



REPORT OF THE

STANDING COMMITTEE ON
CONSTITUTIONAL AFFAIRS

IN RELATION TO

OVERVIEW OF PETITIONS
AUGUST 1999 – AUGUST 2000

Presented by Hon Murray Nixon JP MLC (Chairman)

Report 56

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

Date first appointed:

December 21 1989

Terms of Reference:

- 1 The functions of the committee are to inquire into and report on:
 - a) the constitutional law, customs and usages of Western Australia;
 - b) the constitutional or legal relationships between Western Australia and the Commonwealth, the States and Territories,
and any related matter or issue;
 - c) a bill to which SO 230 (c) applies but subject to SO 230 (d);
 - d) any petition.
- 2 A petition stands referred after presentation. The committee may refer a petition to another standing committee where the subject matter of the petition is within the terms of reference of that standing committee. A standing committee to which a petition is referred shall report to the House as it thinks fit.

Members as at the time of this report:

Hon Murray Nixon JP MLC (Chairman)
Hon Ray Halligan MLC
Hon Ken Travers MLC (appointed November 10 1999)
Hon Tom Helm MLC (resigned November 9 1999)

Staff as at the time of this report:

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REPORT OF THE STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

IN RELATION TO

**OVERVIEW OF PETITIONS
AUGUST 1999 – AUGUST 2000**

1 INTRODUCTION

- 1.1 This Report provides an overview of the petitions considered by the Legislative Council Standing Committee on Constitutional Affairs (the Committee) during the Third Session of the Thirty-Fifth Parliament of Western Australia from August 1999 to August 2000.
- 1.2 The petitions are first tabled in the Legislative Council and then referred to the Committee. On receipt of the petition the Committee, where it considers it appropriate, invites the tabling Member, principal petitioner and relevant Minister(s) to make a submission concerning the issues raised by the petition. The Committee considers these submissions and, if necessary, arranges a public hearing at which discussion occurs on the various issues. Following receipt of all relevant information, it is usual for the Committee to then prepare a final report to be tabled in the Legislative Council.
- 1.3 It should be noted that, as part of the Committee's policy and/or terms of reference, it may defer consideration of a petition in circumstances where the petition:
- concerns a subject matter which is within the terms of reference of another standing committee;
 - raises matters which have received, or require, full debate by the Legislative Council; and
 - concerns a planning and/or environmental matter and the Committee considers that its role should be limited to ensuring that correct procedures are followed by the relevant authority. The principal petitioner is requested to advise the Committee of any breach of such procedures.
- 1.4 The Committee's report contains a *status* comment on each petition in the following terms:
- *finalised* - the Committee considers that the issues raised by the petition have been satisfactorily resolved; and

- *lapsed* - prorogation of Parliament meant that the petition lapsed and further inquiry will only be conducted if the petition is retabled in the next Parliamentary Session.
- 1.5 At prorogation, the principal petitioner is informed that their petition will require retabling in the Legislative Council (with one signature being sufficient) if they wish the Committee to continue the inquiry in the next Parliamentary Session.
- 1.6 All transcripts of evidence given in public and all the Committee's reports are available at the Parliament of Western Australia website at <http://www.parliament.wa.gov.au>. Committee reports can be purchased from the State Law Publisher and are also available at the Alexander Library and other selected libraries.

2 OVERVIEW OF PETITIONS

2.1 NUCLEAR WASTE DUMP

- 2.1.1 During the Third Session of the Thirty-Fifth Parliament, eleven petitions were tabled opposing the Pangea proposal to locate a high level nuclear waste dump in Western Australia. The petitions were tabled by:
- Hon Giz Watson MLC (*Tabled Paper #s 80, 103, 132, 181, 249, 364, 404 and 599*);
 - Hon Norm Kelly MLC (*Tabled Paper #s 398 and 530*); and
 - Hon Bob Thomas MLC (*Tabled Paper # 161*).
- 2.1.2 The petitioners requested that “...*the Legislative Council will consider the health and welfare of the present and future residents of Western Australia and environmental impacts to be of more importance than profits from a high level nuclear waste dump that will present problems of a large magnitude for generations to come.*”
- 2.1.3 The petition was first tabled during the Second Session of the Thirty-Fifth Parliament at which time submissions were sought from the principal petitioner and the tabling member, Hon Giz Watson MLC. The Committee was unable to conduct further enquiries at that time due to the prorogation of Parliament on August 6 1999.
- 2.1.4 Following retabling of the petition, the Committee again invited submissions from the principal petitioners and tabling members.

