital family contacts and to provide care for children.

Westrail asserted that these restrictions were introduced because an increase in demand by country passengers for rail and coach services during holiday periods has reduced spare capacity on Westrail services. It is claimed that previously, this spare capacity had allowed pensioners to undertake free travel without extending normal passenger limits.

It has also been submitted that the restricted travel on Free Travel Vouchers will result in substantial savings to Westrail because of the reduced need to hire additional private coaches to carry excess demand.

The Committee determined to consider this petition in terms of both the cost to Westrail and the social value of providing free travel entitlements to pensioners. In doing so, the Committee acknowledged from the outset the inherent conflict between the responsibility to provide certain services to special or

disadvantaged groups, such as pensioners and the ever present need to ensure that these community service obligations are provided cost effectively.

Accordingly, the Committee deemed it necessary to consider the reasons why pensioners use their free entitlements during holiday periods. Anecdotal evidence gathered by the Committee suggests that many utilise their free travel entitlements for the purposes of family reunions, visits with grandchildren and the provision of informal child-care services during school holiday periods.

During his appearance before the Committee, the Commissioner of Westrail maintained that pensioners would be able to travel on standby in the middle of the holiday periods because excessive demand is limited to the beginning and end of each school holiday period when students travel between home and school. He also suggested that the pre-Christmas demand was similar, only reaching a maximum loading in the week prior to Christmas.

In light of these statements, the Committee could see no real need or justification for restricting free travel by pensioners over the entire holiday period. The Committee therefore recommended that:

1. the Free Travel Vouchers should only be restricted for two (2) days at the beginning and two (2) days at the end of each holiday period;
2. these restricted days are to be nominated or gazetted by Westrail well in advance and that information concerning the restriction is well publicised; and
3. the current 24 hour standby arrangement should be maintained for the four (4) restricted days of each holiday period.

The Committee is of the opinion that this compromise represented the best balance between cost efficiency and the proper provision of travel benefits to pensioners as it allows services during "peak" times to be devoted to fare-paying passengers. At the same time, pensioners can still be guaranteed an ability to travel during holiday periods.

The complete findings of the Committee were outlined in the Fourteenth Report.

Subsequent to the Fourteenth Report being tabled, the Committee received submissions indicating that pensioners cannot use their Free Travel Voucher over a New Year Holiday, as it is only valid for a Calendar Year. The Committee wrote to the Minister of Transport suggesting that this be rectified as Pensioners may need to use their voucher over the Christmas - New Year Period. The Minister has replied suggesting that a complete review of free pensioner travel is anticipated to be completed in 1997.

2.6 MOTOR VEHICLE TRADERS

A petition (*TP # 191*) was tabled by Hon Bon Thomas MLC on 26 March 1996 from the Motor Vehicle Dealers of Western Australia objecting to the announced changes to trading hours in their industry.

The Committee sought written submissions on the petition from:

- i) the principal petitioner;
- ii) the Minister for Small Business; and
- iii) Hon Bob Thomas MLC.

Subsequent to the tabling of the petition, the Committee was advised by the Minister for Small Business that, when introducing the Retail Hours Motor Shops Order 1995 in April 1995, the Minister for Fair Trading specifically exempted motor vehicle dealers in regional areas covered by general trading prohibitions from all day Saturday trading. As the petition originated from Albany, the Committee was of the opinion that this exemption effectively addressed the concerns raised in the petition and sought confirmation of this from the petitioner.

In light of the absence of a reply from the petitioner, the Committee resolved to proceed no further with an examination of this petition.

2.7 FREMANTLE REGIONAL STRATEGY

A petition (*TP # 198*) was tabled by Hon Jim Scott MLC on 27 March 1996 seeking the establishment of a Select Committee to inquire into the failure of the Fremantle Regional Strategy.

The Committee sought written submissions on the petition from:

- i) the principal petitioner;
- ii) the Minister for Transport; and
- iii) Hon Jim Scott MLC.

However, by the time the Committee was able to consider this petition, *MRS Amendment 970/33* had already been passed through the Legislative Council.

Accordingly, the Committee resolved not to proceed with any further examination of this petition.

2.8 EYRE HIGHWAY INTERSTATE CHECKPOINT

A petition (*TP # 197*) was tabled by Hon Phil Lockyer MLC on 27 March 1996 appealing against the decision by the Minister for Agriculture (WA) to relocate the Eyre Highway Interstate checkpoint.

On 28 October 1996, the Legislative Council resolved to form a Select Committee of three members of the House to consider this issue. This Select Committee, known as the Select Committee on Western Australia-South Australia Quarantine Checkpoint, reported to the House on 21 November 1996.

Consequently the Committee resolved not to proceed with this petition.

2.9 NORTHERN CITY BYPASS ROAD

Two petitions (*TP #s 196 and 724*) were tabled by Hon Jim Scott MLC on 27 March and 16 October 1996 requesting that the Legislative Council investigate their concerns regarding the Northern City Bypass Road.

The Committee sought written submissions on the petition from:

- i) the principal petitioner;
- ii) the Minister for Planning;
- iii) the Minister for Transport; and
- iv) Hon Jim Scott MLC.

Unfortunately, by the time the Committee received the petition, demolition work had already commenced in the designated area and the tenders for construction of the bypass had already been granted.

Accordingly, the Committee was of the opinion that its contribution to this matter would be extremely limited and the Committee resolved not to proceed with consideration of this petition.

2.10 PORT KENNEDY LAND CONSERVATION DISTRICT COMMITTEE

Two (2) petitions (*TP #s 211 and 319*) were tabled by Hon Jim Scott MLC on 3 April and 9 May 1996 requesting that the Legislative Council reaffirm the assurances it gave indicating that the Port Kennedy Land Conservation District Committee would be able to use its existing premises until new premises were provided as part of the development, and that the equipment seized under the *Port Kennedy Development Act 1992* be returned or compensation made.

This petition was first tabled during the Third Session of the Thirty-Fourth Parliament and at that time the Committee sought submissions from:

- i) the principal petitioner;
- ii) the Minister for Planning; and
- iii) Hon Jim Scott MLC.

