

40TH PARLIAMENT



Report 56

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Overview of Petitions 1 July 2019 to 30 June 2020

Presented by
Hon Matthew Swinbourn MLC (Chairman)
September 2020

Standing Committee on Environment and Public Affairs

Members as at the time of this inquiry:

Hon Matthew Swinbourn MLC (Chairman)

Hon Samantha Rowe MLC

Hon Dr Steve Thomas MLC

Hon Colin Holt MLC (Deputy Chairman)

Hon Tim Clifford MLC

Staff as at the time of this inquiry:

Krystian Hemsley, LLB (Advisory Officer Legal))

Alex Hickman, LLB (Advisory Officer (Legal))

Amanda Gillingham, BA (Hons) (Research Officer)

Kristina Crichton, (Committee Clerk)

Address:

Parliament House

4 Harvest Terrace, West Perth WA 6005

Telephone: 08 9222 7300

Email: lcco@parliament.wa.gov.au

Website: www.parliament.wa.gov.au

ISBN 978-1-925580-23-5



CONTENTS

Executive summary	i
1 Introduction.....	1
History and function of the Committee	1
Petitions	1
Petitions process	1
Overview of petitions.....	2
Committee webpage	2
2 Finalised petitions: July 2019 – June 2020.....	3
Petition No 104—Rural crime	3
Petition No 110—Labour Hire Practices	5
Petition No 112—Walpole wilderness and marine park	7
Petition No 115—Corner of Thomas and Nicholson Roads in Oakford	9
Petition No 116—Ban helium balloons.....	10
Petition No 117—Parking congestion at local schools.....	11
Petition No 118—Youth violence in Cockburn	12
Petition No 119—Closure of Quadriplegic Centre	13
Petition No 120—Release of balloons.....	15
Petition No 122—Storage of lithium tailings.....	15
Petition No 123—Southern Forests Irrigation Scheme.....	16
Petition No 124—Muzzling of greyhounds.....	18
Petition No 125—Railway line between Bunbury and Greenbushes.....	20
Petition No 126—Kwinana outer harbour.....	21
Petition No 127—Recreational fishing guide	22
Petition No 129—Araluen Residential Estate.....	22
Petition No 130—Airsoft.....	24
Petition No 131—Water Skiing in the Mullocullop Nature Reserve.....	25
Petition No 132—Tonkin Highway.....	26
Petition No 133—Voluntary Assisted Dying Bill 2019.....	27
Petition No 134—Southern Section of the Bunbury Outer Ring Road	28
Petition No 135— <i>Young Offenders Act 1994</i>	29
Petition No 136—Police administration of firearms	30
Petition No 137—Fremantle Markets	32
Petition No 138—North Wanneroo water rights	33
Petition No 139—Tonkin Highway and Hale Road	35
Petition No 140—Royalties for Regions Environmental Project Allocations.....	36

Petition No 141—North West Shelf Extension.....	38
Petition No 142—Motorbike Racing at Lake Leschenaultia.....	40
Petition No 143—Palliative care in regional WA.....	41
Petition No 144—Post-20 week abortions.....	43
Petition No 145—WA egg industry.....	45
Petition No 146—Subiaco Approved Local Planning Scheme No. 5.....	47
Petition No 147—Chronic fatigue syndrome and fibromyalgia.....	49
Petition No 151—Children and Community Services Amendment Bill 2019.....	49

EXECUTIVE SUMMARY

- 1 The Standing Committee on Environment and Public Affairs (Committee) is pleased to present this overview of the petitions finalised between 1 July 2019 and 30 June 2020.
- 2 Petitions remain a popular method of informing Members of Parliament about issues that affect the community and the Committee's enquiries enhance transparency of government policy and decisions.
- 3 This Committee of the Legislative Council is unique in Australia in considering all petitions tabled. The nature and extent of enquiries relating to each petition will vary depending on the issues raised.
- 4 A petition will not always achieve the specific objectives desired by petitioners however the Committee's enquiries may provide petitioners with an explanation for government decisions or actions.
- 5 During the reporting period, 31 petitions were tabled in the Legislative Council and the Committee concluded its enquiries in relation to 35 petitions. It held a public hearing with the Department of Water and Environmental Regulation as part of its enquiries into Petition No. 123 – Southern Forests Irrigation Scheme.
- 6 The Committee also:
 - commenced an inquiry into its functions, processes and procedures to ensure they are best practice and fit for purpose; and
 - tabled a final report regarding its inquiry into children and young people on the sex offenders register – is mandatory registration appropriate?
- 7 The Committee's webpage at www.parliament.wa.gov.au/env contains copies of public documents including the terms of each petition, submissions, government responses and transcripts of evidence.

CHAPTER 1

Introduction

History and function of the Committee

- 1.1 The Standing Committee on Environment and Public Affairs (Committee) was appointed by the Legislative Council on 17 August 2005.
- 1.2 The functions of the Committee are outlined in the Committee's Terms of Reference in Schedule 1 of the Standing Orders of the Legislative Council:

The functions of the Committee are to inquire into and report on –

- (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
- (b) any Bill referred by the Council; and
- (c) petitions.

Petitions

- 1.3 A petition is a formal request for action from individuals or groups. The petitions process, through which the general public can bring issues of concern to the attention of the Parliament, provides a fundamental link between the community and the Parliament.
- 1.4 All conforming petitions tabled in the Legislative Council by a Member of the Legislative Council, except those raising a matter of privilege, are referred to the Committee. While a petition only needs one signature to be tabled, most petitions contain many signatures.
- 1.5 The Committee's consideration of petitions serves to enhance transparency and to inform the Parliament and public about current issues of concern to the community.
- 1.6 A petition will not always bring about a change of policy by the government or achieve the specific objectives desired by petitioners however the Committee's enquiries may provide petitioners with an explanation for government decisions or actions. The petitions process facilitates communication between Parliament and the community.

Petitions process

- 1.7 The nature and extent of enquiries relating to each petition will vary depending on the nature of the issues raised. In most cases, the Committee will request a submission from the principal petitioner and tabling Member. These submissions enable the Committee to better understand the issues involved and the action, if any, already undertaken by the petitioner to resolve the matter.
- 1.8 Once submissions are received, the Committee will usually request a response to the petition from the relevant government Minister. The Committee may also seek responses from other organisations (such as local governments) and carry out other investigations as required.
- 1.9 In many instances, the Minister's response to the petition will provide an explanation for the policy or action in question, although sometimes the Committee will need more information to clarify the issues to its satisfaction. These enquiries may take the form of further correspondence with the relevant parties or a hearing to obtain more detailed evidence. On occasion, the Committee will resolve to conduct a formal inquiry into the matter.

Overview of petitions

- 1.10 This report provides an overview of the petitions considered and finalised by the Committee from 1 July 2019 to 30 June 2020 (reporting period).
- 1.11 31 petitions were tabled in the Legislative Council between 1 July 2019 and 30 June 2020 and the Committee concluded its enquiries into 35 petitions, some of which were tabled prior to the reporting period.
- 1.12 The Committee also commenced a public inquiry into its functions, processes and procedures to ensure they are best practice and fit for purpose.

Committee webpage

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

CHAPTER 2

Finalised petitions: July 2019 – June 2020

Petition No 104—Rural crime

Number of signatures:	491
Date tabled and Tabled Paper (TP) number:	13 February 2019 (TP 2393)
Date finalised:	7 August 2019
Principal petitioner:	Geoffrey Charteris
Tabling Member:	Hon Colin de Grussa MLC

- 2.1 This petition expresses concern about the significant economic impact of rural crime, such as stock and equipment theft, trespass, and illegal hunting, on primary producers and regional communities.
- 2.2 The petition calls on the Legislative Council to review legislation that will increase protection of landholders against trespassing, hunting or fishing on private land without permission, theft, damage or destruction to livestock or property, and the potential creation of an aggravated trespass offence relating to biosecurity risks, intent to engage in stock theft, or the presence of hunting equipment.
- 2.3 The principal petitioner submitted that the petition was prompted by his business being severely impacted by trespassing and poachers stealing his commercial marron stock. He also explained that by not observing biosecurity protocols, trespassers can bring dieback or other diseases onto properties, or spread noxious weeds.¹
- 2.4 The principal petitioner provided details of a number of other incidents, including the removal of gates, stock theft and farmers being threatened when confronting intruders and expressed concern about the application and adequacy of existing penalties. He stated the geographical isolation of victims should be an aggravating factor that is taken into account when an offender is sentenced,² as well as an increase in police resources to tackle rural crime.³
- 2.5 Concerns about the use of drones over rural properties was also highlighted by the principal petitioner:

Drones are increasingly being used by thieves scoping out rural properties as well as their use by anti-animal production extremists. This is distressing many people who feel that their privacy is breached and there are numerous stories of drones spooking cattle which could [be] both harmful to animal welfare and dangerous to people working with the livestock. We need to increase privacy protections for people who live and work on rural properties. Regulation of drone use should be strengthened to ensure that all drones, whether recreational or commercial, are registered and identifiable.⁴

¹ Submission from Geoffrey Charteris, 13 March 2019, p 1.

² *ibid*, pp 1-2.

³ *ibid*, p 2.

⁴ *ibid*.

2.6 In his submission, the tabling Member expressed similar concerns and supported a review of relevant legislation:

There is clearly a need for greater protection for animal enterprise businesses against animal activists who trespass on private land or interfere with lawful activities. The adequacy of the legislative framework and penalties for trespassing, hunting or fishing on private land without permission, theft, damage or destruction of livestock or property all need to be reviewed to look at to ensure that rural enterprises and their communities have suitable protection from rural crime.⁵

2.7 Responses to the petition from the Minister for Agriculture and Food, the Minister for Police, and the Attorney General outlined the various measures being undertaken by the government to address the issue of rural crime.

2.8 In particular, the Attorney General advised that new amendments to section 70A of the *Criminal Code* will define circumstances of aggravation for the offence of trespass:

Consistent with the proposal contained in the Petition, the circumstances of aggravation will make reference to biosecurity risks and the commission, or intended commission, of further offences (such as stealing).

The circumstances of aggravation will also apply where the trespasser intimidates or harasses farming families or workers – an important inclusion in light of the conduct described in [the principal petitioner’s] submission.⁶

2.9 The Attorney General also advised that:

- Additional reforms will include an increased maximum penalty for trespass committed in circumstances of aggravation and amendments to the *Restraining Orders Act 1997*.⁷
- A review of the *Sentencing Act 1995* will commence later in 2019 and that he will ‘ensure that the review process includes consideration of the role of ‘geographic isolation’ in the sentencing process.’⁸

2.10 The Acting Minister for Police gave the following feedback on police resources in rural areas:

the WA Police Force has introduced Rural Crime Investigators (RCI) into Regional Western Australia. RCI are located in the South West and Wheatbelt Police Districts, with oversight and coordination provided by the Regional WA Regional Office. The recent introduction of a second Commander into Regional WA will assist in further positive development of the RCI model.⁹

2.11 The Acting Minister also gave the following feedback on the use of drones:

As you may be aware, legislation relating to air space is the responsibility of the Commonwealth, and drones fall within this scope. Drone use is regulated by the Civil Aviation Safety Authority (CASA). A Commonwealth Government-driven review of legislation has commenced and the WA Police Force is being consulted during this process.

⁵ Submission from Hon Colin de Grussa MLC, 13 March 2019.

⁶ Hon John Quigley MLA, Attorney General, letter, 26 July 2019, p 1.

⁷ *ibid*, p 2.

⁸ *ibid*, p 3.

⁹ Hon Stephen Dawson MLC, Acting Minister for Police, letter, 6 June 2019, p 2.

Reports involving drone use can be reported by members of the public on the CASA webpage. Any complaint received by the WA Police Force will be assessed to: determine if further investigation is required to establish if criminal charges can be progressed. In addition, the WA Police Force use State-based legislation including the *Surveillance Devices Act 1998 (WA)* to prosecute those who unlawfully use drones to commit an offence.¹⁰

- 2.12 The Minister for Agriculture and Food advised that issues relating to animal welfare and biosecurity may result from unauthorised entry to and movement on private property. The Minister advised that the Government is in the process of reviewing the *Animal Welfare Act 2002*, and that a review of the *Biosecurity and Agriculture Management Act 2007* will be commenced in 2019.¹¹

Petition No 110—Labour Hire Practices

Number of signatures:	3584
Date tabled and Tabled Paper (TP) number:	14 March 2019 (TP 2466)
Date finalised:	12 February 2020
Principal petitioner:	Steve McCartney
Tabling Member:	Hon Alanna Clohesy MLC on behalf of Hon Darren West MLC

- 2.13 The petition asserts that workers in the labour hire industry have fewer protections and oversight than direct hire workers, experience greater levels of financial insecurity, and are more vulnerable to exploitation by employers.
- 2.14 The petition calls on the Legislative Council to support a Parliamentary inquiry into labour hire practices, with a particular focus on improving the rights and protections of workers, including but not limited to:
- the disparity in conditions between labour hire workers and direct hire workers;
 - the need for legislation and regulations to protect workers in the labour hire industry;
 - a licensing scheme for labour hire agencies; and
 - how government procurement can be used to ensure safe work practices and ethical employment.
- 2.15 In his submission, the principal petitioner referred to the actions of the Victorian and Queensland governments in establishing inquiries into labour hire practices and submitted that the Western Australian Government should establish a similar inquiry:
- It is now a matter of injustice that workers in Queensland and Victoria have protections under state legislation that West Australians do not.¹²
- 2.16 The principal petitioner noted the State is different in terms of geography, industries, and industrial relations system.¹³
- 2.17 The Committee requested a response from the Minister for Industrial Relations.

¹⁰ *ibid*, p 2.

¹¹ Hon Alannah MacTiernan MLC, Minister for Agriculture and Food, letter, 11 April 2019, p 2.

¹² Submission from Steve McCartney, undated, received 16 April 2019, p 1.

¹³ *ibid*.