2.1.5 The Committee considered the petition and concluded that as the matter involved a Bill which was being considered by the House, the matter would be dealt with during debate. The Committee therefore resolved not to pursue the matter any further.

2.1.6 The principal petitioners and tabling members were advised accordingly.

Status – finalised

2.2 URANIUM MINING

2.2.1 Eight petitions were tabled (*Tabled Paper #s 81, 101, 133, 182, 250, 405, 600 and 1081*) by Hon Giz Watson MLC during the Third Session of the Thirty-Fifth Parliament opposing the proposal to establish a uranium mining industry in Western Australia because of its associated health impacts on members of the community.

2.2.2 The petitioners requested that the Legislative Council investigate and evaluate the acceptability of a uranium industry measured against the known health hazards for workers in the uranium and associated industries, and on the residents of Western Australia, arising from the establishment of a large number of uranium mines in this State.

2.2.3 The petition was also tabled during the First and Second Sessions of the Thirty-Fifth Parliament. At those times the Committee was aware that the Legislative Council's Standing Committee on Ecologically Sustainable Development (the ESD Committee) was continuing its inquiry into uranium mining in Western Australia and its associated health impacts on members of the community. In accordance with Committee office policy where a Committee is already dealing with a matter, the Committee referred the petitions to the ESD Committee to avoid duplicating work and to save on staff resources.

2.2.4 The Committee followed the same procedure with regards to the petitions tabled in the Third Session of the Thirty-Fifth Parliament and referred them to the ESD Committee. The principal petitioner and tabling member were advised accordingly.

Status – finalised

2.3 SCHOOL EDUCATION BILL

- 2.3.1 A petition was tabled on August 17 1999 (*Tabled Paper # 102*) by Hon John Cowdell MLC requesting that the Legislative Council maintain the principle of free, compulsory and secular education in Western Australian schools.
- 2.3.2 The petitioners requested that the Legislative Council amend the School Education Bill to prevent the Government from introducing compulsory and enforceable fees of \$60 per annum for each primary school student, and \$235 per annum for each secondary school student or any higher amount. The petitioners expressed the belief that compulsory fees would be an unwarranted charge on struggling families and lead to increasing reliance on compulsory fees to fund state schools. The petitioners requested that the current system of voluntary school amenities fees, with payment for special events and services be maintained.
- 2.3.3 The petition was first tabled during the Second Session of the Thirty-Fifth Parliament. At that time the Committee considered the issues raised in the petition and concluded that as the matter involved a Bill that was being considered by the House at the time, the matter would be dealt with during debate in the House. Accordingly, the Committee resolved not to consider the matter any further. The principal petitioner and the tabling member were advised accordingly.
- 2.3.4 On retabling of the petition, the Committee again considered the issues raised in the petition. The Committee concluded that as the Bill was still being considered by the House and would be dealt with during the debate, it would not pursue the matter any further.
- 2.3.5 The principal petitioner and the tabling member were advised accordingly.

Status – finalised

2.4 SECESSION

- 2.4.1 On September 7 1999 Hon Ray Halligan MLC tabled a petition (*Tabled Paper # 134*) requesting that the result of the referendum, held on the eighth day of April 1933, asking the people of Western Australia if they were in favour of the State of Western Australia withdrawing from the General Commonwealth, be given due reconsideration and taken to a final conclusion.