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

In the absence of further comment from the petitioner, the Committee has resolved not to proceed with an examination of this petition.

2.11 X-RATED PORNOGRAPHY

Two petitions (*TP #s 204 and 290*) were tabled by Hon Reg Davies MLC on 2 April and 14 May 1996 respectively. The petitions call upon the State Government to recognise the will of the people of Western Australia who oppose:

- a. the legalisation of X-rated videos, films and computer games for the purpose of screening or playing in private venues, and the legalisation of X-rated pornography and R-rated violence on graphic interface Computer Networks that children can access;
- b. the provision of an outdated (1967) 'artistic merit' over-ride for Refused Classification films, videos, and computer games, which could permit child pornography in Award circumstances; and
- c. the refusal to grant a right to any citizen to appeal against a classification, - a right recommended by the Law Reform Commission [of] Australia.

Specifically, the petitioners ask that the Legislative Council:

- ensure that X-rated pornography is refused classification;
- ban the possession of Refused Classification material;
- eliminate the artistic merit savings provisions; and
- grant "standing" to a citizen to appeal against a classification.

The Committee notes that this petition was first referred to it on 29 November 1995 during the Third Session of the thirty-fourth Parliament and at that time submissions were requested from:

- i) the principal petitioner;
- ii) the Minister for Justice;
- iii) the Minister for Family and Children's Services;
- iv) Hon Clive Griffiths MLC; and
- v) Hon Reg Davies MLC.

The Committee notes that the *Censorship Act 1996* was proclaimed on 5 November 1996.

During the course of its investigations, the Committee came to the conclusion that it did not agree with the general propositions put forward by the petitioners. In particular, the Committee was of the opinion that the *Censorship Act 1996* resulted in a more stringently-controlled classification environment.

The Committee therefore resolved not to proceed with an investigation of this petition.

2.12 COOLBELLUP DEVELOPMENT

A petition (*TP # 212*) was tabled by Hon Jim Scott on 3 April 1996 opposing the use of remnant bushland on the corner of Stock and Sudlow Roads, near Coolbellup, for urban development. The petitioners argue that such development would deplete the quality of life of residents, devalue a valuable educational scientific resource, threaten valuable flora and fauna, remove a buffer zone for local residents and damage an environmental and social asset which is an educational and recreational amenity for schools and the local community.

This petition was first tabled in 1995 during the Third Session of the Thirty-Fourth Parliament and was referred to the Committee on 22 September 1995.

At that time submissions were requested from:

- i) the principal petitioner;
- ii) the Minister for Planning; and
- iii) Hon Jim Scott MLC.

The Committee was advised by the Minister for Planning that, after public submissions and hearings on this matter, the Western Australian Planning Commission had resolved that the proposed re-zoning of the land should proceed. In reaching this decision, the Planning Commission received advice from the Perth Environmental Project that the bushland, though in good condition, is not regionally significant and its reservation under the Metropolitan region scheme would not be warranted. The Minister's letter was forwarded to the petitioners for comment, who disagreed with the premise that the bushland was not regionally significant.

The Committee's deliberations on this petition are continuing.

2.13 NORANDA PRIMARY SCHOOL - ASBESTOS ROOF

A petition (*TP # 205*) was tabled by Hon Derrick Tomlinson MLC on 2 April 1996 requesting the replacement of the asbestos roofs and the repair of other related maintenance problems at Noranda Primary School.

This petition was first tabled in 1995 during the Third Session of the Thirty-Fourth Parliament and at that time submissions were requested from:

- i) the principal petitioner;
- ii) the Minister for Education; and
- iii) Hon Derrick Tomlinson MLC.

The Committee was advised by the principal petitioner that the related maintenance problems at the school consisted of drainpipes which were not directly connected to the stormwater outlet, run-off water from the asbestos roof being discharged directly onto playgrounds and walkways, a leak in the staffroom and ineffective roof ventilators due to surface rust and sediment build-up.

An initial response from the Education Minister undertook that:

1. the roofs at Noranda Primary School were not classified as priority candidates for the asbestos-cement roof replacement program;
2. the District Education Office had undertaken to connect all drainpipes at the School premises directly to the stormwater outlet during the 1995/96 Christmas holiday period;
3. the roof ventilators at the School were inspected on 25 October 1994 and assessed as functioning adequately, with replacement not due until the 1996/1997 financial year;
4. the Education Department offered to have a scientific measurement of the levels of fibres in and around the classrooms undertaken by an independent private laboratory and that this offer was refused by the Noranda Primary School Parents & Citizens Association ("the petitioners"); and
5. that the leak in the staff room was fixed early in 1995.

A subsequent submission from the Noranda Primary School Parents and Citizens Association ("P&C") noted that some of the maintenance foreshadowed by the previous Minister in his letter of 23 November 1995 has not been completed. Specifically, it has been alleged that:

- a. not all drainpipes have been connected to the stormwater outlet and that five (5) drainpipes from asbestos roofs remain open to the playground and represent a health hazard;
- b. the leak in the staffroom roof has not been fixed; and
- c. that the offer of an independent test was not refused by the petitioners as such, but that they required the testing be performed on visual assessment according to the standards set down by the Environmental Services Branch of the Building Management Authority as opposed to purely an air-monitoring basis.

The petitioners have also brought the Committee's attention to the existence of two small verandahs at either end of the Middle and Senior classroom blocks which have asbestos sheeting and no guttering or downpipes. The water run-off from these areas is discharged onto concrete walkways and gardens. Both are heavy traffic areas used by students and staff. The petitioners claim that these areas have never been included in the asbestos assessments performed on the School and constitute a serious hazard to the health of students and staff.

The Committee asked the Minister for Education to re-examine the claims made by the P&C and have been advised that a number of the repairs previously requested by the Committee were carried out. These repairs included connection of all remaining drainpipes to the stormwater outlet and the removal of asbestos verandahs at either end of the Middle and Senior classrooms. The faulty rotating roof ventilators, which are often affected by the seasonal intrusion of twigs, leaves and rain, are scheduled for replacement in the 1996/97 financial year.

While the Committee acknowledges that the presence of asbestos fibres has not conclusively been proven to present a health risk, the Committee does recognise that the members of the school community do appear genuinely concerned.