2.18 In response to the petition, the Minister for Industrial Relations agreed that there is merit to a Parliamentary inquiry into the issue with a view to ascertaining whether legislation could address issues in the industry.¹⁴ However, the Minister referred the Committee to the Inquiry into Wage Theft in Western Australia (Wage Theft Inquiry) which was conducted by Mr Tony Beech, former Chief Commissioner of the Western Australian Industrial Relations Commission.¹⁵

2.19 The terms of reference of the Wage Theft Inquiry were similar to the subject matter of the petition, including in relation to labour hire practices, as follows:

- whether there is evidence of wage theft occurring in Western Australia, and the various forms wage theft may take;
- what are the reasons wage theft is occurring, including whether it has become the business model for some organisations;
- what is the impact of wage theft on workers, businesses which are compliant with employment laws, and the Western Australian community and economy;
- whether wage theft is more prevalent in particular industries, occupations, forms of employment/engagement or parts of the State;
- whether the current State and federal regulatory framework for dealing with wage theft is effective in combating wage theft and supporting affected workers;
- whether new laws should be introduced in Western Australia to address wage theft, and if so, whether wage theft should be a criminal offence;
- whether there are other strategies that could be implemented by the Western Australian Government, or industry stakeholders to combat wage theft;
- whether there are strategies and legislative change the Western Australian Government could recommend to the Federal Government to deal with wage theft in the federal jurisdiction; and
- other matters incidental or relevant to the Inquirer's consideration of the preceding terms of reference.¹⁶

2.20 The report of the Wage Theft Inquiry was released by the Government on 6 December 2019 and found that wage theft is occurring in Western Australia. The report made 28 recommendations to address wage theft in Western Australia, one of which related to establishing a labour hire licencing scheme in the State.¹⁷

2.21 In response to the report of the Wage Theft Inquiry, the Government advised, amongst other things, that it:

- intends to take action to address wage theft through a range of strategies, one of which is to, in principle, establish a labour hire licencing scheme in Western Australia;
- will give further consideration as to whether wage theft should be criminalised;
- supports legislative change to enhance the level of cooperation and information sharing between the Department of Mines, Industry Regulation and Safety, and the Fair Work Ombudsman; and

¹⁴ Hon Bill Johnston MLA, Minister for Industrial Relations, letter, 28 May 2010, p 1.

¹⁵ Department of Commerce, *Inquiry into Wage Theft in Western Australia*, report prepared by Mr Tony Beech, June 2019.

¹⁶ *ibid*, p 26.

¹⁷ *ibid*, pp 13, 156.

- supports amendments to industrial laws which will broaden powers for industrial inspectors, including in relation to wage theft.¹⁸

2.22 The Committee noted the Government’s advice in response to the report of the Wage Theft Inquiry.

Petition No 112—Walpole wilderness and marine park

Number of signatures:	193
Date tabled and Tabled Paper (TP) number:	2 April 2019 (TP 2544)
Date finalised:	7 August 2019
Principal petitioner:	Louis Beckerling
Tabling Member:	Hon Diane Evers MLC

2.23 This petition opposes the planting of an introduced species of tea tree for manuka honey production in the Walpole Wilderness Area on the basis it poses unacceptable threats to the security of the water supply (through the proposed use of glyphosate) and the health and biodiversity of the area.

2.24 The petition calls on the Legislative Council to support measures to stop the introduction of the exotic species of tea tree, prohibit the use of significant volumes of glyphosate in the drinking water catchment area, and rehabilitate the area with native vegetation to ensure the protection of the drinking water support and the surrounding environment.

2.25 The principal petitioner submitted that the development for tea tree planting was improperly reclassified as revegetation rather than a plantation in order to remove the requirement for the local government authority, the Shire of Manjimup, to grant approval under its local planning scheme. He was also of the view the approval process lacked transparency and that consultation was not undertaken with relevant industry bodies.¹⁹

2.26 The tabling Member raised the following concerns:

- the introduction of a non-endemic species and uncertainty over whether it may become an environmental weed;
- the spread of dieback to other areas;
- the impact on the habitat of Carnaby’s Cockatoos;
- the deficits in the community consultation process; and
- the use of glyphosate to spray the land the subject of the development will contaminate the drinking water supply and cause unacceptable environmental and health risks.²⁰

2.27 Regarding the issue of glyphosate use in a water catchment area, the tabling Member submitted:

Toxicology research shows that the toxic effects and endocrine disrupting properties of GBHs [glyphosate-based herbicides] are mostly due to the chemical

¹⁸ Government of Western Australia, Proposed Government response to the Inquiry into Wage Theft in Western Australia, undated. See: https://www.commerce.wa.gov.au/sites/default/files/atoms/files/proposed_government_response_to_the_inquiry_into_wage_theft_in_western_australia.pdf. Viewed 23 July 2020.

¹⁹ Submission from Louis Beckerling, 2 May 2019.

²⁰ Submission from Hon Diane Evers MLC, 26 April 2019.

formulants in commercial pesticides and not to glyphosate itself. This means that laboratory experiments to determine acceptable daily intakes of pesticides appear insufficient to ensure public safety since they only assess glyphosate or other declared active ingredients alone. They therefore cannot be relied on in this or any other case.²¹

- 2.28 The Committee sought responses from the Minister for Environment, the Minister for Water, and the Shire of Manjimup.
- 2.29 The Shire of Manjimup advised that the appropriate classification of the land use at the site is agricultural, for which the Shire's prior planning approval is not required and that the use cannot be classified as plantation as this use directly relates to the timber industry.²²
- 2.30 The Minister for Water advised that, following feedback, the scope of the project had been reduced from 220 to 50 hectares for the first phase planting area. Of this, 10 hectares will remain in the Walpole Weir Catchment Area and 40 hectares is outside the catchment area. The Minister advised that further decisions on the scope of the project is pending the outcome of an assessment by the Australian Government's Department of Environment and Energy assessment on Carnaby's Cockatoo habitat.²³
- 2.31 In terms of the use of glyphosate, the Minister for Water also advised that:
- The proposal was for a single, broadacre application on Water Corporation's land in the Walpole Weir Catchment Area, which provides a source of drinking water for Walpole. The Department of Health granted approval to use glyphosate on this land, with conditions attached, which included:
- do not apply glyphosate at times when significantly rainfall events are forecast, application by registered pest control operator;
 - adequate separation distances from production bores;
 - keeping records of herbicide treatment; and
 - reporting of water quality monitoring by the Water Corporation to the Department of Health.²⁴
- 2.32 The Minister for Environment provided information on dieback management in land managed by the Department of Biodiversity, Conservation and Attractions.²⁵

²¹ *ibid*, p 1.

²² Brian Robinson, Director, Development and Regulation, Shire of Manjimup, letter, 27 May 2019, p 3.

²³ Hon Dave Kelly MLA, Minister for Water, Letter, 28 May 2019, p 1. See also Hon Stephen Dawson MLC, Minister for Environment, letter, 6 June 2019.

²⁴ *ibid*, p 2.

²⁵ Hon Stephen Dawson MLC, Minister for Environment, letter, 9 July 2019.

Petition No 115—Corner of Thomas and Nicholson Roads in Oakford

Number of signatures:	28
Date tabled and Tabled Paper (TP) number:	11 April 2019 (TP 2619)
Date finalised:	7 August 2019
Principal petitioner:	Elton Swarts
Tabling Member:	Hon Donna Faragher MLC

- 2.33 The petition supports the upgrading of the intersection at Thomas and Nicholson Roads in Oakford, noting that the intersection has averaged nearly one crash per month in the preceding five years.
- 2.34 The petition calls on the Legislative Council to urge the Government to make this project a priority.
- 2.35 On 14 April 2019, the State Government announced it would match the \$10 million in funding awarded by the Federal Government to upgrade the intersection.²⁶
- 2.36 The principal petitioner submitted that the Royal Automotive Club of Western Australia (RAC), in its 'risky road' survey, had found Thomas Road, Oakford to be the seventh most dangerous road and the intersection with Nicholson road to be the second most dangerous in the metropolitan area. He welcomed a State Government announcement allocating \$10 million to fund the upgrade of the intersection and encouraged the commencement of work in early 2020.²⁷
- 2.37 The tabling Member highlighted the importance of obtaining a timeframe for commencement of the project works on the basis the petition requests they be a priority:
- The Committee's assistance in obtaining further clarification from the State Government regarding the timeframe for these critical works, including the necessary approvals required before the commencement of works, would certainly be appreciated by the petitioners and the community generally.²⁸
- 2.38 The Committee also received a letter from Alyssa Hayden MLA, advising that she had tabled a petition in the Legislative Assembly containing 1593 signatures also requesting an upgrade for the same intersection be made a State priority.²⁹ She also highlighted the importance of obtaining a timeframe for the works.³⁰
- 2.39 The Committee sought further information from the Minister for Transport on the timeframe, who advised that construction will commence as soon as practicable. The Minister also provided information regarding the progress of the project to date, including design work, traffic modelling and a road safety audit.³¹

²⁶ Government of Western Australia, Media Statements. See: <https://www.mediastatements.wa.gov.au/Pages/McGowan/2019/04/1-point-7-billion-dollar-transformation-of-Tonkin-Highway-and-eastern-corridor.aspx>. Viewed 8 May 2020.

²⁷ Submission from Elton Swarts, principal petitioner, 24 April 2019.

²⁸ Submission from Hon Donna Faragher MLC, tabling Member, 8 May 2019, p 2.

²⁹ Alyssa Hayden MLA, letter, 8 May 2019.

³⁰ *ibid*, p 2.

³¹ Hon Rita Saffioti MLA, Minister for Transport, letter, 5 July 2019.

Petition No 116—Ban helium balloons

Number of signatures:	60
Dates tabled and Tabled Paper (TP) number:	9 May 2019 (TP 2668)
Date finalised:	4 September 2019
Principal petitioner:	Jennifer Morcombe
Tabling Members:	Hon Colin de Grussa MLC

- 2.40 Petition No 116 was tabled by the Hon Colin de Grussa MLC and relates to the ban of helium balloons. Petition No 120 was tabled by the Hon Pierre Yang MLC on two occasions and relates to the release of balloons (refer to paragraph 2.74). Given the similar subject matter, the Committee decided to consider the petitions collectively.
- 2.41 Both petitions oppose the use of helium party balloons and recommended that they be banned in Western Australia.
- 2.42 In her submission, the principal petitioner of Petition No 116 detailed a number of ways in which helium party balloons damage the environment, wildlife and human health as well as a threat to the beauty of beaches. She considers the use of helium gas and balloons should be reserved for scientific purposes. The principal petitioner submitted that:
- Helium party balloons break down into smaller pieces of plastic, and are eaten by birds and fish, when mistaken for food. Plastic also contaminates the ocean and our food supply. The ribbons are virtually indestructible and can tangle and strangle birds, seals, whales and fish.³²
- 2.43 In her submission, one of the principal petitioners of Petition 120 submitted that the *Litter Act 1979* should be amended to:
- Make the release of balloons an illegal act punishable by an on the spot fine at \$5000 for an individual and \$10,000 for a corporate body.³³
- 2.44 The other principal petitioner of Petition No 120 submitted that:
- Back in 1979, we were naïve, unaware of the damage that is caused by the release of helium balloons. We believed what the industry told us about them being biodegradable. We know from the numerous reported balloon relating deaths that they are harmful to our wildlife, that they do not break down in water quick enough not to run the risk of ingestion by any marine species that might mistake a balloon as its food source.³⁴
- 2.45 The Committee requested a response from the Minister for the Environment.
- 2.46 The Minister for Environment, in his response, advised that the Government will, later in 2019, consider options for the reduction of unnecessary use of plastic (including balloon releases) put forward by the public in a community consultation process. The Minister stated that a preliminary analysis of responses indicates over 98 per cent of respondents support further action on single-use plastics.³⁵

³² Submission from Jennifer Morcombe, undated, received 6 June 2019, p 1.

³³ Submission from Collette Brennan, 2 July 2019, p 1.

³⁴ Submission from Lisa Hills, 9 July 2019, p 1.

³⁵ Hon Stephen Dawson MLC, Minister for the Environment, letter, 29 August 2019.

Petition No 117—Parking congestion at local schools

Number of signatures:	246
Date tabled and Tabled Paper (TP) number:	5 June 2019 (TP 2741)
Date finalised:	14 August 2019
Principal petitioner:	Linda Aitken
Tabling Member:	Hon Michael Mischin MLC

- 2.47 The petition expresses concern at the growing congestion experienced by families when dropping off, and picking up, students at local primary schools and high schools.
- 2.48 The petition calls on the Legislative Council to recommend to the Government that it:
- supports local municipal authorities to allow verge parking within 500 metres of all school boundaries during peak drop off and pick up times of gazetted school days;
 - require education and planning authorities to provide more/sufficient space by way of road reserves around schools (such as would allow for angled parking instead of parallel street parking) when new schools are established; and
 - collaborate with schools and local municipal authorities to develop a comprehensive, safe and effective traffic management strategy (including the promotion of alternatives to family car pick-up and delivery of students).
- 2.49 The principal petitioner pointed to the constant source of frustration caused by a lack of adequate parking around schools and traffic flow, including drivers speeding through crosswalks and some parents using the few parking bays available for long periods to congregate with their children.³⁶ She also highlighted conflict that can occur between school staff and parents:
- It is obvious that not much headway has been made to improve the parking situation around schools to relieve the frustration to this worsening situation for our communities and constituents, and this problem is also historical to these schools. This problem is heightened when considering that staff carparks are inundated with parent cars and staff can't park either. When approached by the school Administration staff to move their car the parents swear at the staff and refuse to move the car.³⁷
- 2.50 The Committee requested responses to the petition from the Minister for Education, Minister for Planning and Minister for Road Safety.
- 2.51 The Minister for Education gave details of a number of initiatives and actions being undertaken by the Department of Education to address traffic management, including the annual allocation of funds to a traffic management program and encouraging schools to participate in the Your Move Program to promote walking and cycling to schools.³⁸
- 2.52 The role played by the Western Australian Planning Commission's Development Control Policy 2.4 in managing parking around schools was also highlighted.³⁹

³⁶ Submission from Linda Aitken, undated, received 23 June 2019.

³⁷ *ibid*, p 2.

³⁸ Hon Sue Ellery MLC, Minister for Education, letter, 11 July 2019, p 1.

³⁹ *ibid*, p 2.

2.53 In terms of planning for new schools, the Minister also advised the Committee about the provision for adequate parking:

In terms of planning for new schools, the Department has advised that all new schools are provided with sufficient staff, visitor and parent parking, and drop-off/pick-up areas, as required in the Department's Primary School Brief and Secondary Schools Design Guide. The car park component of both the Primary School Brief and Secondary Schools Design Guide has been determined in agreement with the Western Australian Local Government Association.⁴⁰

2.54 In her response, the Minister for Road Safety acknowledged that parking had become an issue around children's crossings at schools and referred to research undertaken by the Road Safety Commission that showed:

- between 2013–2017, there were 42 casualty crashes in operating school zones involving children aged between four and eighteen;
- one third of all male and female cyclist and pedestrian crashes occurred during school zone opening hours; and
- crashes within 500 metres of the closest school were more likely to occur in the school zone operating hours.⁴¹

2.55 The Minister for Planning stated that she has:

requested the Department of Planning, Lands and Heritage work with the Department of Education on matters relating to the planning and provision of school sites. This includes a review and revision of Development Control Policy 2.4. Traffic and parking concerns will be considered as part of this process. This review will include engagement with key stakeholders and a public consultation process following the preparation of a revised draft policy.⁴²

Petition No 118—Youth violence in Cockburn

Number of signatures:	390
Date tabled and Tabled Paper (TP) number:	5 June 2019 (TP 2742)
Date finalised:	4 December 2019
Principal petitioners:	Dr Chamonix Terblanche and Ursula Smit
Tabling Member:	Hon Simon O'Brien MLC

2.56 The petition expresses concern about various offences committed by juvenile offenders in Cockburn. It referred to increasing violence, theft, and other offences.