- 2.4.2 The petition was first tabled during the Second Session of the Thirty-Fifth Parliament at which time submissions were sought from:
- i) the principal petitioner; and
 - ii) Hon Ray Halligan MLC.
- 2.4.3 On retabling of the petition the Committee continued its inquiry which included seeking further submissions from the principal petitioner and the tabling member. The Committee also resolved to seek legal advice from Legislative Council Committee Office General Counsel, Dr Steven Churches.
- 2.4.4 The advice from Dr Churches was to the effect that the result of a referendum held in 1933 is now stale and has no efficacy. Those people who voted in the 1933 referendum could only be a tiny fraction of the present Western Australian electorate, and consequently that referendum result cannot be taken as representative of the views of the current Western Australian electorate.
- 2.4.5 Dr Churches also advised that the utility of the 1933 referendum is also in issue, even if it were argued that the result has some validity. A referendum result in Western Australia approving secession will not attract any action from the British Parliament and has no efficacy under the Australian Constitution. The only method by which the Australian Constitution may be changed in respect of the States which constitute the Federation is by the conduct of a nation wide referendum pursuant to section 128 of the Commonwealth Constitution. A majority of voters nationwide would have to approve the secession of Western Australia, as would a majority of voters in a majority of States.
- 2.4.6 Dr Churches concluded by advising that as the Western Australian Parliament has no capacity to give effect to a referendum in Western Australia seeking secession, a petition seeking that result would be better sent to the Commonwealth Parliament which, pursuant to section 128 of the Commonwealth Constitution, must pass legislation to provide for any national referendum to alter the Constitution.
- 2.4.7 The Committee wrote to the principal petitioner and tabling member and outlined the advice it had received from General Counsel. The principal petitioner and tabling member were advised that as a result of this advice the Committee had resolved not to inquire further into the matter.

Status – finalised

2.5 ATTENTION DEFICIT HYPERACTIVITY DISORDER

2.5.1 On September 7 1999 Hon Ray Halligan MLC tabled a petition (*Tabled Paper # 135*) requesting that the Legislative Council consider making recommendations to the Government concerning Attention Deficit Hyperactivity Disorder (ADHD).

2.5.2 The petitioners requested the Legislative Council to:

- in line with the World Health Organisation, National Health and Medical Research Councils and Commonwealth Government Policies, acknowledge the existence of ADHD (including Attention Deficit Disorder (ADD) and Associated Learning Disabilities) as affecting an unknown but significant number of children, youth and adults in Western Australia;
- ascertain the services and facilities available to those disadvantaged in this way within the Ministries of Health, Education, Disabilities, Youth, Children and Family Services, Justice and Employment and Training;
- encourage a program of public and professional education and awareness to allow the facilitation of early identification and appropriate remediation for sufferers of this neurobiological disorder; and
- encourage the establishment of a professional advisory board to advise Government on the appropriate remediation and protocols within Government agencies.

2.5.3 The petition was first tabled during the First Session of the Thirty-Fifth Parliament by Hon Ray Halligan MLC at which time submissions were sought from:

- i) the principal petitioner;
- ii) Hon Ray Halligan MLC;
- iii) the Minister for Health; and
- iv) the Minister for Education.

2.5.4 The Committee received a letter from the Minister for Education and following retabling of the petition in the Second Session of the Thirty-Fifth Parliament, the Committee received a letter from the Minister for Health.

2.5.5 The Committee continued with its inquiries during the Third Session of the Thirty-Fifth Parliament. This involved seeking further information from the

Minister for Education, the Minister for Health, and the Minister for Family and Children's Services.

- 2.5.6 On December 7 1999 the Committee tabled its report (Report Number 47) into the matters raised in the petition. The Committee concluded that ADHD and ADD are recognisable conditions which affect a significant number of children, youth and adults in Western Australia. It noted that ADHD appears to affect substantially more males than females.
- 2.5.7 The Committee also concluded that there is a range of attitudes within the community about the prevalence of ADHD and how those suffering from it should be treated. There is particular community concern about school students taking prescribed medication for the condition and considerable disagreement as to whether those students should be treated by way of educational support, behavioural therapy, with drugs, or whether they should receive a combination of all these treatments.
- 2.5.8 The Committee recommended that more research into the diagnosis, management and treatment of ADHD be conducted and the results reported to Cabinet.
- 2.5.9 It also recommended that a Professional Advisory Body be established to formulate guidelines and policies for the diagnosis, management and treatment of ADHD and to assist with the co-ordination of information dissemination between government agencies. The Committee recommended that such an advisory body should comprise members from the areas of Aboriginal health, the University of Western Australia Graduate School of Education, psychiatry (both adult and child), paediatrics, juvenile health, Princess Margaret Hospital for Children and community nursing.
- 2.5.10 The Committee also recommended that a program of public and professional education and awareness be established to assist in the early identification of ADHD and to facilitate the treatment of people affected by the condition.
- 2.5.11 In accordance with the Legislative Council's Standing Order 337, the Committee's report was forwarded to the Premier and Ministers for Health, Education, Family and Children's Services, Aboriginal Affairs and Justice for a response to the Committee's recommendations.
- 2.5.12 The Committee received encouraging responses to its report. The Committee is currently co-ordinating correspondence between the various Government