However, the Committee is satisfied that their intercession has resulted in the resolution of the major maintenance concerns at the school.

The Committee has therefore resolved not to proceed with any further consideration of this petition.

2.14 LOCAL GOVERNMENT AFFIRMATIVE ACTION

A petition (*TP # 210*) was tabled by Hon Jim Scott MLC on 3 April 1996 requesting that affirmative action be effected in all local governments in Western Australia, in order that women are represented as councillors and citizens in each Council ward.

The Committee received the same petition in 1995 during the Third Session of the Thirty-Fourth Parliament, at which time submissions were requested from:

- i) the principal petitioner;
- ii) the Minister for Local Government; and
- iii) Hon Jim Scott MLC.

The Committee believes that the number of women achieving positions in local government has been steadily increasing in recent years. In particular, the Committee has noted with great pleasure the substantial rise in the number of women taking on the roles of mayor and shire president and believes that, under these circumstances, the need to establish quotas was unnecessary.

The Committee has therefore resolved not to proceed with an examination of this petition.

2.15 KARAWARA REDEVELOPMENT

A petition (*TP # 213*) was tabled on 3 April 1996 by Hon Jim Scott MLC opposing the following aspects of the Homeswest proposed redevelopment to create single residential buildings for public auction in the eastern part of Karawara by:

1. demolition of the Karawara Community Hall and Fun Factory (special playground for children);
2. demolition of the three storey Homeswest flats which could be used for student accommodation by Curtin University; and
3. destruction of the remnant native vegetation (urban bushland comprising about 4 hectares of Banksia woodland) at Lot 690, Gillon Street, Karawara.

The Committee notes that a very similar petition was received in 1995 during the Third Session of the Thirty-Fourth Parliament at which time submissions were sought from:

- i) the principal petitioner; and
- ii) the Minister for Planning.

The Minister for Planning advised the Committee that the preliminary Concept Plan has not yet been formally considered by the City of South Perth as it is being revised by Homeswest following consultation with community/user groups. The Minister also advised that the revised Concept Plan intends to retain and integrate the Karawara Community Hall and The Fun Factory within the proposed development.

Accordingly, the Committee has resolved to defer any consideration of this petition until the Concept Plan has been revised and considered by the City of South Perth.

2.16 JANDAKOT AIRPORT

A petition (*TP # 242*) was tabled by Hon Clive Griffiths MLC on 30 April 1996 supporting Jandakot Airport in view of the Airport's continued contributions to Western Australia which include:

- being a centre of aviation excellence;
- contributing to the welfare of the state;
- contributing to the skills of the State;
- contributing to the employment and training opportunities which already utilise 500 employees;
- its reputation in international aviation circles;
- contributing to the income of this State;
- its vital role in implementing aviation policy;
- contributing to the air wings of medical and police service;
- contributing to those who use the Airport whether for business, recreation or instruction; and
- contributing by way of low adverse impact on the environment.

The petition requests that the Legislative Council recommends to the Government that the operations of Jandakot Airport are retained and not cut back.

Verbal submissions on this petition were sought from:

- i) The principal petitioner;
- ii) AirService Australia; and
- iii) Federal Airports Corporation.

While the Committee acknowledged the concerns raised in the petition, its investigations did not reveal any immediate or tangible threat to the continued operation of Jandakot Airport. In fact, the Committee's inquiries suggested that the volume of business through Jandakot Airport was greater and more diversified than ever.

Thus, the Committee was unwilling to commence an independent inquiry into the concerns raised in this petition until such time as there is a direct and concrete threat to the Airport itself. Accordingly, the Committee resolved not to proceed with its inquiry into this petition.

2.17 LARGE SCALE URBAN DEVELOPMENT

The Committee received a petition (*TP # 256*) tabled by Hon Jim Scott MLC on 1 May 1996 expressing concerns that no effective regulations are in place to protect the health, property and quality of life of residents from large scale urban developments.

Specifically, the petitioners suggested that proper regulations and powers be put in place to ensure that residents are immunised from the costs of developments and that the regulations should include:

- i. staggered development of projects over 200 housing blocks;
- ii. minimal clearing of natural vegetation cover, including road verges and reserves, and surveys and protection of flora and fauna;
- iii. embargos on surface disturbance during the driest summer months and regular dust monitoring at the developer's expense during the development phase;
- iv. powers for local government authorities and the Environmental Protection Authority to stop development when regulations are being breached;
- v. greater levels of consultation with effected residents; and
- vi. simpler processes to assess damages and compensation.

This petition was first received in 1995 during the Third Session of the Thirty-Fourth Parliament at which time submissions were requested from:

- i) the principal petitioner;
- ii) the Minister for Planning;
- iii) the Minister for Housing;
- iv) the Minister for the Environment; and
- v) Hon Jim Scott MLC.

Upon the re-tabling of this petition during the Fourth Session, the Committee also sought submissions from:

- i) Mr Greg Joyce, Director of Homeswest;
- ii) Mr Rod Brown, Chief Executive Officer, City of Cockburn; and
- iii) Dr Ray Steedman, Chairman of the Environmental Protection Agency.

The Committee has received responses and intends continuing its investigations in the next Parliament.

2.18 METROPOLITAN REGION SCHEME 950/33

A petition (*TP # 253*) was tabled by Hon Reg Davies MLC on 1 May 1996 opposing the Metropolitan Region Scheme (MRS) 950/33 "due to the unacceptable risks to the natural environment and Perth's

ground water supply and the negative impacts on important Heritage areas and existing communities". The petition requests that the Legislative Council disallow the major amendment to the MRS 950/33.

This petition was first tabled in 1995 during the Third Session of the Thirty-Fourth Parliament and at that time submissions were requested from:

- i) the principal petitioner;
- ii) the Ministers for Environment and Planning; and
- iii) Hon Reg Davies MLC.

MRS Amendment 950/33 was assented to on 14 December 1994 and incorporated an extension of Lord Street north of, and connecting with, the Reid Highway. This extension, referred to as the Perth-Darwin Highway, will be situated slightly within the eastern boundary of Whiteman Park south of Park Street and, in order to accommodate a bridge crossing Gngarara Road, will veer a further three hundred metres into Whiteman park north of Park Street.