2.57 The petition calls on the Legislative Council to recommend a review of the *Young Offenders Act 1994* and legislative reforms to curb youth crime in Western Australia. The petition calls for an increase in the number of police officers in the State.

2.58 The principal petitioner submitted that youth violence was out of control in Cockburn and urged a thorough revision of the *Young Offenders Act 1994* to bring it into line with current community expectations and give WA Police the authority to deal with young offenders.⁴³

⁴⁰ *ibid.*

⁴¹ Hon Michelle Roberts MLA, Minister for Road Safety, letter, 6 August 2019, p 1.

⁴² Hon Rita Saffioti MLA, Minister for Planning, letter, 25 July 2019.

⁴³ Submission from Dr Chamonix Terblanche, 20 June 2019.

- 2.59 The Committee requested a response to the petition from the Minister for Police.
- 2.60 In her response, the Minister for Police advised that a number of measures have been implemented to address anti-social behaviour in Cockburn, including police Youth Crime Intervention Officers coordinating a range of youth programs and diversionary activities. The Minister also advised that the Government is on track to deliver 148 additional police officers and that on 24 July 2017, Cockburn Police Station commenced operations 24 hours a day, seven days a week.⁴⁴
- 2.61 After considering the response from the Minister for Police, the Committee requested a response to the petition from the Commissioner of Police.
- 2.62 The Commissioner of Police advised there has not been a significant increase in youth crime in the Cockburn area, though some incidents of anti-social behaviour have attracted media attention and heightened public awareness.⁴⁵ He also gave details of Operation Insistence, which was initiated to specifically address anti-social behaviour at shopping precincts. A combination of proactive patrols, enforcement, youth diversion and target hardening by retailers and traders has resulted in a measurable decline in reported offences at Gateways Shopping Centre from April through to July 2019.⁴⁶
- 2.63 The Committee sought a response to the petition from the Minister for Corrective Services and the Attorney General.
- 2.64 By way of his response, the Attorney General referred the Committee to the Minister for Corrective Services.⁴⁷
- 2.65 The Minister for Corrective Services advised that youth justice is a complex and important issue and accordingly, a timeframe for a review of the *Young Offenders Act 1994* is yet to be determined.⁴⁸

Petition No 119—Closure of Quadriplegic Centre

Number of signatures:	375
Date tabled and Tabled Paper (TP) number:	5 June 2019 (TP 2743)
Date finalised:	4 December 2019
Principal petitioner:	Glenn Neville
Tabling Member:	Hon Colin de Grussa MLC

- 2.66 The petition opposes the closure of the Quadriplegic Centre (Centre) in Shenton Park.
- 2.67 The petition calls on the Legislative Council to ensure that the services it provides are retained at the Centre or a central location with easy access to public transport.
- 2.68 The principal petitioner submitted that the Centre offers 24 hour care by medical professionals familiar with the needs of quadriplegic patients and provides rehabilitation and respite services, as well as accommodation, that enable a break in the intense level of daily

⁴⁴ Hon Michelle Roberts MLA, Minister for Police, letter, 19 July 2019, pp 1-2.

⁴⁵ Chris Dawson, Commissioner of Police, Western Australia Police, letter, 3 September 2019, p 1.

⁴⁶ *ibid*, p 2.

⁴⁷ Hon John Quigley MLA, Attorney General, letter, 23 October 2019.

⁴⁸ Hon Francis Logan MLA, Minister for Corrective Services, letter, 27 November 2019.

routine that patients like himself require.⁴⁹ He stated alternative organisations do not provide suitable care for him and suggests the Centre be rebuilt:

I have had communications with Roger Cook, the Health Minister, who has suggested other organisations as possible alternatives; such as the Spinal Out Reach Service, ALBER, Rocky Bay and the MS Society; but none of these provide suitable and sufficient care for me.

Where do regional people like me go, who need respite or rehabilitation? Where do West Australian Quadriplegic people stay, who require emergency housing? We the Quadriplegic community strongly appeal to the West Australian Government and the council to consider completely rebuilding the Quad Centre of 10 Selby Street, Shenton Park.⁵⁰

2.69 The tabling Member described the uniqueness of the Centre in the services it offers to people with high-level spinal cord injuries:

The State Quadriplegic Centre in Shenton Park has long offered a unique, and incredibly important, respite service to people who have suffered high-level spinal cord injuries. The Quadriplegic Centre is unique in the level of independence it offers clients during their respite, while still providing the necessary amount of support and care each individual requires.⁵¹

2.70 The Committee sought responses from the Ministers for Health and Disability as well as Alinea (formerly the Spine and Limb Foundation).

2.71 In his response, the Acting Minister for Health advised that:

- the current model of care for people with spinal cord injury has changed the focus of rehabilitation from a hospital-based dependent model to a community-based independent living model;
- the buildings of the Quadriplegic Centre have reached the end of their useful life, resulting in an inaccessible and poorly designed facility that does not meet the needs of people with spinal cord injury; and
- 12 new dwellings of various sizes are being constructed and the first 4 houses will be ready for occupation in mid-2020.⁵²

2.72 The Minister for Disability Services also advised that:

[The Department of] Communities is liaising closely with stakeholders to plan with and support eligible residents to transition to alternative accommodation options, as appropriate. The NMHS [North Metropolitan Health Service] has engaged a service provider, Western Australia's Individualised Services (WAIS) to provide support for the Centre's residents to ensure they have clear information regarding their options beyond the Centre, including future respite options.⁵³

2.73 The Committee noted that there is a shift towards community-based service delivery and that the Department of Communities is liaising with stakeholders to plan and support eligible residents to transition to alternative accommodation options.

⁴⁹ Submission from Glenn Neville, 24 June 2019.

⁵⁰ *ibid*, p 2.

⁵¹ Submission from Hon Colin de Grussa MLC, 28 June 2019, p 1.

⁵² Hon Ben Wyatt MLA, Acting Minister for Health, letter, 22 July 2019.

⁵³ Hon Stephen Dawson MLC, Minister for Disability Services, letter, 6 August 2019, p 1.

Petition No 120—Release of balloons

Number of signatures:	4322 (total)
Date(s) tabled and Tabled Paper (TP) number:	6 June 2019 (TP 2748 & TP 2749)
Date(s) finalised:	4 September 2019
Principal petitioner(s):	Lisa Hills & Collette Brennan
Tabling Member(s):	Hon Pierre Yang MLC

2.74 The Committee considered Petitions 116 and 120 together given their similar subject matter. Refer to paragraphs 2.40 to 2.46 above.

Petition No 122—Storage of lithium tailings

Number of signatures:	564
Date tabled and Tabled Paper (TP) number:	11 June 2019 (TP 2760)
Date finalised:	14 August 2019
Principal petitioner:	Lisa Ferris
Tabling Member:	Hon Colin Holt MLC

- 2.75 The petition opposes the storage of lithium tailings and associated leachate⁵⁴ at the waste facility in Banksia Road, Dardanup. It recommends that an alternative site is sourced in an area conducive to safe storage, future recovery, targeted research and re-purposing of this resource. Issues of concern include dust emissions, underground water contamination, containment of water on site, and visual amenity within the Ferguson Valley tourism precinct. The petition also states the waste facility has not been subject to a full Environmental Impact Assessment in its entirety by the Environmental Protection Authority (EPA).
- 2.76 The petition calls on the Legislative Council to oppose the storage of lithium tailings at the site and to recommend an alternative site is used in an area that is conducive to safe storage, future recovery, targeted research, and repurposing of the resource.
- 2.77 The principal petitioner’s submission detailed the petitioners’ objections to the storage of lithium tailings, based on:
- water pollution to the aquifers located below the facility;
 - air pollution resulting from dust blowing from the site to nearby areas, which include pastures, bush vegetation and the town site;
 - jeopardising tourism and recreation due to the close proximity to the Ferguson Valley tourism precinct; and
 - contamination from heavy metals that may be present in the tailings.⁵⁵
- 2.78 The Committee sought responses from the Shire of Dardanup and the Minister for Environment.
- 2.79 In his response, the Minister for Environment advised that the decision of the EPA to not formally assess the proposal is subject to a number of appeals and that the Appeals

⁵⁴ Leachate is water that has percolated through a solid and leached out some of the constituents.

⁵⁵ Submission from Lisa Ferris, 23 June 2020.

Convenor will investigate the issues raised in the appeals and report to him, and he will then make a determination.⁵⁶

2.80 The principal petitioner, in her submission, did not elaborate on the EPA's decision.

2.81 The Shire of Dardanup advised it has lodged an appeal against the EPA's decision based on a number of environmental and economic grounds.⁵⁷

Petition No 123—Southern Forests Irrigation Scheme

Number of signatures:	862
Date tabled and Tabled Paper (TP) number:	27 June 2019 (TP 2831)
Date finalised:	12 February 2020
Principal petitioner:	Brian Vallentine
Tabling Member:	Hon Diane Evers MLC
Hearing:	23 October 2019

2.82 The petition opposes the proposed Southern Forests Irrigation Scheme (SFIS) in the south-west of the State. The petitioners argue that the scheme is economically unviable, environmentally destructive, and is inequitable with regard to water allocations for the following reasons:

- the business plan is out of date and relies on old data for the prices and supply of produce;
- there is no guarantee that water flows will be sufficient to fill the dam;
- the costs of the pipeline installation and routing across private land is out of date;
- the destruction of forest for the dam, weir and pipeline is unnecessary and will destroy native bushland, habitat and culturally significant sites;
- the water flows past the dam and weir will be altered and have a subsequent impact downstream;
- the environments in the dam and the river above the weir will be altered;
- the water flows have not been proven to come from the forest rather than from the cleared agricultural land above the Donnelly River weir, where water restrictions impede opportunities to develop these properties; and
- the properties with access to the scheme water are gaining substantial personal benefit from a very targeted government handout that could be used more equitably by a greater cross section of the community.

2.83 The petition calls on the Legislative Council to recommend to the Government that any further progress on the SFIS be discontinued until planning results in:

- a more equitable distribution of water allocations;
- no negative impact on the environment; and
- viable investment.

⁵⁶ Hon Stephen Dawson MLC, Minister for Environment, letter, 5 August 2019. See: <https://www.appealsconvenor.wa.gov.au/about-appeals-convenor>. Viewed 19 May 2020.

⁵⁷ André Schönfeldt, Chief Executive Officer, Shire of Dardanup, letter, 2 August 2019, p 1.

- 2.84 The tabling Member submitted, amongst other things, that:
- A better strategy for water security in the region should be developed in a more democratic, participatory manner, based on consideration of integrated environmental, economic and social factors using up-to-date and complete evidence.⁵⁸
- 2.85 The Committee received unsolicited letters in relation to the petition, including from the Southern Forests Irrigation Co-operative (SFIC).
- 2.86 The Committee sought a response from the Minister for Agriculture and Food, and held a hearing with the Department of Water and Environmental Regulation (DWER).
- 2.87 In her response, the Minister for Agriculture and Food advised that a key area of concern is the methodology of water planning and allocation utilised by DWER. The Minister addressed some key misconceptions about the SFIS:
- The SFIS is not damming the Donnelly River; rather, peak flows from the Donnelly River will be pumped to an off stream storage dam 3km away on a minor tributary (Record Brook).
- There is no longer the need for a previously proposed 4m weir structure on the Donnelly River nor inundation of up to 2.2km upstream to allow for water to be pooled and pumped. Instead, a gauging station will be installed and submersible pumps used which means a more modest 0.5m structure will be required.
- Existing self-supply water licences are not impacted by the SFIS and water is not being taken away from West Manjimup farmers due to the scheme.⁵⁹
- 2.88 During the Committee's hearing with DWER, Mr Mike Rowe, Director General, advised that DWER's role in relation to the SFIS is four-fold and relates to:
- Commissioning the modelling and scientific analysis to understand the capacity of the Donnelly River to sustain the proposed abstraction from the scheme and the likely impact on the environmental flow regime.
- ...
- Provid[ing] information to the Environmental Protection Authority as it undertakes its public environmental review under the Environmental Protection Act 1986 against the factors that the authority has requested the proponent,
- ...
- In the event that the EPA recommends that the project can proceed and this is approved by the Minister for Environment, under the *Rights in Water and Irrigation Act 1914*, we will assess the proponent's water licence application to abstract water from the river, as well as assess applications for any permits associated with interfering with the beds and banks of the Donnelly River and Record Brook, arising from the construction of any weirs or dam.
- ...
- Ensuring compliance with the terms and conditions of any water licensing permits the department may issue to the proponent, as well as ensuring compliance against any conditions of a ministerial statement that may be issued by the

⁵⁸ Submission from Hon Diane Evers MLC, undated, received 24 July 2019, p 2.

⁵⁹ Hon Alannah MacTiernan MLC, Minister for Agriculture and Food, letter, 28 August 2019, p 2.

Minister for Environment for this project under the *Environment Protection Act 1986*.⁶⁰

- 2.89 With its response, DWER provided documents relating to modelling of the SFIS, namely:
- Donnelly River Allocation Statement;
 - Hydrology and Risk Consulting’s modelling technical final report, dated December 2018; and
 - report of Ecological Australia, dated 1 November 2018.
- 2.90 The Committee considered that a key issue in this petition is the accuracy of the water availability modelling of the SFIS.
- 2.91 The Committee noted that the EPA is conducting a Public Environmental Review of the SFIS which includes numerous public consultation periods. The review includes release of an Environmental Review Document for public review and submissions following which the SFIC will provide responses to submissions to the EPA. The EPA will then review the SFIC’s responses to submissions and prepare a draft assessment report, which includes further consultation on draft conditions. Subsequently, the finalised report will be provided to the Minister.
- 2.92 The Committee considered it appropriate that the EPA finalise its Public Environmental Review given its subject matter is similar to that of the petition.

Petition No 124—Muzzling of greyhounds

Number of signatures:	1186
Date tabled and Tabled Paper (TP) number:	27 June 2019 (TP 2832)
Date finalised:	4 September 2019
Principal petitioner:	Andrea Pollard
Tabling Member:	Hon Alison Xamon MLC

- 2.93 The petition opposes breed specific restrictions for companion greyhounds in section 33 of the *Dog Act 1976*. Specifically, this provision requires greyhounds to be muzzled in a public place unless it has successfully completed a prescribed training programme.
- 2.94 The petition calls on the Legislative Council to repeal the provision.
- 2.95 In her submission, the principal petitioner stated that muzzling of greyhounds does not effectively serve the public interest and negatively affects pet greyhounds and their owners because it:
- unreasonably discriminates against greyhounds as a breed rather than focusing on individual dog behaviour;
 - is not based on scientific evidence, incident statistics or good practice risk management;
 - has the effect of promoting a false stereotype of pet greyhounds and causing unnecessary fear in the community, while fostering a false sense of security concerning other breeds;

⁶⁰ Mike Rowe, Director General, Department of Water and Environmental Regulation, transcript of evidence, 23 October 2019, p 2.