departments and the principal petitioner with respect to the membership and formation of the proposed Professional Advisory Body.

Status – finalised

2.6 COMMUNITY CONCERNS REGARDING THE CITY OF ALBANY

2.6.1 A petition was tabled (*Tabled Paper # 144*) on September 8 1999 by Hon Norm Kelly MLC requesting that an appropriate Committee of the Parliament examine the following issues of community concern in regard to the City of Albany:

- Albany Foreshore Development;
- Rainbow Coast Waste Management Services;
- Disposal of Used Tyre Dump;
- Administration of Council's Town Planning Schemes;
- Minutes and Records of Meetings;
- Valuations for Leases and Rating of Council and Private Property;
- Engagement of Consultants; and
- Regional Saleyard Development.

2.6.2 The petitioners requested that the Legislative Council place these matters before an appropriate Committee of the Parliament in order that the unity of the first elected Council of the City of Albany may not be jeopardised by these community concerns remaining unresolved.

2.6.3 Hon Norm Kelly MLC first tabled the petition during the Second Session of the Thirty-Fifth Parliament. At that time the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Norm Kelly MLC.

2.6.4 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 6 1999.

2.6.5 The petition was retabled on September 8 1999 and was certified by the Clerk of the Legislative Council as complying in all substantive respects with the requirements of Chapter XI of the Standing Orders of the Legislative Council.

- 2.6.6 On September 16 1999 the Committee wrote to the tabling member and the principal petitioner to confirm receipt of the petition and to request any information they may wish to provide to the Committee.
- 2.6.7 The Committee received a submission from the principal petitioner on October 11 1999. The submission consisted of a covering letter, three pages of information elaborating on the matters outlined in the petition, 12 pages of photocopied newspaper articles and a photocopy of a file note from the Shire of Albany.
- 2.6.8 The Committee reviewed the submission and found it to contain statements that fall within Standing Order 133(c)(v); that is, it contained statements adverse to, or made allegations of improper, corrupt or illegal conduct against, a person whether by name or office. The Committee believed that Standing Order 134 applied and that the petition should be confined to a request for relief and be accompanied by a statement of all relevant facts supporting the request. The statement should have affixed an affidavit in the required form.
- 2.6.9 The Committee concluded that in the circumstances it would be improper for it to continue its inquiry into the petition in the form in which it was tabled. The Committee tabled a report on October 28 1999 (Report Number 43) in which it recommended that the Clerk of the Legislative Council advise the principal petitioner of the reasons the petition could not be further considered.

Status - finalised

2.7 PLANNING APPEALS BILL

- 2.7.1 On September 15 1999 Hon Bob Thomas MLC tabled a petition (*Tabled Paper # 162*) calling on the Planning Minister to abandon plans to proceed with that section of the Planning Appeals Bill which authorises the Minister to intervene during an investigation of an appeal if he considers it to be of State, Regional or other public importance.
- 2.7.2 The petitioners expressed their belief that this will give new and unprecedented powers to the Minister, creating an appeal system that is not truly independent.
- 2.7.3 Following receipt of the petition the Committee sought submissions from:
- i) the principal petitioner; and
 - ii) Hon Bob Thomas MLC.