As mentioned in the Committee's Fifteenth Report, given that the subject matter of this petition was so similar to the Swan Valley and Whiteman Park petition, (see 2.18 below) and that both petitions shared the same principal petitioner, the Committee resolved to consider MRS Amendment 950/33 as part of the Swan Valley petition.

Accordingly, the Committee's findings were outlined in the Twelfth Report.

2.19 SWAN VALLEY AND WHITEMAN PARK

A petition (*TP # 254*) was tabled by Hon Reg Davies MLC on 1 May 1996 opposing the urbanisation of the Swan Valley and Whiteman Park and requesting the Legislative Council ensure that the boundaries of the proposed Swan Valley legislated area be extended westwards to include Whiteman Park and Bennett Brook and also include the Caversham Air Base in the core of the Swan Valley Policy Area B.

The Committee notes that this petition was first referred to the Committee on 29 November 1994 during the Second Session of the current Parliament. At that time, the Committee requested submissions from:

- i) the principal petitioner;
- ii) the Ministers for Environment and Planning; and
- iii) Hon Reg Davies MLC.

Subsequent to the petition being re-tabled in Parliament, the Committee gave further consideration to the petition, including taking oral submissions from:

- a. Mr Rob Henderson, the principal petitioner;
- b. Mr Bill Slater, a local resident and equestrian trainer;
- c. Mr Lex Barnett, Property Consultant;
- d. Mr Richard Elliott, a representative of Homeswest;
- e. Mr Paul Trichilo, a representative of Main Roads (Western Australia);

- f. Mr Marco Peter Martinovich, a representative of the Department of Transport; and
- g. Messrs Brett Hughes and Tim Auret of the Ministry for Planning.

The Committee also received a number of written submissions from local residents and lobby groups from the Swan Valley and surrounding areas. Lastly, the Committee undertook an extensive personal study of the areas the subject of the petition.

The Committee's findings were outlined in the Twelfth Report.

Subsequent to the tabling of the Report, the Committee has received a number of further submissions from local residents of the Swan Valley and West Swan areas concerning the content and recommendations of the Twelfth report. These submissions concerned:

1. A contention that it was the understanding of local residents that, pursuant to the public consultation process undertaken by the Department of Planning (in preparation of *MRS Amendment 950/33*) and the Tomlinson Committee, it had been accepted that any urban development in the Bennett Brook areas and Caversham Air Base would be consistent with a "nodes of villages" concept with adjoining protected parklands equating roughly to Policy Area D.
2. Disagreement with the planned urban expansion within the North-East Corridor and the placement of the Perth-Darwin Highway within such a confined and ecologically sensitive area as the West Swan area.
3. A number of environmental concerns in relation to the proposed development of the Bennett Brook area and Caversham Air Base, such as the requirement for sensitive development in the North-East Corridor to enhance the Swan Valley Policy Area, to protect the existing conservation areas (such as Whiteman Park) and to reduce pollution in the metropolitan area generally. Specifically, concerns were raised that:
 - a. Whiteman Park has traditionally been a haven for birds, insects, frogs, bandicoots wallabies, lizards and snakes. Local residents suggest that these species will decline if their natural habitat is in any way reduced or polluted;
 - b. water from Lord Street flows east to the Swan River and south/south-west to Horse Swamp, which is one of the few remaining fish spawning grounds in the Swan River. Urban development in this ecologically sensitive area constitutes a possible pollution hazard;
 - c. the West Swan area, including Bennett Brook and Caversham Air Base, have a tendency to flood, being wet lands with a high surface water table. Doubts were raised over the ability of any modern spillage system to cope with winter rains in this area and the Committee received allegations that nutrient stripping ponds in the area are already overflowing. Further implications of this tendency to flood, in the opinion of local residents, would be ineffective road construction and additional building costs; and

- d. it was suggested that the Ellenbrook town site has caused a change in the water patterns in the North-East Corridor resulting in a "leak" in the Water Mound. This leak is said to be evidenced by the fact that, for the first time in recent memory, Ellen Brook flowed all summer.

The Committee is currently investigating these contentions with the help of Main Roads (Western Australia), the Swan River Trust and the Waterways Commission.

2.20 D'ENTRECASTEAUX NATIONAL PARK

A total of six petitions (*TP #s 257, 283, 289, 307, 323, 369*) were tabled by Hon Jim Scott MLC on 1 May, 9 May, 14 May, 16 May, 23 May, 20 June 1996 and one petition (*TP # 363*) was tabled by Hon Barbara Scott MLC on 19 June 1996 requesting that the Legislative Council:

- reject any proposal to excise land from, or downgrade the status of any part of, D'Entrecasteaux National Park, especially areas adjacent to or near the beautiful Lake Jasper;
- reject any proposal to exchange land or do anything calculated to open the way for mineral sands mining within D'Entrecasteaux National Park, especially in areas adjacent to or near Lake Jasper; and
- guarantee the full and proper protection and management of the remarkable D'Entrecasteaux National Park for the sake of the native species and ecosystems of the Park and future generations of Western Australians.

Submissions were sought from:

- i) the principal petitioner;
- ii) the Minister for the Environment;
- iii) the Minister for Planning; and
- iv) Hon Jim Scott MLC.

The Committee was advised by the Minister for the Environment that, although 368 hectares had been agreed to be excised, an environmental assessment had not yet been conducted and that mining could not proceed until that approval was given.

Furthermore, a Ministerial Statement in the Legislative Council from the Leader of the House Hon Norman Moore MLC on Thursday, 27 June 1996, confirmed the Government's commitment that "*in the event that mining cannot take place for environmental or other reasons, the land excised from D'Entrecasteaux National Park will be re-included in the national park by way of a future reserves Bill, thereby restoring the current status quo.*"

In light of this commitment, the Committee resolved not to proceed with an investigation of this petition until such time as there are any further developments in this matter which represent a tangible threat to Lake Jasper and the D'Entrecasteaux National Park.