- discourages members of the public from adopting greyhounds exiting the industry at a young age, which in turn leads to a high 'wastage' rate;
 - adversely affects the quality of life of pet greyhounds and inhibits normal canine socialisation, reward-based training and exercise opportunities;
 - misleads the public both as to the nature of greyhounds and the effectiveness of the measures claimed to address the purported risk;
 - does not adequately incentivise the industry to ensure that all greyhounds used in the racing industry are suitably re-homed; and
 - unnecessarily hinders the efforts of concerned community groups in improving the re-homing rates of greyhounds discarded by the industry.⁶¹
- 2.96 Both the principal petitioner and tabling Member pointed to the objections of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the Australian Veterinary Association to the mandatory muzzling of greyhounds and the lack of evidence that greyhounds pose any greater risk to the public than other dog breeds.⁶²
- 2.97 In her submission, the tabling Member stated, amongst other things, that:
- Perhaps the greatest cost of all of the compulsory muzzling of greyhounds is that the muzzles contribute to a negative public misconception that greyhounds are aggressive. Each year hundreds of greyhounds are discarded by the racing industry and are in need of homes. Removing muzzling laws would significantly help improve the image of greyhounds and therefore help increase rehoming rates.⁶³
- 2.98 The Committee requested a response from the Minister for Local Government, as the Minister with portfolio responsibility for the *Dog Act 1976*.
- 2.99 In response to the petition, the Minister for Local Government explained that the Department of Local Government, Sport and Cultural Industries was analysing submissions, including many that relate to greyhound muzzling, received in relation to the recent review of the *Dog Amendment Act 2013*.⁶⁴
- 2.100 The Minister advised that the review of the Act will provide the Government with 'an opportunity to reconsider the requirement for greyhound muzzling in Western Australia' and that he will:
- Consider the views of the community and leading animal welfare agencies in making recommendations. I will also continue to monitor changes in other jurisdictions in relation to greyhound muzzling.⁶⁵

⁶¹ Submission from Andrea Pollard, 1 August 2019, p 1.

⁶² *ibid*; Submission from Hon Alison Xamon MLC, 18 July 2019.

⁶³ Submission from Hon Alison Xamon MLC, 18 July 2019, p 2.

⁶⁴ Hon David Templeman MLA, Minister for Local Government, letter, 30 August 2019.

⁶⁵ *ibid*, p 2.

Petition No 125—Railway line between Bunbury and Greenbushes

Number of signatures:	3345
Date tabled and Tabled Paper (TP) number:	8 August 2019 (TP 2909)
Date finalised:	23 October 2019
Principal petitioner:	Therese Dignam
Tabling Member:	Hon Diane Evers MLC

2.101 The petition requests that the railway line between Bunbury and Greenbushes be used to transport lithium from the Talison Greenbushes mine along with further rail enhancements to allow for additional rail movements north of Bunbury to transport the tailings from the refineries. The petition advanced that rail transport of lithium from the Greenbushes mine would remove a significant number of trucks from the South Western Highway, which would result in the following benefits:

- increase the safety of road users;
- reduce noise pollution, air pollution and carbon emissions;
- reduce heavy traffic passing through Balingup, Mullalyup, Kirup, Donnybrook and Boyanup towns;
- retain the aesthetic values of Balingup, Mullalyup, Kirup, Donnybrook and Boyanup towns for local residents, visitors and tourists; and
- allow for further rail freight movements of products in other industries.

2.102 The petition call on the Legislative Council to recommend that the Government pursue the improvement and development of the railway infrastructure.

2.103 The tabling Member identified safety as a key issue:

As noted in a 2017 report prepared by the Australian National University, heavy trucks are associated with a disproportionately high number of fatalities. For instance across Australia 'Heavy trucks were involved in 14.7% of fatalities in 2016, despite making up 3.13% of registered vehicles and 7.2% of vehicle kilometres travelled'. The increased use of trucks in the SW is likely to lead to a similar, unacceptable result.⁶⁶

2.104 The Committee requested a response to the petition from the Minister for Transport.

2.105 In response to the petition, the Minister for Transport advised that the Government is working with Arc Infrastructure and Talison Lithium on the feasibility of reopening the rail line and that a final decision is likely by 2020.⁶⁷

⁶⁶ Submission from Hon Diane Evers MLC, 9 September 2019, p 1.

⁶⁷ Hon Rita Saffioti MLA, Minister for Transport, letter, 16 October 2019.

Petition No 126—Kwinana outer harbour

Number of signatures:	2181
Date tabled and Tabled Paper (TP) number:	22 August 2019 (TP 2963)
Date finalised:	20 November 2019
Principal petitioner:	Allan Nelson
Tabling Member:	Hon Alison Xamon MLC

- 2.106 The petition opposes the premature construction of an outer harbour in Kwinana until the existing infrastructure at Fremantle Harbour has reached its full capacity.
- 2.107 The petition calls on the Legislative Council to oppose construction of new port facilities at Kwinana until the existing infrastructure at Fremantle Harbour has reached its full capacity.
- 2.108 In his submission, the principal petitioner expressed concern about the environmental impacts of the construction of an outer harbour in Cockburn Sound.⁶⁸ He was also of the view that Fremantle Harbour has adequate capacity:
- It is my understanding that Fremantle is only at one third of its use at the moment. The harbour master states that he can cater for the biggest ships in the world today.⁶⁹
- 2.109 In response to the petition, the Minister for Transport explained that options to extend the life of Fremantle Inner Harbour or alternatively to utilise Bunbury as a container hub for the future have been considered, but ultimately have been ruled out for various reasons. The Westport Taskforce (Westport) is responsible for developing a plan to manage the State's growing freight demands for the next 50 years and beyond.⁷⁰
- 2.110 The Minister did not specifically respond to the principal petitioner's assertion that Fremantle Harbour is at only one third of its capacity; however, did refer to identifying the most appropriate port option to meet the State's long-term freight requirements.⁷¹
- 2.111 The Minister's response also addressed the environmental concerns raised in the petition:
- Westport recognises potential environmental and social impacts associated with container port facilities at Cockburn Sound, which includes the species mentioned in the petition, such as Bottlenose Dolphins, Snapper and Little Penguins.
- Westport, with ongoing input from government agencies that are involved with environmental management matters, has engaged scientific institutions to provide independent advice on risks relating to, and potential impact on, environmental and social values. This advice has informed the options assessment process.⁷²
- 2.112 The Committee also noted advice on the Department of Transport's webpage that five shortlisted options for a port are being tested through a second multi-criteria analysis and cost benefit analysis. The webpage stated that the top performing option or options will be

⁶⁸ Submission from Allan Nelson, 19 September 2019, p 1.

⁶⁹ *ibid.*

⁷⁰ Hon Rita Saffioti MLA, Minister for Transport, letter, 15 November 2019, p 1.

⁷¹ *ibid.*

⁷² *ibid.*, p 2.

detailed in a report which will be referred to the Government for review and decision in early-2020.⁷³

Petition No 127—Recreational fishing guide

Number of signatures:	204
Date tabled and Tabled Paper (TP) number:	3 September 2019 (TP 2980)
Date finalised:	23 October 2019
Principal petitioner:	Malcolm de Lille
Tabling Member:	Hon Kyle McGinn MLC

- 2.113 The petition refers to the decision to cease printing the Recreational Fishing Guide which sets out the rules for Western Australia’s recreational fishers, particularly in regional areas. The guide is now available online only.
- 2.114 The petition advanced that sustainability of fish resources depends on recreational fishers being aware of these rules and calls on the Government to recommence the printing of the guide.
- 2.115 The Committee did not receive a submission from the principal petitioner or tabling Member, and as such, decided to finalise its consideration of the petition.

Petition No 129—Araluen Residential Estate

Number of signatures:	1061
Date tabled and Tabled Paper (TP) number:	19 September 2019 (TP 3074)
Date finalised:	12 February 2020
Principal petitioner:	Barry Porter
Tabling Member:	Hon Donna Faragher MLC

- 2.116 The petition refers to the City of Armadale’s lack of cooperation in accommodating a request by local residents of the Araluen Residential Estate to establish an additional permanent entry and exit point from the Araluen Residential Estate.
- 2.117 The petition asserts that an additional access point is required, on a permanent basis, because:
- the existing access point is insufficient and would pose a risk to the safety of residents in cases of emergency such as bushfire;
 - the City of Armadale has acknowledged that if the existing access point were to be assessed now as part of a proposed residential estate development application, it would not be approved; and
 - the inquiry and report into the 2011 Perth hills bushfire⁷⁴ found that the State must be more adequately prepared for the potential for future bushfires in the hills region.

⁷³ Department of Transport, Project Update 16, October 2019. See: https://www.transport.wa.gov.au/mediaFiles/projects/PROJ_P_Westport_PortEnvironsStrat_Update16FINAL.pdf. Viewed 23 July 2020.

⁷⁴ Government of Western Australia, *A Shared Responsibility: The report of the Perth hills bushfire February 2011 review*, report prepared by Mick Keelty AO APM, 16 June 2011.

- 2.118 The petition calls on the Legislative Council to look into the matter in consultation with the Department of Fire and Emergency Services.
- 2.119 The principal petitioner submitted that there are two existing roads, Wymond Road and Armenti Road which could be suitable to be used as an additional access point. Both of these roads may be used in emergencies (such as bushfires) however ordinarily they are obstructed by locked gates. Some of the petitioners' concerns relate to difficulties opening these gates due to damage or incorrect keys being used.⁷⁵
- 2.120 The principal petitioner also asserted that the deed which established the estate, along with associated maps and advertising materials, indicated there would be two primary access points.⁷⁶
- 2.121 In a letter, Alyssa Hayden MLA advised that:
- The City of Armadale have acknowledged that a residential development such as this would not receive approval under current planning requirements, as a second access point is required.⁷⁷
- 2.122 The Committee requested a response from the Minister for Emergency Services, the Minister for Planning, and the City of Armadale.
- 2.123 In his response, the Minister for Emergency Services advised that:
- local governments are responsible for the consideration of access roads within residential estates;
 - new subdivisions in bushfire prone areas require proponents to demonstrate compliance with State Planning Policy 3.7 'Planning in Bushfire Prone Areas' (December 2015) and the associated Guidelines for Planning in Bushfire Prone Areas (version 1.3, December 2017). In particular, there should be designs for two safe access/egress options, leading to two different destinations, and which can withstand all weather conditions. These requirements are not applied retrospectively; and
 - the City of Armadale has advised the Department of Fire and Emergency Services that it has developed contingency arrangements for the gates on Wymond and Armenti Roads to be opened when the forecast fire danger rating is 'Very High' or higher.⁷⁸
- 2.124 In its response, the City of Armadale advised that:
- since the initial concepts for the Araluen Residential Estate were developed in the early 1990's, various planning approvals have been granted by the Western Australian Planning Commission (and its statutory predecessors) and the regulatory regime and guidance surrounding planning for bushfire protection has also been refined;
 - the latest bushfire protection regime, which commenced in 2015, requires new residential estates in bushfire prone areas to have two permanent access routes, however this regime does not apply retrospectively;

⁷⁵ Submission from Barry Porter, undated, received 4 October 2019.

⁷⁶ *ibid.*

⁷⁷ Alyssa Hayden MLA, Letter, 7 October 2019, p 1.

⁷⁸ Hon Francis Logan MLA, Minister for Emergency Services, Letter, 26 November 2019, pp 1-2.

- the Araluen Residential Estate has one permanent access route and two additional, temporary, fire evacuation routes at Wymond Road and Armenti Road;
- the current permanent access route can handle 3000 vehicles per day. The most recent traffic count conducted in May 2019 recorded an average of fewer than 1300 vehicles per day;
- the City of Armadale considered a report on the fire emergency evacuation arrangements of the Araluen Residential Estate and resolved not to support the opening of Wymond Road in its current condition due to its poor geometric configuration. An upgrade to Wymond Road, to ease expected significant increase in traffic volume, is estimated to cost \$4 million; and
- the City of Armadale is conducting a trial by keeping the gates on Wymond and Armenti Roads unlocked for the remainder of the 2019/20 fire season and will then consider arrangements regarding ongoing management of the fire emergency evacuation routes.⁷⁹

2.125 The Committee noted in particular the City of Armadale’s decision to conduct a trial of keeping the gates on Wymond and Armenti Roads unlocked for the remainder of the 2019/20 fire season.

Petition No 130—Airsoft

Number of signatures:	2358
Date tabled and Tabled Paper (TP) number:	15 October 2019 (TP 3258)
Date finalised:	12 February 2020
Principal petitioner:	Laurentiu Zamfirescu
Tabling Member:	Hon Aaron Stonehouse MLC

2.126 The petition refers to the sport of Airsoft, and submitted that it is a cheaper, safer, and more convenient pastime and competitive activity compared to other shooting sports or active recreations.

2.127 The petition calls on the Legislative Council to exempt the sport of Airsoft and the use of Airsoft replicas from the provisions of firearms legislation [the *Firearms Act 1973*] and allow for self-regulation by a sporting association.

2.128 The principal petitioner submitted, amongst other things, that there is no State or Territory legislation in Australia which prohibits Airsoft.⁸⁰

2.129 The tabling Member submitted, amongst other things, that:

Playing Airsoft is safer, less painful and more affordable than playing paintball, a sport which is already legal and widely enjoyed in Western Australia. Airsoft pellets are much smaller and lighter than paintball pellets, meaning less energy and pain on impact than already legal paintball.⁸¹

2.130 Further:

Should Western Australia pursue the legalisation of Airsoft, it would be the first jurisdiction in Australia to permit their legal use in skirmish games. This in turn

⁷⁹ Joanne Abbiss, Chief Executive Officer, City of Armadale, letter, 23 December 2019.

⁸⁰ Submission from Laurentiu Zamfirescu, undated, received 27 October 2019, p 1.

⁸¹ Submission from Hon Aaron Stonehouse MLC, 14 November 2019, p 2.

would give rise to a number of opportunities for economic activity in both metropolitan and rural WA.⁸²

- 2.131 The Committee requested a response from the Minister for Police.
- 2.132 In her response, the Minister for Police advised that the subject matter of the petition is being considered in the Firearms Amendment (Airsoft) Bill 2019 and that the government is considering its position in relation to the bill.⁸³
- 2.133 The Committee considered that it was not appropriate to make further enquiries given that the bill was before the Legislative Council.