2.7.4 The Committee did not receive any submissions concerning the issues raised by this petition.

2.7.5 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status - lapsed

2.8 CLOSURE OF THE SWIMMING POOL AT YANCHEP NATIONAL PARK

2.8.1 A petition was tabled (*Tabled Paper # 180*) by Hon Ken Travers MLC on September 21 1999 opposing the closure of the swimming pool at Yanchep National Park. The petitioners stated their belief that the pool was important to:

- the heritage of the National Park;
- the community in Yanchep and Two Rocks; and
- local children having access to swimming lessons

and called on the Government to urgently repair the pool to enable it to open in the summer of 1999/2000.

2.8.2 The petition was first tabled during the First Session of the Thirty-Fifth Parliament at which time submissions were sought from:

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

2.8.3 The petition was retabled by Hon Ken Travers MLC during the Second Session of the Thirty-Fifth Parliament. During the course of its inquiries the Committee was advised by Hon Ken Travers MLC that the negotiations between the Government, Yanchep residents and the City of Wanneroo had lapsed. In particular, the City of Wanneroo was not willing to provide funding for the pool and the Government had also declined to assist.

2.8.4 On the retabling of the petition in the current session of Parliament the Committee invited further submissions from the principal petitioner and tabling member. The Committee also wrote to the Chief Executive Officer of the City of Wanneroo and the Minister for the Environment asking for an update on the current situation with the swimming pool and whether there are any plans to open a multi-purpose aquatic centre for the residents of Yanchep.

- 2.8.5 The Committee was advised by the Chief Executive Officer of the City of Wanneroo that the swimming pool is the property and responsibility of the Department of Conservation and Land Management (CALM), however it is understood that the pool is in very poor condition and expert opinion does not recommend repair because of major concerns about both the structure and location of the pool.
- 2.8.6 The Committee was also advised that at this stage the City of Wanneroo does not have any plans to open a multi-purpose aquatic centre at Yanchep.
- 2.8.7 The Minister for the Environment advised the Committee that the swimming pool was closed in March 1997 due to the pronounced structural leaks causing chlorinated water to enter the adjacent wetlands. The pool was also economically inefficient as it is old and has outdated equipment which is extremely costly to operate and maintain relative to the level of use.
- 2.8.8 The Minister advised that as yet CALM does not have a plan for the disused swimming pool, but that during the current revision of the park's management plan this issue will need to be addressed. This will be done through public consultation with relevant stakeholders, the local community and the Yanchep National Park Advisory Committee. Final decisions will be made following public submissions on the draft management plan. The Minister advised that this process is expected to be finalised within the next 18 – 24 months.
- 2.8.9 On August 1 2000 the Committee tabled its report (Report Number 55) into the matters raised in the petition. The Committee recognised the heritage value of the swimming pool as reflected in its heritage listings by the City of Wanneroo and the Heritage Council of Western Australia. The Committee also noted that the swimming pool served as an important facility for the local Yanchep-Two Rocks community, the coastal communities further north and visitors to the Yanchep National Park.
- 2.8.10 The Committee concluded that the State of Western Australia has responsibility for the preservation of this historical site and recommended that CALM or another appropriate agency develop, fund and implement a heritage plan for the Gloucester Lodge and swimming pool that would protect the significant heritage value of the swimming pool. The Committee also recommended that the Minister for the Environment convene a meeting with the City of Wanneroo to explore the options for developing a local swimming pool which could include the restoration of the site.