2.21 DEPARTMENT OF COMMUNITY DEVELOPMENT

A petition (*TP # 255*) was tabled by the Hon Jim Scott MLC on 1 May 1996 raising concerns over the administration of the Department of Family and Children's Services, formerly known as the Department of Community Development ("Department"). In particular, the petitioners expressed misgivings over:

1. the interpretation of the Department's powers under the *Child Welfare Act 1947* creating a lack of accountability within the Department;
2. an inability by the Department to be constructively criticised and scrutinised when procedures are wrong;
3. inequity in the treatment of families; and
4. mismanagement of the needs of clients leading to detrimental outcomes.

This petition was first tabled in 1995 during the Third Session of the Thirty-Fourth Parliament. At that time, submissions were requested from:

- i) the principal petitioner;
- ii) the Minister for Family and Children's Services; and
- iii) Hon Jim Scott MLC.

The Committee has also received a number of additional submissions relating to this petition from relatives of the principal petitioner.

The Committee believes the matter requires consideration. It intends to confer with the Standing Committee on Public Administration to decide which would be the most appropriate Committee to deal with this matter.

2.22 OVER DEVELOPMENT IN NORTH FREMANTLE (MRS 970/33)

A petition (*TP # 258*) was tabled by Hon Jim Scott MLC on 1 May 1996 requesting that the Legislative Council thoroughly investigate the adequacy of the Fremantle Regional Strategy as a major planning document, investigate the social, heritage and environmental impacts of proposals in Amendment 970/33, investigate the alternatives to major road building such as designated truck routes on existing roads and expansion of the public transport system, and review proposed changes to the Metropolitan Region Scheme accordingly.

Submissions were sought from:

- i) the principal petitioner;
- ii) the Ministers for Housing;
- iii) The Minister for Planning;
- iv) The Minister for Transport;

- v) Hon CJ Barnett MLA, the local Member for Cottesloe; and
- vi) Hon Jim Scott MLC.

Unfortunately, by the time the Committee received the petition, *MRS Amendment 970/33* was already in force, having been assented to on 3 July 1996.

Accordingly, the Committee was of the opinion that its contribution to this matter would be extremely limited and the Committee resolved not to proceed with consideration of this petition.

2.23 WESTERN AUSTRALIAN BUILDING WORKERS

A petition (*TP # 272*) was tabled by Hon Alannah MacTiernan MLC on 2 May 1996 urging the Parliament to act to:

- a) require temporary power to be supplied to all domestic building sites so avoiding the deaths, injuries, environmental hazards and high costs associated with portable generating units and petrol driven equipment on building sites; and
- b) require the provision of portable toilets, sewer connected or recirculating flush (with sealer flap) to all domestic building sites in the metropolitan area and in regional centres and so reducing risks of disease to building workers and home owners and also to restore dignity and provide for the reasonable needs of building workers.

Submissions were sought from:

- i) the principal petitioner;
- ii) the Minister for Labour Relations; and
- iii) Hon Alannah MacTiernan MLC.

The Minister for Labour Relations advised the Committee that the issue of generators was currently being considered by Worksafe Australia Commission's Regulation Review Advisory Committee and that proposed standards and regulations for toilets on domestic construction sites had already been prepared by the Health Department.

The Committee's deliberations on this matter are continuing.

2.24 AGRICULTURAL PRACTICES

A petition (*TP # 299*) was tabled by Hon Bob Thomas MLC on 15 May 1996 requesting that the Legislative Council review the laws relating to agricultural practices in order to ensure modern farming techniques are properly controlled and do not have a detrimental effect on neighbouring properties and roadways.

This petition was first tabled on 20 June 1995 during the Third Session of the Thirty-Fourth Parliament and at that time submissions were requested from:

- i) the principal petitioner;
- ii) the Minister for Primary Industries; and
- iii) Hon Bob Thomas MLC.

The Committee decided in the last parliamentary session that, while the Committee has great sympathy with the concerns of the petitioners, the petition itself is cast in such wide terms that a vast array of legislation administered by the Department of Conservation and Land Management, Environmental Protection Agency, Department of Agriculture and the Water Authority of Western Australia would need to be reviewed.

Accordingly, the Committee resolved to take no further action in relation to this petition.

2.25 HESTER STATE FOREST

A petition (*TP # 308*) was tabled by Hon Jim Scott MLC on 16 May 1996 expressing concern at the management practices of the Department of Conservation and Land Management in the Bridgetown-Greenbushes Shire. In particular the petition requested the Legislative Council to:

- a) consider CALM's current logging proposals for the Hester State Forest as an unacceptable risk to the long term economy and quality of life of the Bridgetown-Greenbushes Shire Community;
- b) call upon CALM to hold a public workshop open to all of the Bridgetown-Greenbushes Shire Community, to establish and address all of the issues and impacts of logging of the Hester State Forest upon this community; and
- c) call upon CALM to manage the Hester State Forest in accordance with the wishes of the Bridgetown-Greenbushes Shire Community.

This petition was first tabled on 9 May 1995 by Hon Jim Scott MLC during the Third Session of the Thirty-Fourth Parliament and at that time submissions were requested from:

- i) Bridgetown-Greenbushes Friends of the Forest, the principal petitioner;
- ii) the Minister for the Environment;
- iii) Hon Jim Scott MLC; and
- iv) Jean Wheatley and Rosamund Courtauld, both residents of Bridgetown.

Logging of Hester 0703 commenced on 23 November 1994 and the principal petitioner obtained an interim injunction to stop this operation. CALM gave an undertaking not to log in that area until the case had been heard in the Supreme Court.

This matter is still presently before the Supreme Court and therefore, pursuant to Standing Order 133(c)(vii), the Committee is unable to proceed with any investigation of this petition at this time.

A more detailed report of the Committee's actions in 1995 regarding this petition can be found in the Committee's Fifteenth Report.

2.26 SCHOOL CLEANING SERVICES

A petition (*TP # 353*) was tabled by Hon John Halden MLC on 18 June 1996, opposing the Government's plans to privatise the services currently provided by school cleaners employed by the Education Department.