Petition No 131—Water Skiing in the Mullocullop Nature Reserve

Number of signatures:	417
Date tabled and Tabled Paper (TP) number:	29 October 2019 (TP 3333)
Date finalised:	11 March 2020
Principal petitioner:	John Hassell
Tabling Member:	Hon Diane Evers MLC

- 2.134 The petition opposes the gazettal on 29 March 2019 of Lake Mullocullop in the Mullocullop Nature Reserve for the purpose of water skiing by the Department of Transport at the request of the City of Albany.
- 2.135 The petition advances that:
- the use of the lake for the recreational activity of water skiing may be in contravention of the *Lands Administration Act 1997* and the Management Order relating to the purpose and use of the Mullocullop Nature Reserve;
 - the lake is one of the few remaining freshwater lakes in the area with a very fragile ecological system. Its pristine condition will be severely impacted by power boating and water skiing activities;
 - no plans have been presented by the Department of Transport or the City of Albany to show how they will manage the increased traffic on access roads and what actions will be taken to mitigate the impact on the local environment of power boating activities and increased numbers of visitors accessing the reserve; and
 - no plans have been presented by the Department of Transport or the City of Albany as to how they will monitor and enforce safety rules and rights of way on such a small and isolated lake.
- 2.136 The petition calls on the Legislative Council to request that the Department of Transport rescind the gazettal and instead reinstate a ban on water skiing activities in the lake.
- 2.137 The principal petitioner submitted that the lake, which is known as Mirrambeen to the traditional owners and is a registered site under the *Aboriginal Heritage Act 1972*, has significant spiritual and cultural value to the Minang and Wilomin Noongar people as a meeting place and food gathering area.⁸⁴

⁸² *ibid.*

⁸³ Hon Michelle Roberts MLA, Minister for Police, letter, 30 December 2019.

⁸⁴ Submission from John Hassell, 5 November 2019, p 1.

2.138 The tabling Member submitted, amongst other things, that:

Traditional owners have made it clear that water skiing on the lake is the main problem – swimming, windsurfing, canoeing, paddling, picnicking, walking, photography and so on are welcomed, and in fact are likely to be negatively impacted by water skiing. The traditional owners are happy to share knowledge about the lake and surrounds, and teach those who are interested, including school children. This approach would benefit the community, and build social capital that we know can support people who are suffering from stress and are seeking ways to cope, as I know many farmers are.⁸⁵

2.139 Management of the reserve lies with the City of Albany as the responsible authority.

2.140 The Committee requested a response from the City of Albany and the Minister for Transport.

2.141 In its response, the City of Albany advised that it commissioned a survey of 22 Noongar representatives regarding the issue. 59% of respondents were opposed, 36% were not opposed, and 5% were undecided. The City of Albany advised that there is signage at the lake which highlights the mythological significance of the lake. Further, it advised that the Department of Planning, Lands, and Heritage advised that water skiing on the lake would not constitute an offence under the *Aboriginal Heritage Act 1972*.⁸⁶

2.142 In terms of ecosystem impacts, the City of Albany advised that the University of Western Australia has undertaken baseline water quality monitoring, field site assessments, and bird surveys, and that there is no evidence to support adverse ecosystem impact.⁸⁷

2.143 In terms of traffic, the City of Albany advised that a traffic count report identified a minimal amount of traffic and that there is no evidence to support an increase to traffic on access roads. The City of Albany also advised that the Department of Transport is responsible for safety and that there is signage in place to highlight relevant safety rules.⁸⁸

2.144 In her response, the Minister for Transport advised that the Department of Transport's involvement relates solely to a waterway safety perspective, that is, whether water skiing on the lake could be accommodated safely.⁸⁹

Petition No 132—Tonkin Highway

Number of signatures:	282
Date tabled and Tabled Paper (TP) number:	31 October 2019 (TP 3357)
Date finalised:	19 February 2020
Principal petitioner:	Colin Trigg
Tabling Member:	Hon Alanna Clohesy MLC

2.145 The petition expresses concern regarding traffic noise emitted from Tonkin Highway and calls for effective traffic sound barriers to be installed on both sides of Tonkin Highway, including on bridges and overpasses, between Guildford Road and Great Eastern Highway, commencing in 2020. Further, the petition notes that traffic noise should be sufficiently reduced by those sound barriers.

⁸⁵ Submission from Hon Diane Evers MLC, undated, received 29 November 2019, p 1.

⁸⁶ Andrew Sharpe, Chief Executive Officer, City of Albany, letter, 9 December 2019, p 1.

⁸⁷ *ibid*, p 2.

⁸⁸ *ibid*.

⁸⁹ Hon Rita Saffioti MLA, Minister for Transport, letter, 15 January 2020.

- 2.146 The petition refers to the Tonkin Gap Project, which is a project to upgrade Tonkin Highway to include additional lanes, new interchanges, bridges, and a shared path, and to reduce travel time.⁹⁰
- 2.147 The petition advances that the project should include appropriate noise mitigation measures in light of the increased traffic volumes, including from road trains, when the project is completed.
- 2.148 The petition calls on the Legislative Council to support the installation of such effective sound barriers.
- 2.149 The principal petitioner referred to a report from the EPA on the project:
- On reading the EPA report it appears that the reduction in noise overall is going to be an average of 2 to 4db and some will not even reach the minimum requirement of 55db even after noise walls are constructed. This seems an inadequate solution to a long-term problem which is only going to increase. With increased volumes of traffic into the future and the addition of road trains when the North Link project is complete will only increase this noise in the future.⁹¹
- 2.150 The Committee requested a response from the Minister for Transport.
- 2.151 In her response, the Minister for Transport advised that noise mitigation measures, including noise walls, are being considered as part of the project development. The Minister conceded that initial noise monitoring results indicated that traffic noise levels marginally exceed levels in some locations contrary to the Western Australian Planning Commission's State Planning Policy 5.4 Road and Rail Noise.⁹²
- 2.152 The Minister advised that further noise monitoring will be undertaken as part of the detailed design phase to establish where noise walls are required once the road design is finalised.⁹³

Petition No 133—Voluntary Assisted Dying Bill 2019

Number of signatures:	7430
Date tabled and Tabled Paper (TP) number:	20 November 2019 (TP 3407)
Date finalised:	12 February 2020
Principal petitioner:	Belinda Teh
Tabling Member:	Hon Robin Scott MLC

- 2.153 The petition calls on the Legislative Council to support a bill to legalise voluntary assisted dying.
- 2.154 The Committee, being aware that the Voluntary Assisted Dying Bill 2019 was before the Legislative Council at the time of considering the petition, deferred consideration.
- 2.155 The Committee then concluded its consideration of the petition upon the bill being passed.

⁹⁰ Main Roads, 14 July 2020. See: <https://project.mainroads.wa.gov.au/home/current/tonkingehtoguildford/Pages/default.aspx>. Viewed 22 July 2020.

⁹¹ Submission from Colin Trigg, undated, received 20 November 2019, p 1.

⁹² Hon Rita Saffioti MLA, Minister for Transport, letter, 14 February 2020.

⁹³ *ibid.*

Petition No 134—Southern Section of the Bunbury Outer Ring Road

Number of signatures:	1493
Date tabled and Tabled Paper (TP) number:	20 November 2019 (TP 3408)
Date finalised:	12 February 2020
Principal petitioner:	Barbara Stone
Tabling Member:	Hon Diane Evers MLC

- 2.156 The petition opposes the southern section of the Bunbury Outer Ring Road being constructed through Gelorup, which the petition submits is the highest overall impact route chosen by the Minister for Transport.
- 2.157 The petition refers to, amongst other things, the Minister for Transport apparently advising that the proposed road corridor in Gelorup was of sufficient width so as not to require further land resumptions. The petition claims these land resumptions are now being proposed.
- 2.158 The petition calls on the Legislative Council to support a viable alternative to Gelorup for the southern section of the Bunbury Outer Ring Road.
- 2.159 Main Roads, on its webpage, advised that the Bunbury Outer Ring Road seeks to provide an alternative route for freight and general traffic around Bunbury to improve traffic flow and safety.⁹⁴
- 2.160 The Committee noted that this petition was substantially similar to Petition No. 93, which was also opposed to the proposed southern section of the Bunbury Outer Ring Road and which requested an alternative route to Gelorup. When inviting submissions from the principal petitioner and tabling Member, the Committee requested that they provide new/additional information to that provided in the submissions to Petition No. 93.
- 2.161 The principal petitioner, in her submission, clarified that the ‘highest overall impact’ of the proposal affects:
- critically endangered flora and fauna;
 - native vegetation; and
 - compulsory acquisition of land.⁹⁵
- 2.162 Amongst other things, the tabling Member noted that the EPA is conducting a Public Environmental Review (which is the highest level of review) of the project which includes public consultation.⁹⁶
- 2.163 In relation to consultation, the tabling Member explained that:
- The problem has been exacerbated by the fact that landowners were repeatedly assured that the road reserve was wide enough to accommodate the road without land resumption. This has understandably created great angst amongst local community members. It’s a wicked problem, of course, however I know Main Roads has approached controversial issues more deliberately in the past, in the Road Train Summit and the Reid Highway Extension Citizens’ Jury, for example. Main Roads is therefore capable of undertaking more effective public participation

⁹⁴ Main Roads, 7 July 2020. See: <https://project.mainroads.wa.gov.au/home/borr/Pages/default.aspx>. Viewed 22 July 2020.

⁹⁵ Submission from Barbara Stone, principal petitioner, 13 December 2019, p 1.

⁹⁶ Submission from Hon Diane Evers MLC, tabling Member, undated, received 20 December 2019, p 2.

than has been achieved in this instance, to provide a widely supported, well-conceived project.⁹⁷

- 2.164 The Public Environmental Review includes consideration of:
- alternative alignments of the road;
 - impacts to flora and vegetation and terrestrial fauna;
 - environmental management plans;
 - avoidance, minimisation, and mitigation of impacts to social surroundings; and
 - offsets strategy.⁹⁸
- 2.165 The EPA's webpage stated the project was at stage two of five, which relates to the authority considering whether to assess a referred proposal.⁹⁹
- 2.166 The Committee noted that there are five stages to the EPA's assessment process, and that stage two includes public consultation, including on the level of assessment.

Petition No 135—Young Offenders Act 1994

Number of signatures:	82
Date tabled and Tabled Paper (TP) number:	20 November 2019 (TP 3409)
Date finalised:	11 March 2020
Principal petitioner:	John Bagiatis
Tabling Member:	Hon Colin Holt MLC

- 2.167 The petition expresses concern that under the *Young Offenders Act 1994* (Act), juveniles who commit sexual offences may be diverted from Court proceedings if a police officer decides to caution, rather than charge, the juvenile.
- 2.168 The petition calls on the Legislative Council to review the Act to consider whether to remove this discretion, along with the adequacy of maximum penalties for young sex offenders.
- 2.169 The Committee requested a response from the Minister for Corrective Services, noting the subject matter of the petition and its prayer for relief.
- 2.170 In his response, the Minister for Corrective Services advised that the Department of Justice is undertaking preparatory work in anticipation of a review of the Act. The Minister also advised that the principal petitioner had contacted the Department of Justice directly, and was advised that the issues raised by him may be considered in the course of that review.¹⁰⁰
- 2.171 The Committee noted that at the time of considering this petition, it was conducting an inquiry with similar subject matter, namely: Inquiry into children and young people on the Sex Offenders Register – is mandatory registration appropriate?

⁹⁷ *ibid.*

⁹⁸ Environmental Protection Authority, undated. See: <https://www.epa.wa.gov.au/proposals/bunbury-outer-ring-road-southern-section>. Viewed 22 July 2020.

⁹⁹ *ibid.*

¹⁰⁰ Hon Francis Logan MLA, Minister for Corrective Services, letter, 9 March 2020.

Petition No 136—Police administration of firearms

Number of signatures:	260
Date tabled and Tabled Paper (TP) number:	27 November 2019 (TP 3438)
Date finalised:	13 May 2020
Principal petitioner:	Ronald Bryant
Tabling Member:	Hon Rick Mazza MLC

- 2.172 The petition raises concerns regarding the administrative practices and internal policy developments of the WA Police in relation to shooting sports and the firearms industry. Particular reference was made to firearms dealers, manufacturers, repairers, and the operation of ranges used by firearms sporting clubs.
- 2.173 The petition states that the current WA Police administrative practices and internal policies are unreasonable and disproportionate to the object of public safety.
- 2.174 The petition calls for the Legislative Council to inquire into these practices and policies including whether the Commissioner of Police has exercised powers unreasonably under the *Firearms Act 1973*.
- 2.175 The principal petitioner submitted, amongst other things, that:
- There is no evidential link between the number of legally owned firearms – or the type of firearms owned legally – and criminality... Legal firearm owners are simply not a threat to public safety and never have been.¹⁰¹
- 2.176 The petitioners' grievances related to the Licensing Enforcement Division of the WA Police, alleging that they are focused on an excessive regulatory compliance regime designed to limit the sporting use and ownership of firearms. Issues identified by the principal petitioner in his submission included:
- WA Police's decision to no longer recognise Australia Post as a postal carriage service which thereby banned firearms transport. WA Police exempted itself from this restriction;
 - ongoing vexatious attempts by the WA Police to shut down the operation of the Ella Valla Carnarvon long range shooting club;
 - WA Police's practice to refuse to issue an additional licence to an existing holder where requirements have been met;
 - WA Police's decision to ban 'very powerful firearms'; and
 - a senior officer of the Licensing Enforcement Division allegedly engaging in misleading conduct.¹⁰²
- 2.177 The tabling Member expressed concerns regarding firearms legislation and the lack of reform:
- There is no doubt that the *Firearms Act 1973* (the Act) and Firearms Regulations 1974 (the Regulations) are inadequate documents for the management and regulation of firearms in 2019. However, stakeholders correctly argue that it is the place of government rather than the managing agency to make appropriate amendments. The industry welcomed the (then) Attorney General's announcement

¹⁰¹ Submission from Ronald Bryant, 20 December 2019, p 1.

¹⁰² *ibid*, pp 1-2.

of a review of the Act by the Law Reform Commission of Western Australia (LRC) in February 2014.

The LRC released a Discussion Paper in October 2015 and subsequently received 1244 submissions, one of the largest number for any LRC review. It published its Final Report #105 in October 2016 with 143 recommendations of which none have been implemented to date.¹⁰³

2.178 The Committee requested a response from the Minister for Police. The Minister responded to the principal petitioner's specific grievances as follows:

- Firearms are regulated under the *Firearms Act 1973* and additionally, the National Firearms Agreement provides guidance on related matters.
- WA Police has produced a Firearms Range Guide for Applicants which contains information about requirements for approval and conditions.
- WA Police provided statistics for 2018 and 2019 regarding applications for new licences or additional firearms in the category of recreational shooters. In 2018, 9348 applications were received and of these, 91 were declined. In 2019, 9173 applications were received and of these, 35 were declined. Applicants may seek review of decisions at the State Administrative Tribunal.
- The WA Police policy regarding 'very powerful firearms' has been discussed at meetings with the Western Australia Firearm Consultation Group.
- Paintball guns may be licenced for reasons of marking of trees, target shooting on a property, marking cattle or other livestock, or deterrence of dingoes/wild dogs.
- Since 2017/18, firearm licence fee increases have been capped at no more than the Consumer Price Index (CPI).
- The remainder of the Auditor General's report recommendations regarding firearms are being progressed.
- On 17 August 2018, Australia Post was approved to be an approved commercial carrier of firearms.
- WA Police advise that there is no evidence that use of Australia Post for processing of licence applications has resulted in delays, increased cost, or breaches of data security. Further, applications may be lodged at a police station where there is no Australia Post outlet.
- The WA Police Licensing and Registry System is now integrated with the Australia Post portal.¹⁰⁴

2.179 The Minister advised, further, that the conduct of police officers is managed by WA Police with oversight possible by the Corruption and Crime Commission.¹⁰⁵

¹⁰³ Submission from Hon Rick Mazza MLC, 20 December 2019, p 1.

¹⁰⁴ Hon Michelle Roberts MLA, Minister for Police, letter, 23 April 2020.

¹⁰⁵ *ibid.*

Petition No 137—Fremantle Markets

Number of signatures:	1
Date tabled and Tabled Paper (TP) number:	29 November 2019 (TP 3462)
Date finalised:	11 March 2020
Principal petitioner:	Thomas Cockle
Tabling Member:	Hon Simon O'Brien MLC

- 2.180 The petition expresses concern regarding the City of Fremantle's oversight of the local-government-owned Fremantle Markets. The petition asserts that there is financial and management disadvantage to many small business tenants at the markets. The petition states that this, in turn, affects ratepayers.
- 2.181 The petition calls on the Legislative Council to examine the matter with a view to correcting the financial unfairness and inequity.
- 2.182 The principal (and sole) petitioner provided a chronology of events commencing from 2008 when the City of Fremantle awarded an 18-year head lease to the operator, Fremantle Markets Pty Ltd. The chronology related to the state of repair of the markets and various stallholder rent issues including increases and fair market value.¹⁰⁶
- 2.183 The Committee requested a response from the City of Fremantle.
- 2.184 In its response, the City commented on the petitioner's grievances and in particular, noted that the lease between Fremantle Markets Pty Ltd and stallholders is a commercial document and that the rent was established by independent market valuation. It submitted that increases to base rent are calculated by reference to increases in the Consumer Price Index compiled by the Australian Bureau of Statistics.¹⁰⁷
- 2.185 Further, the City of Fremantle discussed the commercial nature of the market:
- The Fremantle Market is a commercial operation at arms-length from the City, with the lease developed on a commercial basis. A full copy of the lease, including sub-lease and sub-license pro-forma, was advertised publically as part of the Local Government Act requirements prior to the lease being entered into. The sub-lease/license provisions include clauses to ensure arbitration rights when sub-tenants and the head tenant disagree on an issue. This allows independent and professional third party determination of issues. These provisions were provided during consultation with stallholders during the lease negotiations.¹⁰⁸
- 2.186 The Committee considered that this petition related to a commercial dispute which did not warrant the Committee conducting further enquiries or a formal inquiry.

¹⁰⁶ Submission from Thomas Cockle, 13 December 2019.

¹⁰⁷ Philip St John, Chief Executive Officer, City of Fremantle, letter, 6 March 2020.

¹⁰⁸ *ibid*, p 10.

Petition No 138—North Wanneroo water rights

Number of signatures:	1088
Date tabled and Tabled Paper (TP) number:	3 December 2019 (TP 3468)
Date finalised:	13 May 2020
Principal petitioner:	Christopher Waddell
Tabling Member:	Hon Aaron Stonehouse MLC

- 2.187 The petition opposes any reductions in water licence allocations or imposition of charges for water to farmers in the North Wanneroo area. The petition asserts that such measures would result in economic hardship, devaluation of properties and businesses, and the economic decline of the region.
- 2.188 The petition calls on the Legislative Council to consider solutions which would ensure economic prosperity, such as:
- consolidation of water licences to viable agricultural areas by allowing the enactment of recommendations in the Western Australian Planning Commission’s report on the future of East Wanneroo;¹⁰⁹
 - reform of water use legislation; and
 - creation of a new intensive agricultural precinct to the east of the Carabooda-Nowergup Valley.
- 2.189 The principal petitioner referred to the impact of the Government’s proposal which he stated is already having an effect:
- The State Government’s announcement to cut water licences, importantly with no compensation and no guarantee of further cuts, has already devalued North Wanneroo properties and businesses, creating negative equity, mortgage stress – it is already killing investment, growth and jobs. It is having enormous negative impact on the local economy and jobs, destroying livelihoods and multi-generational assets. It is also destroying critical food security for Perth and the state.¹¹⁰
- 2.190 The tabling Member referred to the proprietary nature of water allocations and trading:
- The lack of a coordinated, all-of-government response to date has, I feel certain, been one of the most frustrating factors for the petitioners and other local residents.
- As a libertarian, I would eventually like to see us reach a point at which the owners of licences can trade all or a portion of their allocation, as easily as they can any other legal possession in their keeping. It is possible to initiate a trade now, but the system is overly cumbersome, and bureaucratic, including a requirement for ministerial sign-off in each and every case.¹¹¹
- 2.191 The Committee noted the Western Australian Planning Commission’s report on the future of East Wanneroo, which included recommendations to create small-lot rural subdivisions on less agriculturally viable land to the west. The report also recommended allowing for the

¹⁰⁹ Western Australian Planning Commission, *The future of East Wanneroo: Land use and water management in the context of Network City*, August 2007.

¹¹⁰ Submission from Christopher Waddell, undated, received 26 December 2019, p 1.

¹¹¹ Submission from Hon Aaron Stonehouse MLC, 17 December 2019, pp 1-2.

transfer of a portion of the current water allocations on those properties to more agriculturally viable properties in the east. The Committee noted implementation of these recommendations would require the agreement and coordination of the Planning, Water, and Agriculture portfolios.¹¹²

2.192 The Committee requested a response from the Minister for Water, the Minister for Planning, and the Minister for Agriculture and Food.

2.193 In his response, the Minister for Water advised, amongst other things, that:

- water licence holders may trade water entitlements. The Department of Water and Environmental Regulation maintains a publicly available water register which provides the details and location of water licence holders;
- the Water Resources Management Bill, which will reform water use and licencing, is currently being drafted;
- the State Government has committed to developing a business case for a new leasehold horticultural precinct to be supplied with recycled water instead of groundwater. The Department of Primary Industries and Regional Development is leading the development of a business case study to determine the economic viability of a waste water recycling scheme as well as prefeasibility studies of how the land could be developed; and
- adapting to changing water availability as the climate changes is a significant challenge to all groundwater users in Perth and across the South West.¹¹³

2.194 In her response, the Minister for Planning advised, amongst other things, that:

- in 2018, the Western Australian Planning Commission published the North-West Sub-regional Planning Framework which retains north Wanneroo for rural and agricultural purposes, and advocates against the creation of new rural residential areas beyond those already classified in the framework; and
- the City of Wanneroo is advancing initiatives affecting the north Wanneroo area. Most importantly, the City is to prepare a local planning strategy which will be the vehicle for addressing issues affecting north Wanneroo, and is to consider land use permissibility for the subject Rural zone under its local planning scheme. The City is currently in the process of preparing a discussion paper to inform its local planning strategy and review of its scheme.¹¹⁴

2.195 In her response, the Minister for Agriculture and Food advised, amongst other things, that:

- balancing the management of the Gngalara water resource between Perth drinking water, the environment and agriculture is critical to the long term viability of the Gngalara groundwater resource, as too is the need for well-considered long term land use planning; and
- the Government supports the retention of a viable and sustainable outer metropolitan food production hub in the Wanneroo area. To do so will require both government and industry working together to meet and adapt to climate change challenges, develop alternative non-climate dependent water sources and well-

¹¹² Western Australian Planning Commission, *The future of East Wanneroo: Land use and water management in the context of Network City*, August 2007.

¹¹³ Hon Dave Kelly MLA, Minister for Water, letter, 10 March 2020.

¹¹⁴ Hon Rita Saffioti MLA, Minister for Planning, letter, 15 April 2020.

considered long term land planning and zoning, with appropriate buffers, in the area.¹¹⁵

Petition No 139—Tonkin Highway and Hale Road

Number of signatures:	4000
Date tabled and Tabled Paper (TP) number:	4 December 2019 (TP 3480)
Date finalised:	1 April 2020
Principal petitioner:	Andrea Pike
Tabling Member:	Hon Donna Faragher MLC

2.196 The petition opposes the proposal to remove access to Tonkin Highway from Hale Road. The petition asserts this would increase traffic through residential streets and consequently pose safety issues and increase commute times.

2.197 The petition calls on the Legislative Council to ensure that Main Roads retain access to Tonkin Highway from both the Wattle Grove and Forrestfield sides of Hale Road.

2.198 The principal petitioner, in her submission, stated that the greatest concern is:

the complete lack of community consultation in identifying impacts to the local population and seemingly total disregard of any 'no disadvantage' sniff testing. We locals demand a transparent risk assessment process whereby unintended consequences are mitigated through further solution planning and consultation.¹¹⁶

2.199 The tabling Member submitted, amongst other things, that:

The community welcomes critical infrastructure improvements across the road network but are not supportive of the current concept as it raises significant concerns including the potential impact on the surrounding road network, particularly local roads, commuting times and road safety.

Local businesses and community organisations have also expressed particular concerns about how they may be impacted including loss of customers and membership numbers which may affect their financial position.¹¹⁷

2.200 The Committee requested a response from the Minister for Transport and Planning. In her response, the Minister advised, amongst other things, that:

- Main Roads is further examining options for providing safe connections to and from Tonkin Highway at Hale Road;
- an extensive traffic modelling process for the project is underway, in consultation with the Cities of Kalamunda and Gosnells, and this will include assessing the impacts of all options at Hale Road, including the proposed flyover;
- the options assessment process has included installation of more than 50 loggers and 25 cameras on Tonkin Highway and surrounding roads to monitor traffic volumes and vehicle journeys; and

¹¹⁵ Hon Alannah MacTiernan MLC, Minister for Agriculture and Food, letter, 7 April 2020.

¹¹⁶ Submission from Andrea Pike, undated, received 4 January 2020, p 2.

¹¹⁷ Submission from Hon Donna Faragher MLC, 18 December 2019, pp 1-2.

- Main Roads will engage with project stakeholders and will share the results of the traffic modelling with the local community and seek feedback on potential issues to ensure the best project outcomes.¹¹⁸

2.201 The Committee noted in particular that traffic modelling for the project was in the process of being conducted, following which Main Roads will engage with project stakeholders and seek feedback from the local community to address potential issues.

Petition No 140—Royalties for Regions Environmental Project Allocations

Number of signatures:	419 (total)
Dates tabled and Tabled Paper (TP) number:	4 December 2019 (TP 3481) 11 February 2020 (TP 3582)
Date finalised:	1 April 2020
Principal petitioners:	Robbie Monck & Starr Cornish
Tabling Member:	Hon Diane Evers MLC

2.202 The petition expresses concern about increasing environmental degradation and pollution resulting from mining and gas activities, the impact of climate change on the environment, the lack of support for community-based natural resource management organisations, and the potential impacts of the loss of valuable ecosystems.

2.203 The petition asserts that the Government is insufficiently providing for environmental rehabilitation and the preservation of the State’s biodiversity, which is demonstrated by a reduction in Royalties for Regions allocations to environmental projects across the forward estimates.

2.204 The petition calls for the Legislative Council to request that the Government direct a minimum of 10% of all Royalties for Regions funding on an annual basis for environmental rehabilitation and for the preservation of the State’s unique biodiversity.

2.205 The principal petitioner submitted, amongst other things, that an allocation of 10% of Royalties for Regions funds would benefit the environment and the State’s economy, in that it would:

- boost the employment in regional centres which in turn would have the monies spent stay in the regions and improving the regional economy,
- also assist in the biosecurity of the state by combating weeds that have the ability of overcrowding and out competing our endemic species, which in turn drives the native animals away,
- lower the impact of wildfires as the thickets of introduced species burn hotter and faster than our native plants,
- protect our native animals and plants from extinction as many of the introduced weeds alter the soil structure to suit their own growing requirements.¹¹⁹

2.206 The tabling Member referred to the link between Royalties for Regions funds and the State’s mining and gas industries:

The Royalties for Regions (RfR) fund is an important system for ensuring that profits from our state’s mining and gas resources - which are continually

¹¹⁸ Hon Rita Saffioti MLA, Minister for Transport; Planning, letter, 17 March 2020.

¹¹⁹ Submission from Robbie Monck, 20 December 2019, p 1.

expanding and significantly impacting on our environment – are translated into benefits for the community and the environment that community members value and depend on. Unfortunately, the current application of this fund has little emphasis on supporting environmental programs.¹²⁰

2.207 Further, the tabling Member advised that:

The 2018–19 annual report of the Western Australian Regional Development Trust sets out both past and forecast future spending priorities. It is shocking to see that at a time when environmental issues are of increasing importance in the regions and require urgent action, the trust has spent just under five per cent of funds on environmental programs - \$42 million of a total spend of \$896 million in the 2018–19 financial year. This is only about half as much as the trust spent on administration in that year!¹²¹

2.208 The Committee requested a response from the Minister for Environment and the Minister for Regional Development.

2.209 In his response, the Minister for Environment advised, amongst other things, that the Royalties for Regions supports a number of initiatives, including:

- revitalising Geographe Waterways;
- State Natural Resource Management Programs;
- an Aboriginal Ranger Program; and
- the four-year Enhanced Prescribed Burning Program.¹²²

2.210 Further, the Minister for Environment advised, amongst other things, that:

- the Plan for Our Parks initiative seeks to create five million hectares of new and expanded national parks, marine parks and other conservation reserves across Western Australia over five years;
- on 15 November 2019, the Government launched the Pilbara Environmental Offset Fund;
- in August 2019, the Government announced its commitment to working across all sectors of the economy to achieve net zero emissions by 2050; and
- the Government also has invested \$9 million into the Clean Energy Future Fund, for clean energy projects designed to assist in decarbonising Western Australia's economy.¹²³

2.211 In her response, the Minister for Regional Development advised, amongst other things, that:

- an estimated \$270 million of Royalties for Regions funds has been invested over the past 10 years in projects relating to the protection and management of the environment. Projects supported include vegetation protection, prescribed burning, carbon farming and natural resource management grant funding;
- over the next 4 years, 2020–21 to 2023–24, a further \$100 million is forecast to be allocated to support environmental initiatives; and

¹²⁰ Submission from Hon Diane Evers MLC, 20 December 2019, p 1.

¹²¹ *ibid*, p 2.

¹²² Hon Stephen Dawson MLC, Minister for the Environment, letter, 17 March 2020.

¹²³ *ibid*.