This petition was first tabled on 16 November 1995 by Hon John Halden MLC during the Third Session of the Thirty-Fourth Parliament and at that time submissions were requested from:

- i) the principal petitioner;
- ii) the Minister for Education;
- iii) Hon John Halden MLC; and
- iv) Hon Tom Stephens MLC.

The petitioners advised the Committee that they believed that an inevitable consequence of privatisation of these services would be a decline in the standards of cleanliness and presentation. In addition, the petitioners noted that employed cleaners who were members of the school staff very often performed additional tasks within the school's activities and became valued and enthusiastic members of the school community.

The Committee has been advised by the Minister for Education that the contracting-out of cleaning services will result in substantial savings.

While the Committee does not accept the view that cost savings should be the decisive factor in the provision of educational services, it was agreed that there was a need to allow the contract system to be trialed for a period of at least six (6) months before any accurate conclusions could be made. This six month moratorium period was due to expire in December 1996.

Unfortunately, the calling of the State election on 14 November 1996 resulted in the Committee being unable to begin its investigation.

Accordingly, the Committee has resolved to suspend its consideration of this petition until the commencement of the Thirty-Fifth Parliament.

2.27 COMPULSORY CONNECTION TO SEWERAGE SYSTEM

A petition (*TP # 354*) was tabled by Hon John Halden MLC on 18 June 1996 requesting that the Legislative Council ensure that connection to the sewerage system not be made compulsory and that an annual fee not be payable if one is not connected.

This petition was first referred to the Committee in 1994 during the Second Session of the Thirty-Fourth Parliament at which time submissions were sought from:

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

The Committee notes that the petition was again referred to it on 11 April 1995.

Subsequent to the petition being re-tabled in the Fourth Session of the Thirty-Fourth Parliament, the Committee gave further consideration to the petition and its findings were outlined in the Thirteenth Report.

2.28 REZONING OF LOT 843

A petition was tabled (*TP # 395*) by Hon Derrick Tomlinson MLC on 27 June 1996 opposing the rezoning of Lot 843, corner of Morley Drive and Bottlebrush Drive (Kiara TAFE site), from 'Public Purposes TAFE Site' to 'Urban' and requesting that the land be used for educational and/or conservation and passive recreational purposes.

Submissions were requested from:

- i) the Minister for Planning;
- ii) the Minister for Education;
- iii) Hon Derrick Tomlinson MLC; and
- iv) the principal petitioner.

Subsequent to the tabling of the petition, the Committee was advised that the State Planning Commission had withdrawn the proposed rezoning of Lot 843 under *MRS Amendment 977/33* due to the overwhelming public opposition.

Accordingly, the Committee resolved not to proceed with an examination of this petition at this stage.

2.29 FISHERIES DEPARTMENT

A petition (*TP # 526*) was tabled by Hon Kim Chance MLC on 21 August 1996 requesting a public enquiry into current and past management practices of the Department of Fisheries in respect of the Windy Harbour/Augusta Rock Lobster Fishery.

Submissions were sought from:

- i) the Minister for Fisheries; and
- ii) Hon Kim Chance MLC.

The Committee may continue its deliberation in relation to this petition in the Thirty-Fifth Parliament.

2.30 BEENUP MINESITE

A petition (*TP # 543*) was tabled by Hon Jim Scott MLC on 29 August 1996 opposing BHP's application to extend the Beenup minesite because of potential damage that may be caused by the mining of acid sulphate soils. The petition requests that the Legislative Council call on the Hon Minister for the Environment to:

- a) reject BHP's proposal to expand the approved Beenup minesite and to discharge dredge pond water into the Scott and Blackwood Rivers, because of the risk that such waste water, acidified by the disturbance of acid sulphate soils, will harm the ecologies of the Rivers and Hardy Inlet; and
- b) require the EPA to upgrade conditions on the approved mining area in line with Eastern States standards to ensure that environmental damage will not be caused by disturbance of acid sulphate soils.

The Committee requested submissions from:

- i) the Minister for Resources Development;
- ii) the Minister for Regional Development;
- iii) the Minister for Mines;
- iv) the Minister for the Environment; and
- v) Hon Jim Scott MLC.

In September 1995, BHP prepared a report for public review in its proposal to expand the area of its mining operations at Beenup. This reflected the delineation of additional ore deposits following in-fill drilling during the period between the project's original approval in June 1991 and BHP's decision in December 1994 to proceed with a mine development.

The Environmental Protection Authority ("EPA") recommended approval for the expanded minesite in April 1996. Subsequently, nine appeals were lodged against the EPA recommendations.

The two specific issues raised in the petition, dredge pond discharge and acid sulphate soils, are included among the grounds of appeal against the EPA's recommendations.

The Committee resolved not to proceed with an examination of the issues raised in this petition until the Minister for the Environment has made his determinations with regard to the nine appeals, although the Committee notes that BHP has undertaken that it would not discharge excess dredge pond water off-site.

2.31 DECRIMINALISATION OF ABORTION

A petition (*TP # 558*) was tabled by Hon Jim Scott on 30 August 1996 requesting that the Legislative Council review the legal status of abortion in Western Australia to decriminalise abortion when performed by qualified medical practitioners. In particular, the petition requests that a Parliamentary Inquiry be established to review Criminal Code sections 199, 200, 201 and 259.

Submissions were requested from:

- i) the principal petitioner;
- ii) the Minister for Family and Children's Services;
- iii) the Attorney General; and
- iv) Hon Jim Scott MLC.

The Committee resolved not to proceed with an examination of this petition at this time. While the Committee was supportive of the need to publicly canvass these issues, it was felt that there would not be sufficient time remaining in the current Thirty-Fourth Parliament to adequately deal with these complex issues. However, the Committee has resolved to invite the petitioners to re-submit the petition in the Thirty-Fifth Parliament with the intention of conducting a full examination of the issues raised therein.

2.32 STRATA TITLES ACT

A petition was tabled (*TP # 559*) by Hon Graham Edwards on 30 August 1996 urging the Government to recognise the confusion caused by changes to the *Strata Titles Act 1985* particularly to duplex owners and calling on the Government to fully explain how people must comply with the statutory obligations particularly in relation to workers' compensation insurance and if the Government is unable to do this, to repeal or simplify those sections of the Act.