- all spending decisions by Government have to be weighed against other options, and that an increase in some areas would necessarily come at the cost of reducing other areas.¹²⁴

2.212 The Committee noted that the subject matter of this petition was similar to the Royalties for Regions Amendment Bill 2019. At the time of considering the petition, the bill was progressing through the second reading stage in the Legislative Council. The bill proposed, amongst other things, to amend the *Royalties for Regions Act 2009* by:

- creating a new Regional Environmental Fund as a subsidiary account of the Royalties for Regions Fund;
- creating a new environmental purpose for which money in the Royalties for Regions Fund may be expended; and
- requiring that at least 10% of expenditure from the Royalties for Regions Fund must be directed towards the new environmental purpose.

2.213 The Committee noted in particular that the subject matter of the petition was debated in the Legislative Council.¹²⁵

Petition No 141—North West Shelf Extension

Number of signatures:	153
Date tabled and Tabled Paper (TP) number:	5 December 2019 (TP 3492)
Date finalised:	18 March 2020
Principal petitioner:	Jason Parish
Tabling Member:	Hon Tim Clifford MLC

2.214 The petition expresses concerns regarding the extension of the North West Shelf Liquefied Natural Gas facility, and specifically, the North West Gas Development (Woodside) Agreement Amendment Bill 2019.

2.215 The petition asserts that:

- there is a lack of transparency relating to greenhouse gas emissions generated by the project and the impact of this on national and State emission reduction targets;
- the project lacked, amongst other things, fair and tangible benefits in the form of royalties, taxes, local employment, and carbon pollution offsets; and
- there is a lack of transparency relating to Community Development Plans and Local Participation Plans for the project, including a lack of measurable outcomes for local content, reporting, consultation, and public disclosure of these plans.

2.216 The petition calls for the Legislative Council to recommend an inquiry into the North West Gas Development (Woodside) Agreement Amendment Bill 2019.

¹²⁴ Hon Alannah MacTiernan MLC, Minister for Regional Development, letter, 13 March 2020.

¹²⁵ The second reading debate in the Legislative Council occurred on 19 March 2020.

- 2.217 In relation to greenhouse gas emissions generated by the project, the principal petitioner submitted that:
- The North West Shelf (NWS) facility emits 7.7 million tonnes each year. This will rise to 18.2 million tonnes per year once the Browse to NWS extension project comes online and will represent almost 22% of WA's total annual emissions.¹²⁶
- 2.218 The principal petitioner noted this increase in emissions in the context of Australia's emissions reduction target of 26-28% reduction in emissions by 2030 (on 2005 baseline levels). He submitted that the emissions from the Burrup Hub expansion represent an increase of 28% above the State's 2005 baseline levels.¹²⁷
- 2.219 In relation to local participation, the principal petitioner referred to reports that most of the highly skilled engineering work required on the project, including the design of the offshore vessel, will be completed offshore. The principal petitioner notes the lack of local content has been sufficiently serious to warrant the establishment of an Liquefied Natural Gas jobs taskforce, launched by the Premier in March 2019.¹²⁸
- 2.220 The Committee requested a response from the Minister for Environment and the Minister for State Development.
- 2.221 In his response, the Minister for Environment advised, amongst other things, that:
- the North West Gas Development (Woodside) Agreement Amendment Bill 2019 is currently being debated in the Legislative Council and many of the issues raised in the petition are being discussed as part of that debate; and
 - some of the issues raised in the petition are subject to consideration by the Environmental Protection Authority, which allowed for public consultation, and which will provide its report and recommendations to the Minister towards the end of 2020. This report will be subject to a two-week public appeal period.¹²⁹
- 2.222 In his response, the Minister for State Development advised, amongst other things, that:
- the North West Shelf Extension has been referred to the Environmental Protection Authority for assessment;
 - the bill does not allow for Woodside and its Joint Venture Partners to implement proposals prior to obtaining approval under the *Environmental Protection Act 1986*;
 - potential benefits to Western Australia from the North West Shelf Extension and the Browse Liquefied Natural Gas Project includes a peak construction workforce of over 1800, around 720 operational jobs and an average operational expenditure of \$493 million per annum;
 - the State will receive royalties from the Browse project; and
 - there is a Community Development Plan and Local Participation Plan for the project.¹³⁰
- 2.223 The Committee noted that the bill had passed the Legislative Council subsequent to receipt of the response from the Minister for the Environment. The bill received Royal Assent on 24 March 2020.

¹²⁶ Submission from Jason Parish, 19 December 2019, p 1.

¹²⁷ *ibid.*

¹²⁸ *ibid.*, p 2.

¹²⁹ Hon Stephen Dawson MLC, Minister for the Environment, letter, 9 March 2020.

¹³⁰ Hon Mark McGowan MLA, Premier; Minister for State Development, letter, 9 March 2020.

Petition No 142—Motorbike Racing at Lake Leschenaultia

Number of signatures:	1
Date tabled and Tabled Paper (TP) number:	5 December 2019 (TP 3493)
Date finalised:	11 March 2020
Principal petitioner:	Annette Ryan
Tabling Member:	Hon Alanna Clohesy MLC

- 2.224 The petition opposes motorbike racing by the Western Australian Junior Motorcross Club (WAJMC) at Eric Walter Park in Chidlow in the forest area of Mundaring. The petition notes that this area is near to the heritage-listed Lake Leschenaultia.
- 2.225 The petition asserts that motorbike racing is a non-conforming activity because this area is a priority one drinking water catchment, high fire risk, forest, and calls on the Legislative Council to recommend the appropriate authorities decommission this activity.
- 2.226 The principal (and sole) petitioner, in her submission, referred to environmental impacts:
- The [WAJMC] racetrack has been cleared and excavated to the point of desertification. The area is a dust bowl in summer and potable water is used to damp down the track for racing. In winter the area is a quagmire and topsoil has been washed away due to lack of vegetation, There is a large, above ground diesel fuel tank and many old tyres in the dirt lining the track and encircling the few remaining trees.¹³¹
- 2.227 The Committee's enquiries revealed that the parcel of land subject of the petition is being leased by the Water Corporation to the Shire of Mundaring, which in turn sub-leases the land to the WAJMC. The approved reserve use is reservoir aquaduct water course and catchment area.
- 2.228 Notwithstanding that the Water Corporation is the responsible agency under a management order for the land, the Committee requested a response from the Shire of Mundaring to the petition given that it is the lessee of the reserve and is sub-leasing the land to the WAJMC.
- 2.229 In its response, the Shire of Mundaring advised, amongst other things, that:
- the WAJMC has leased the land for nearly 40 years;
 - as a condition of the lease, the club must comply with an Environmental Management Plan which is regularly inspected by the Water Corporation;
 - the Water Corporation considers that the existing activity is acceptable with an Environmental Management Plan;
 - the nearest residential area to the facility is 700m away, with the majority of the buffer covered with native vegetation, whilst a straight line to Lake Leschenaultia is over 2km; and
 - the petitioner's motions at council meetings to decommission the facility has not received support from the council or the community.¹³²

¹³¹ Submission from Annette Ryan, 16 December 2019, p 1.

¹³² Jonathan Throssell, Chief Executive Officer, Shire of Mundijong, letter, 9 March 2020.

Petition No 143—Palliative care in regional WA

Number of signatures:	595
Date tabled and Tabled Paper (TP) number:	5 December 2019 (TP 3494)
Date finalised:	20 May 2020
Principal petitioner:	Hon Mia Davies MLA
Tabling Member:	Hon Martin Aldridge MLC

2.230 The petition refers to Government investment in palliative care in regional areas and noted that there are deficiencies in service delivery.

2.231 The petition calls on the Legislative Council to call on the Premier and the Minister for Health to:

- ensure funding for palliative care is in line with requirements and expectations of the health sector and regional communities;
- work with the Department of Health, WA Country Health Service, and the private sector to increase staffing levels, improve administration of patient care, and provide greater access and availability to palliative care specialists in the regions; and
- introduce a broader and adaptive model of aftercare support for families of palliative care patients.

2.232 The tabling Member submitted, amongst other things, that:

Palliative Care services are limited in regional WA and the uncertainty continues as to how the recent funding announcements will be beneficial to the regions. There has been a call from Palliative Care specialists for more funding to address the needs and staffing requirement in regional areas. It is important for the needs in regional and remote areas to be assessed, to identify how people in regional WA can be better catered for in their end of life choices.¹³³

2.233 The principal petitioner expanded on this point, referring the Committee to the *My Life, My Choice* report of the Joint Select Committee on End of Life Choices:

The committee made several attempts to gain an understanding of how funding is distributed for palliative care in Western Australia. At the first public hearing with WA Health the committee asked a series of questions related to funding of palliative care services in Western Australia. In response to many of these questions, WA Health advised they were unable to provide the information because they were restricted by commercial-in-confidence requirements. The remaining questions related to funding were almost all taken as questions on notice. The committee made multiple attempts to obtain specific funding breakdowns from WA Health. Ultimately the Clerk of the Legislative Assembly issued a summons to the Director General of WA Health. Unfortunately, the data that was presented to the committee was not in a consistent format, thus making comparison very challenging.¹³⁴

¹³³ Submission from Hon Martin Aldridge MLC, 19 December 2019, p 1.

¹³⁴ Submission from Hon Mia Davies MLA, undated, received 20 December 2019, p 1; Western Australia, Legislative Assembly, Joint Select Committee into End of Life Choices, report 1, *My Life, My Choice*, August 2018, p 88.

- 2.234 The Committee noted these recent funding announcements, a media statement issued by the Premier and the Minister for Health stated, amongst other things, that:
- McGowan Government invests a record \$224 million for palliative care services
 - An additional \$17.8 million invested to enhance palliative care services; comes on top of the extra funding delivered in the 2019-20 State Budget
 - 10 additional inpatient palliative care beds funded, a 15 per cent increase to metropolitan inpatient beds for palliative care
 - \$6.3 million has been allocated to improving metropolitan and regional community based services, for care closer to home
 - Regional staff bolstered with an extra 61 FTE [full time equivalent] to strengthen palliative care services.¹³⁵
- 2.235 The Committee wrote to the Minister for Health, requesting his advice regarding the timeframe for establishment of the Joint Select Committee into Palliative Care (Joint Select Committee) and whether regional palliative care issues are likely to be within its terms of reference.
- 2.236 The Joint Select Committee was established prior to receipt of the Minister's written response. As such, the Committee no longer required a written response from the Minister.
- 2.237 The subject matter of the petition was materially similar to the terms of reference of the Joint Select Committee.
- 2.238 The Committee notes that the terms of reference of that Joint Select Committee are:
- (1) That a joint select committee of the Legislative Assembly and Legislative Council into palliative care in Western Australia be established.
 - (2) That the joint select committee inquire into and report on —
 - (a) the progress in relation to palliative care, in particular implementation of recommendations of the Joint Select Committee into End of Life Choices;
 - (b) the delivery of the services associated with palliative care funding announcements in 2019–2020;
 - (c) the delivery of palliative care into regional and remote areas; and
 - (d) the progress on ensuring greater equity of access to palliative care services between metropolitan and regional areas.
 - (3) That the joint select committee consist of six members, of whom —
 - (a) three will be members of the Assembly; and
 - (b) three will be members of the Council.
 - (4) That the standing orders of the Legislative Council relating to standing and select committees will be followed as far as they can be applied.

¹³⁵ Government of Western Australia, Media Statements. See: <https://www.mediastatements.wa.gov.au/Pages/McGowan/2019/10/Massive-boost-for-palliative-care-services-across-Western-Australia.aspx>. Viewed 23 July 2020.

(5) That the joint select committee report to both houses by 19 November 2020.¹³⁶

Petition No 144—Post-20 week abortions

Number of signatures:	6221
Date tabled and Tabled Paper (TP) number:	11 February 2020 (TP 3583)
Date finalised:	17 June 2020
Principal petitioner:	Henry Hamelink
Tabling Member:	Hon Nick Goiran MLC

- 2.239 The petition refers to current legislation¹³⁷ which permits termination of pregnancy post-20 weeks gestation if approved by two medical practitioners from a panel appointed by the Minister for Health. The petition submits that such procedures have been approved for discriminatory reasons, including disabilities.
- 2.240 The petition notes that reports on procedures approved by the panel were prepared for the financial years 2014/15 and 2015/16, but were discontinued in 2017 on the instruction of the Minister for Health.
- 2.241 The petition calls for an inquiry into termination of pregnancy procedures performed post 20-weeks' gestation with a view to:
- reinstating a robust accountability mechanism with Ministerial oversight; and
 - ending discrimination against the unborn child.
- 2.242 The Committee noted that although the petition referred to the reporting mechanism, its prayer for relief was broader than only the reporting mechanism in that it called for an inquiry into termination of pregnancy procedures performed post-20 weeks' gestation generally.
- 2.243 As such, the Committee considered that the subject matter of this petition may be similar to those previously considered by the Committee:
- petition No. 032 – Induced premature births – tabled in the 40th Parliament;
 - petition No. 115 – Oppose abortion – tabled in the 39th Parliament;
 - petition No. 153 – Against legalised abortion – tabled in the 38th Parliament; and
 - petition No. 127 – Inquire into late-term abortions – tabled in the 38th Parliament.
- 2.244 The Committee noted the similar subject matter when inviting the tabling Member and principal petitioner to provide submissions.
- 2.245 The tabling Member submitted, amongst other things, that:
- Parliament is entitled to know the numbers and reasons for these abortions that are justified by the panel of medical practitioners on the principle that Government ought to be transparent and accountable. Termination of babies who may be discriminated against because they have a disability, is a matter of public interest.¹³⁸

¹³⁶ Parliament of Western Australia, Inquiry into Palliative Care in Western Australia, undated. See: [https://www.parliament.wa.gov.au/Parliament/commit.nsf/\(EvidenceOnly\)/2A02885A10F932684825857B0028CFAD?opendocument#ToR](https://www.parliament.wa.gov.au/Parliament/commit.nsf/(EvidenceOnly)/2A02885A10F932684825857B0028CFAD?opendocument#ToR). Viewed 23 July 2020.

¹³⁷ *Health (Miscellaneous Provisions) Act 1911*, s 334.

¹³⁸ Submission from Hon Nick Goiran MLC, 8 April 2020, p 1.

- 2.246 The tabling Member advised that the reports that were published in 2014/15 and 2015/16 detailed the gestation and reason for termination of pregnancy.¹³⁹ The tabling Member expressed concerns that Trisomy 21 or Down Syndrome is being used as a reason for these procedures.¹⁴⁰
- 2.247 Dwight Randall, associated with the principal petitioner, referred to the relevant legislation¹⁴¹ which permits termination of pregnancy procedures post-20 weeks gestation if the foetus has a 'severe medical condition'. He notes that the (then) Minister for Health, when speaking on an amendment to the legislation, advised Parliament that this would relate 'to severe medical conditions that almost inevitably are incompatible with life'.¹⁴²
- 2.248 The Committee requested a response to the petition from the Minister for Health.
- 2.249 In his response, the Minister for Health advised that there are publicly available reports regarding these procedures:
- The [Department of Health] publishes triennial reports on induced abortions in WA. The latest report includes data from 2016-2018 and is available online at: <https://ww2.health.wa.gov.au/en/Reports-and-publications/Reports-on-inducedabortions-in-Western-Australia>¹⁴³
- 2.250 The Minister advised that in addition to the publicly available reports, the additional confidential reports that were provided to the Minister for Health in 2014/15 and 2015/16 detailed the:
- number of abortions and, for each abortion, the year of abortion, gestational age, and reason for abortion. The Report also included "Reason for Abortion text" which contained clinical information of the fetus or the mother.¹⁴⁴
- 2.251 The Minister advised that the reports were not publicly available because:
- the conditions described in the "Reason for Abortion text" are rare and there is the risk of potentially identifying individuals due to the rare conditions. This information is sensitive, and the publication of the information could be distressing for families that have already gone through very difficult circumstances.¹⁴⁵
- 2.252 Notably, the Minister advised that the information that was previously included in the confidential reports may be found in the publicly available triennial reports in a summarised form, which includes summarised information about the number and rates of abortions by year, the methods of abortion, and the reasons for abortions by gestational age, but without the additional 'Reason for abortion text' field which could be used to identify people.¹⁴⁶

¹³⁹ *ibid.*

¹⁴⁰ *ibid.*, p 2.

¹⁴¹ *Health (Miscellaneous Provisions) Act 1911*, s 334(7).

¹⁴² Submission from Dwight Randall, associated with the principal petitioner, 8 April 2020, p 2.

¹⁴³ Hon Roger Cook MLA, Minister for Health, letter, 12 June 2020, p 1.

¹⁴⁴ *ibid.*, p 2.

¹⁴⁵ *ibid.*

¹⁴⁶ *ibid.*

Petition No 145—WA egg industry

Number of signatures:	895
Date tabled and Tabled Paper (TP) number:	11 February 2020 (TP 3584)
Date finalised:	20 May 2020
Principal petitioner:	Ian Wilson
Tabling Member:	Hon Jacqui Boydell MLC

2.253 The petition refers to the viability of the State's egg industry in light of high feed costs associated with drought, the decision of Coles supermarkets to cease the sale of caged eggs in WA without consulting industry, and claims that retail price increases are not being passed onto egg producers by major supermarkets.

2.254 The petition calls on the Legislative Council to examine the industry, including the following:

- egg shortages in supermarkets;
- egg pricing decisions, including why the State's egg prices are lower than elsewhere in the country;
- the ability of suppliers to renegotiate prices when impacted by seasonal events such as drought;
- supermarket auditing and traceability processes and standards to ensure consumers are getting what they pay for; and
- clarification on the support measures major supermarkets would provide to help commercial egg producers potentially expand free-range egg production systems.

2.255 The tabling Member submitted, amongst other things, that:

While the challenges facing industry are complex, they are primarily in relation to the bargaining powers between egg producers and the major supermarket chains - in particular, Coles and Woolworth. Producers have informed us they have a restricted ability to renegotiate contracts with supermarkets in the event of changing circumstances, for instance, the impacts of the drought.¹⁴⁷

2.256 Further, the tabling Member advised that:

Cage egg producers are particularly vulnerable due to current market conditions. Coles and Woolworths have stated their intention to transition away from cage eggs by 2023 and 2025 respectively. While producers have indicated their support for this transition, they are simply unable to manage this transition while receiving such low returns from the major supermarkets.

For egg producers to make the successful transition to free range eggs, they require necessary funding to upgrade their on-farm infrastructure and systems. These changes do not come cheaply and if the supermarkets will not provide support to egg producers through this transition, many producers will no longer be able to operate and will be forced to leave the industry.¹⁴⁸

¹⁴⁷ Submission from Hon Jacqui Boydell MLC, undated, received 9 March 2020, p 1.

¹⁴⁸ *ibid*, p 2.

2.257 The principal petitioner echoed the tabling Member's sentiments regarding the transition to free range eggs and the impacts on industry:

The WA industry cannot meet the required production amounts within the time frame without funding for the necessary infrastructure and costs associated with expanding into cage-free production.¹⁴⁹

2.258 The Committee requested a response to the petition from the Minister for Agriculture and Food.

2.259 In her response, the Minister advised that the Government remains committed to a viable egg industry, and noted its recent expansion:

Over the last nine years, the farm gate value of egg production in Western Australia (WA) has grown by over 55 per cent, from a production value of \$38 million in 2009-10, to a value of more than \$69 million in 2018-19. WA has also seen a major shift from eggs laid in cages to free-range chickens during this period, with the number of layer hens in the free range system as high as 47 per cent.¹⁵⁰

2.260 The Minister explained that she has been in direct discussions with the industry peak body, the Commercial Egg Producers Association (CEPA), over the preceding 18 months. The Minister advised that CEPA did not accept her offer for the Department of Primary Industries and Regional Development (DPIRD) to conduct an independent economic analysis of the cost of producing cage-free eggs as CEPA was concerned that major supermarkets may use this information against them in negotiations.¹⁵¹

2.261 The Minister further advised that an industry round table was held on 11 March 2020, attended by a cross section of the local egg industry and staff from DPIRD, Department of Health (egg traceability), the CEO of WA Farmers, and the Hon Colin de Grussa MLC. The Minister advised that the two largest producers in the State have very different views on the state of the industry and fairness of pricing, and that only one of these producers is a member of CEPA.¹⁵²

2.262 Further, the Minister advised that:

- due to the seasonal cycle, egg production is reduced in winter and last year's shortage was a result of this and the decision by Coles to end sale of caged eggs suddenly;
- the major retailers, Coles, Woolworths and Aldi, have long indicated their intent to move away from selling cage eggs to only barn and free range eggs; and
- commercial arrangements are between supermarkets and egg producers, and any Government intervention in the market would need to be underpinned by strong evidence of unfairness.¹⁵³

¹⁴⁹ Submission from Ian Wilson, undated, received 11 March 2020, p 2.

¹⁵⁰ Hon Alannah MacTiernan MLC, Minister for Agriculture and Food, letter, 14 April 2020, p 1.

¹⁵¹ *ibid*, pp 1-3.

¹⁵² *ibid*.

¹⁵³ *ibid*.

Petition No 146—Subiaco Approved Local Planning Scheme No. 5

Number of signatures:	1526 (total)
Dates tabled and Tabled Paper (TP) number:	11 February 2020 (TP 3585) 13 February 2020 (TP 3603) 11 March 2020 (TP 3661 & TP 3662)
Date finalised:	13 May 2020
Principal petitioner:	Peter McDonald
Tabling Members:	Hon Peter Collier MLC, Hon Alison Xamon MLC and Hon Tjorn Sibma MLC

- 2.263 The petition refers to the City of Subiaco’s Local Planning Scheme No. 5 which was approved by the Minister for Planning.
- 2.264 The petition opposes the scheme on the basis that:
- it imposes higher R-code densities near the Shenton Park and Daglish train stations, along Onslow Road and in the south west area of Daglish, contrary to the plan unanimously supported by the City of Subiaco Council at its 18 June and 23 July 2019 meetings, and following extensive community consultation; and
 - it is not necessary to achieve the Perth and Peel @3.5 million population targets for the City of Subiaco, is contrary to the wishes of the local community, and will adversely impact upon tree canopy, streetscape and amenity in the affected areas.
- 2.265 The petition calls on the Legislative Council to support the rejection of the scheme outcome as approved by the Minister for Planning, and instead, to support the scheme plan proposed by the City of Subiaco at its meetings on 18 June and 23 July 2019.
- 2.266 The Committee noted that the subject matter of this petition was similar to Petition No. 096, which was tabled in the 40th Parliament and related to the Subiaco Draft Local Planning Scheme No. 5.
- 2.267 The principal petitioner, in his submission, discussed the level of community opposition to the scheme. He submitted that after the mayor of the City of Subiaco issued a media release describing the scheme as ‘an excellent outcome for our community’, a community group successfully petitioned for a special electors’ meeting at which a motion of no-confidence in the mayor was passed.¹⁵⁴
- 2.268 The Committee received a submission from one of the tabling Members, Hon Alison Xamon MLC, who also referred to community expectations:
- I appreciate the compelling need to provide for increased infill in areas close to the city and especially those areas with good transport links. However, I cannot support the actions of the WAPC in working so far outside the community expectations that had been set by nearly a decade of strategic planning activity.¹⁵⁵
- 2.269 The principal petitioner clarified that the Minister for Planning amended the scheme that was unanimously supported by the City of Subiaco at its meetings on 18 June and 23 July 2019 and that:

¹⁵⁴ Submission from Peter McDonald, 17 March 2020, p 1.

¹⁵⁵ Submission from Hon Alison Xamon MLC, 12 March 2020.

- increased density around the Shenton Park and Daglish train stations lack merit because neither are proposed to be METRONET stations and neither is already or is likely to be an employment, entertainment, or retail hub;
 - in many instances, density increases in Daglish were not close to either train station and do not sit well with the suburb's character; and
 - density increases north of Onslow Road and south of Lake Jualbup lack merit because the retail precinct is small and there is negligible local support.¹⁵⁶
- 2.270 The Committee requested a response to the petition from the Minister for Planning and the City of Subiaco.
- 2.271 The Minister for Planning, in her response, advised that:
- The urban consolidation principles expressed in the *Central Sub-regional Planning Framework* advocate for, among other things, maximising the use of existing infrastructure in areas with good access to transport, employment and services.
 - The Western Australian Planning Commission's *Development Control Policy 1.6- Planning to Support Transit Use and Transit Orientated Development* also advocates for high density residential development for land within 800 metres of train stations.
 - The City of Subiaco's (the City) endorsed Local Planning Strategy reflects the *Central Sub-regional Planning Framework*, and identifies land in proximity to the Shenton Park and Daglish railway stations as being suitable for increased residential density.¹⁵⁷
- 2.272 Further, the Minister advised that the Local Planning Scheme No. 5 reflects planning principles advocated in the *Central Sub-regional Planning Framework* and the City's endorsed Local Planning Strategy 'in a balanced way that is responsive to the City's established neighbourhood and streetscape characteristics.'¹⁵⁸
- 2.273 The Minister distinguished the scheme from its draft, noting that following consultation on the draft, the amount of land subject to residential density increases was significantly reduced in the approved scheme.¹⁵⁹
- 2.274 The Minister also responded to the specific concerns expressed by the principal petitioner in his submission, noting that METRONET stations are not the only factors in considering the suitability of land for residential density increases. Further, that some street blocks directly around Daglish train station were not subject to density increase because they exhibited strong established neighbourhood and streetscape character.¹⁶⁰
- 2.275 The City of Subiaco, in its submission, discussed the community consultation process for the scheme. It noted that:
- in response to the submissions received, the City recommended that blanket density be removed and replaced with a targeted density increase approach. Subiaco East was also identified as the main focus for increased density. This

¹⁵⁶ Submission from Peter McDonald, 17 March 2020, p 2.

¹⁵⁷ Hon Rita Saffioti MLA, Minister for Planning, letter, 7 May 2020, p 1.

¹⁵⁸ *ibid.*

¹⁵⁹ *ibid.*

¹⁶⁰ *ibid.*

approach was consistent with the general community feedback received in submissions during the advertising period.¹⁶¹

2.276 In addition to the submissions and responses received, the Committee noted that:

- planning decisions are made by reference to an established decision-making process over which the Committee has minimal influence; and
- the Western Australian Planning System is undergoing reform and the Minister for Planning has released an Action Plan regarding reform.¹⁶²

Petition No 147—Chronic fatigue syndrome and fibromyalgia

Number of signatures:	15
Date tabled and Tabled Paper (TP) number:	20 February 2020 (TP 3626)
Date finalised:	1 April 2020
Principal petitioner:	Cara-May McGrogan
Tabling Member:	Hon Nick Goiran MLC

2.277 The petition refers to myalgic encephalomyelitis, chronic fatigue syndrome, and fibromyalgia and calls on the Government to:

- provide funds for research into these conditions so that a cause, diagnosis, treatment, and cure can be developed;
- provide more education to general medical practitioners regarding how to deal with and treat those with these conditions. In this regard, new clinical guidelines should be developed as recommended by the National Health and Medical Research Council; and
- improve access to the National Disability Insurance Scheme for people with these conditions and their family carers.

2.278 The Committee did not receive a submission from either the principal petitioner or the tabling Member. As such, the Committee concluded its preliminary enquiries into the issues in the petition and decided that further enquiries or a formal inquiry was not warranted.

Petition No 151—Children and Community Services Amendment Bill 2019


Number of signatures:	995 (total)
Dates tabled and Tabled Paper (TP) number:	9 June 2020 (TP 3916) 16 June 2020 (TP 3956)
Date finalised:	17 June 2020
Principal petitioners:	Edman Anthony and Joe Almeida
Tabling Member:	Hon Nick Goiran MLC

2.279 The petition refers to concerns about aspects of the Children and Community Services Amendment Bill 2019. The petition asserts that there had been inadequate consultation on the bill.

¹⁶¹ Rochelle Lavery, Chief Executive Officer, City of Subiaco, letter, 15 April 2020, p 2.

¹⁶² Department of Planning, Lands and Heritage, 20 May 2020. See: <https://www.dplh.wa.gov.au/action-plan>. Viewed 23 July 2020.

- 2.280 The petition calls on the Legislative Council to refer the bill to the Standing Committee on Legislation to undertake adequate consultation on the bill.
- 2.281 The Committee, being aware that the bill was before the Legislative Council at the time of considering the petition, decided to conclude its preliminary enquiries.
- 2.282 The Committee notes that subsequently, on 25 June 2020, the Legislative Council referred the bill to the Standing Committee on Legislation.

A handwritten signature in black ink, appearing to read 'Matthew Swinbourn', with a stylized flourish at the end.

Hon Matthew Swinbourn MLC
Chairman

Standing Committee on Environment and Public Affairs

Date first appointed:

23 May 2017

Terms of Reference:

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

'2. Environment and Public Affairs Committee

- 2.1 *An Environment and Public Affairs Committee is established.*
- 2.2 The Committee consists of 5 Members.
- 2.3 The functions of the Committee are to inquire into and report on –
 - (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
 - (b) any Bill referred by the Council; and
 - (c) petitions.
- 2.4 The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.
- 2.5 The Committee may refer a petition to another Committee where the subject matter of the petition is within the competence of that Committee.
- 2.6 In this order "environment" has the meaning assigned to it under section 3 (1) and (2) of the *Environmental Protection Act 1986*.'



Parliament House,
4 Harvest Terrace, West Perth WA 6005
Telephone: +61 8 9222 7300
Email: lcco@parliament.wa.gov.au
Website: <http://www.parliament.wa.gov.au>