Submissions were sought from:

- i) the Minister for Planning;
- ii) the Minister for Housing and Lands; and
- iii) Hon Graham Edwards MLC.

The Committee recognises that most of the problems with regard to Strata Title existed in the *Strata Titles Act 1985*. The Minister advised that:

- the *Strata Titles Amendment Act 1995* -
 - “1.3.1 Drew attention to the probable need to insure for workers compensation under the then existing requirements.
 - 1.3.2 Removed the ability for proprietors to unanimously resolve that the strata company was not to effect building and public liability insurance - but must now seek an exemption order from the Strata Titles Referee.
 - 1.3.3 The requirement for the amount of public liability insurance cover required was increased from \$750,000 to \$5,000,000.”²;
- a task force had been established to advise on alternatives for duplex owners; and
- legislation to clarify the situation would be introduced. (This amendment has been proclaimed.)

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

² Letter from the Minister for Lands dated 14 October 1996.

2.33 WESTERN AUSTRALIAN SECESSION

A petition (*TP # 613*) was tabled by Hon Ross Lightfoot on 18 September 1996 asking that a referendum be held to determine whether it is the wish of the people of Western Australia that the State of Western Australia become totally self governing by withdrawing from the Federal Government of Australia.

Submissions have been sought from:

- i) the Minister for Federal Affairs; and
- ii) Hon Ross Lightfoot.

The Committee notes the establishment of the Western Australian Constitutional Committee (“WACC”), which reported to the Government on Western Australia’s position within the Australian Federation. After public consultation on the issue of secession, the WACC concluded that it was not a feasible option.

Furthermore, the Committee believes that a referendum held only in this State would not have the necessary authority to effect Western Australia’s withdrawal from the Federation. The only method to achieve this would be to hold a Federal referendum. However, as a Federal referendum requires that a majority of people in a majority of States agree with the proposal, it is unlikely that it would be successful.

The Committee has therefore decided not to proceed with further inquiries into the petition.

2.34 UNIVERSITY FUNDING AND HECS

A petition (*TP # 629*) was tabled by Hon John Halden on 24 September 1996 opposing the Howard Government’s forecast cuts to University funding and the proposed increases in Higher Education Contribution Scheme charges, on the grounds that they would severely undermine the nation’s education capacity, threaten equal opportunities and damage exports now worth \$1.7 billion a year.

Submissions were sought from:

- i) Hon John Halden.

Due to the fact that this is a Federal issue, the Committee resolved not to proceed with an investigation of this petition.

2.35 LIVE SHEEP TRADE

A petition (*TP # 708*) was tabled by Hon Jim Scott MLC on 15 October 1996 expressing deep concern at the continuation of the live sheep trade for the following reasons:

- (i) annually more than 100 000 sheep exported from Fremantle die traumatically during transhipment to the Middle East;
- (ii) regulations covering road transportation and loading are not being adequately policed; and
- (iii) the live sheep trade is undermining the more lucrative, job creating processed meat trade.

The petitioners requested that the Legislative Council investigate and recommend a time frame in which the trade can be terminated.

Submissions were requested from:

- i) Hon Jim Scott MLC;
- ii) the principal petitioner;
- iii) the Minister for Commerce and Trade;
- iv) the Minister for Primary Industries;
- v) the Minister for Transport; and
- vi) the Secretary of the Meat Industry Employees Union.

The Committee is currently awaiting responses from the abovementioned parties.

2.36 HIGH SPEED CHASES

A petition (*TP # 722*) was tabled on 16 October 1996 by Hon Jim Scott MLC opposing the continued use of high speed police car chases, which:

- have resulted in the loss of at least 10 lives since January 1991;
- have resulted in numerous serious injuries to police officers and other citizens; and
- cause unnecessary damage to public and private property.

The petition urges the State Government to alter police standing orders and practices to end high speed pursuits by police officers.

Submissions were sought from:

- i) the principal petitioner;
- ii) the Minister for Police; and
- iii) Hon Jim Scott MLC;

The Committee has commenced an investigation into the issues raised by the petition and is currently reviewing the high speed chase policies which are in effect in the police services of Western Australia, New South Wales, Victoria and Queensland.

The Committee has resolved to invite the petitioner to re-submit this petition in the Thirty-Fifth Parliament in the hope of completing its investigations and outlining its findings in a future Report.

2.37 UNACCEPTABLE CRIME LEVELS

A petition (*TP # 723*) was tabled by the Hon Cheryl Davenport MLC on 16 October 1996 calling on the Government to take immediate action to address continuing and unacceptable levels of crime in the community by:

- increasing the police presence on the streets;
- ensuring that police respond quickly and flexibly to community needs; and

- linking operational police more closely with the community itself.

Submissions were sought from:

- i) Hon Cheryl Davenport MLC;
- ii) the principal petitioner;
- iii) the Attorney General;
- iv) the Minister for Police; and
- v) the Commissioner of Police.

The Committee is currently seeking information and crime statistics from the Commissioner of Police and intends to continue its investigations in relation to this petition in the Thirty-Fifth Parliament.

2.38 CONNOLLY COMMUNITY CENTRE

A petition (*TP # 733*) was tabled by Hon Ross Lightfoot MLC supporting the provision of a community centre in Connolly, with funding for this project being provided by both State and Local Government.

Submissions were sought from:

- i) the principal petitioner;
- ii) Hon Ross Lightfoot MLC;
- iii) the Minister for Family and Children's Services; Seniors;
- iv) the Minister for Local Government; and
- v) the Minister for Sport and Recreation.

The Committee is currently seeking further information from the principal petitioner and intends to continue its investigations in relation to this petition in the Thirty-Fifth Parliament.

2.39 JAMES ALLISON

A petition (*TP # 788*) was tabled by Hon Derrick Tomlinson MLC on 29 October 1996 praying for relief for James Allison.

Submissions were sought from:

- i) Hon Derrick Tomlinson MLC; and
- ii) the Minister for Fair Trading.

The Committee is currently awaiting responses from the abovementioned parties.

2.40 FRANCES MARY CHAN AFFAIR

A petition (*TP # 795*) was tabled by the Hon Alannah MacTiernan MLC on 30 October 1996 calling upon the Legislative Council to urgently investigate all circumstances surrounding the Frances Mary Chan affair, in particular:

1. the failure of the Ministry of Fair Trading to address complaints concerning Ms Chan's activities;
2. the impact of the consequent delay on those elderly people who lodged the complaints;
3. whether the prospects for justice have been undermined because at least one of the elderly complainants has, since the complaints were lodged, suffered a stroke; and
4. what action the Minister for Fair Trading took, after first learning of the complaints, to ensure matters were fully investigated.

Submissions were sought from:

- i) the principal petitioner; and
- ii) the Minister for Fair Trading.

Subject to the retabling of the petition in the Thirty-Fifth parliament, the Committee intends to continue its investigation of the issues raised in this petition.

2.41 SENIORS' MOBILITY PROGRAMS

A petition was tabled (*TP # 837*) by Hon Graham Edwards MLC on 6 November 1996, opposing the State Government's decision to withdraw funding from the Seniors' mobility programs and urging a review of this decision.

Submissions were sought from:

- i) Hon Graham Edwards MLC;
- ii) the principal petitioner; and
- iii) the Minister for Seniors.

The Committee is currently awaiting responses from the abovementioned parties.

2.42 PRIVATISATION OF NON-MEDICAL SERVICES AT OSBORNE PARK HOSPITAL

A petition (*TP # 878*) was tabled by Hon Graham Edwards MLC on 12 November 1996 opposing the privatisation of non-medical services at Osborne Park Hospital and requesting that the Legislative Council give this matter earnest consideration and abandon negotiations with the preferred private operators.

Submissions were sought from:

- i) Hon Graham Edwards MLC;
- ii) the principal petitioner; and
- iii) the Minister for Health.

The Committee is currently awaiting responses from the abovementioned parties.

2.43 COMMUNITY BASED MIDWIFERY

A petition (*TP # 879*) was tabled by the Hon Jim Scott MLC on 12 November 1996 requesting the Legislative Council to ensure that State Health Services include community-based midwifery as a part of maternity services and make appropriate recommendations for appropriate coverage under Medicare.

The petition expresses concern that women do not have sufficient choices with regard to the process of childbirth, such as where and with which professionals they undertake childbirth. It also suggests that recognition is not given to the fact that continuity of midwifery care throughout pregnancy, childbirth and the post natal period makes a vital contribution to the future health of the family and the community.

Submissions were sought from:

- i) the principal petitioner;
- ii) Hon Jim Scott MLC; and
- iii) the Minister for Health.

The Committee is presently awaiting responses from the abovementioned parties.

2.44 JUVENILE CRIME

A petition (*TP # 880*) was tabled by Hon Tom Stephens MLC on 12 November 1996 expressing dissatisfaction with the lenient manner in which repeat juvenile offenders are being treated by the judiciary under the current policies of the Ministry of Justice.

The petitioners request that the Legislative Council:

1. ensures that effective immediately the judiciary will apply the maximum penalties provided by law to repeat juvenile offenders; and
2. will relieve the judiciary of its discretionary responsibilities and provide for mandatory detention of repeat juvenile offenders.

Using Broome³ as an example, the petition contends that the actions of repeat juvenile offenders have caused the following effects on local residents:

- trauma caused by the violation of homes;
- loss of treasured possessions;
- the fear of further incidents;
- fear for personal safety;
- frustration and anger nurtured by a system that allows juvenile criminals the freedom to offend repeatedly without effective punishment; and
- huge costs arising from property loss, police manpower utilisation, court costs, counselling and increased insurance premiums.

Submissions were sought from:

- i) the principal petitioners;
- ii) Hon Tom Stephens MLC;
- iii) the Attorney General; and
- iv) the Minister for Police.

The Committee is currently awaiting responses from the abovementioned parties.

2.45 ACQUIRED BRAIN INJURY

A petition (*TP # 885*) was tabled by the Hon Barbara Scott MLC on 13 November 1996 petitioning against the current lack and decreasing number of appropriate care and accommodation available to people with an acquired brain injury.

The petitioners assert that, due to a lack of funding, people with acquired brain injury are being denied the intensive rehabilitation they required and that young people with an acquired brain injury are being placed in inappropriate nursing homes where the level of care is inadequate and their particular needs are not being met.

Submissions were sought from:

- i) the principal petitioner;
- ii) the Minister for Health; and
- iii) the Minister for Disability Services.

The Committee is currently awaiting responses from the abovementioned parties.

³Broome is said to suffer a break-in frequency of 1.3 per day on average.

APPENDIX I

LIST OF REPORTS

1. Report regarding a petition seeking legislation on various aspects of substantive law and procedural law relating to sex offences against children.
2. Interim report into links between Government agencies and the failed Western Women Group.
3. Second interim report into links between Government agencies and the failed Western Women Group.
4. Report regarding a petition requesting the Legislative Council to investigate whether the proposed dissolution of the City of Perth contravenes the Constitution Act 1889 or any other Act or Statute.
5. Report in relation to a petition requesting the ban on the use of fishing nets (other than prawn drag nets and throw nets) for recreational fishing in the Pilbara region and the phasing out of professional licence endorsements.
6. Report in relation to a petition concerning the export of iron ore through Esperance.
7. Report in relation to a petition concerning the town of Wittenoom.
8. Overview of Petitions: April 1993 - March 1994.
9. Overview of Petitions: May 1994 - December 1994.
10. Report in relation to a petition regarding the Port Kennedy Development.
11. Report in relation to the Electronic Availability of Statutes.
12. Report in relation to a petition regarding the Swan Valley and Whiteman Park.
13. Report in relation to a petition regarding the Sewerage System.
14. Report in relation to a petition objecting to the Government's decision to restrict the use by pensioners of their free Westrail entitlement during holiday periods.
15. Overview of Petitions: March 1995 - March 1996.
16. Report in relation to a petition regarding the effect of soil conservation policy on clearing controls and remnant vegetation management.
17. Report in relation to a petition regarding hardship due to the formerly rare and endangered plant *Acacia Guinetii*.