Status – finalised

2.9 OPPOSING THE PROPOSED CONNECTION OF REID HIGHWAY AND EVERINGHAM STREET

- 2.9.1 On September 21 1999 a petition was tabled (*Tabled Paper # 183*) by Hon Ed Dermer MLC opposing the proposed connection of the Reid Highway and Everingham Street.
- 2.9.2 The petitioners requested that the Legislative Council reconsider the proposal and close the road in the interests of child and community safety.
- 2.9.3 Following receipt of the petition the Committee sought submissions from:
- i) the principal petitioner; and
 - ii) Hon Ed Dermer MLC.
- 2.9.4 On October 7 1999 the Committee received a letter from Hon Norm Kelly MLC in which he informed the members that he had held discussions with some residents in the area of the proposed Reid Highway and Everingham Street connection in Carine on the issue raised in the petition, and that he would like to pass on some comments for the Committee's deliberation. Hon Norm Kelly MLC stated that "*[M]y comments are obviously biased in favour of a closure of Everingham St.*"
- 2.9.5 Hon Norm Kelly MLC noted that a major concern was that there had not been adequate consultation with the local community since the trial closure of Everingham Street in the last few months of 1998. He stated that there appeared to be a reliance by Main Roads on the City of Stirling's support for the connection, however it was his understanding that the City's position was largely based on ratepayer feedback and data which was collected prior to the trial closure.
- 2.9.6 The Committee was informed by Hon Norm Kelly MLC that the feedback he had received was that a good number of residents may have changed their minds after experiencing the effects of the trial closure.
- 2.9.7 Hon Norm Kelly MLC also submitted that it appeared that a connection would have a marked impact on the level of traffic passing Carine Senior High School and Carine Primary School.
- 2.9.8 The Committee also received a submission from the principal petitioner, Chairperson for the Concerned Parents for Child Road Safety Group, outlining their issues of concern. The principal petitioner submitted that in simple terms the issue was child safety in their immediate area.

- 2.9.9 She submitted that the area, which contained two schools, one pre-primary school and one kindergarten, was already dangerous due to the amount of through traffic using the area as a convenient short cut, and the proposed Reid Highway design would create a major 'T' junction at Everingham Street and Reid Highway within 120 metres of the school 40 km/h zone. The principal petitioner submitted that this would only encourage more traffic through the area and create an even more hazardous situation.
- 2.9.10 In summary the principal petitioner stated that through traffic volumes and speed in west Carine and in particular on roads bordering schools in the area was creating a dangerous situation for school children and residents alike. She submitted that something had to be done to reduce the traffic and decrease the danger. The trial closure proved that not connecting Everingham Street to the Reid Highway would go a long way to achieving this, while connecting Everingham Street would not only maintain this disastrous situation but make it worse.
- 2.9.11 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status - lapsed

2.10 ESTABLISHMENT OF A RENEWABLE ENERGY POWERED ECOTOURIST DISCOVERY CENTRE WITHIN THE PROPOSED GUILDERTON REGIONAL PARK

- 2.10.1 A petition was tabled (*Tabled Paper # 184*) by Hon Giz Watson MLC on September 21 1999 requesting that the Government establish a renewable energy powered ecotourist discovery centre for purposes of education and recreation within the proposed Guilderton Regional Park south of the Moore River.
- 2.10.2 The petitioners requested that the Government take this opportunity to both protect the estuary and coastal heathland and also to build a unique showplace which will serve local and international communities into the future.
- 2.10.3 The petition was first tabled during the Second Session of the Thirty-Fifth Parliament at which time submissions were sought from:
- i) the principal petitioner; and
 - ii) Hon Giz Watson MLC.

- 2.10.4 Following the retabling of the petition in the current session of Parliament, the Committee invited further submissions from the principal petitioner and tabling member.
- 2.10.5 The Committee did not receive any submissions concerning the issues raised by this petition.
- 2.10.6 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status - lapsed

2.11 PRAYING FOR RELIEF

- 2.11.1 On September 3 1999 a petition was tabled (*Tabled Paper # 198*) by Hon Derrick Tomlinson MLC in which the petitioners prayed for relief.
- 2.11.2 The petition was certified by the Clerk of the Legislative as it came within Legislative Council Standing Order 134(a)(i). Pursuant to Standing Order 134(a) the petition was confined to a request for relief and was accompanied by a statement of the facts supporting the request. This was necessary as the petition would not otherwise have complied with Standing Order 133(c)(v).
- 2.11.3 Following receipt of the petition the Committee sought submissions from:
- i) the principal petitioner; and
 - ii) Hon Derrick Tomlinson MLC.
- 2.11.4 The Committee received a submission from the principal petitioner and the tabling member.
- 2.11.5 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.12 PRAYING FOR RELIEF

- 2.12.1 A petition was tabled (*Tabled Paper # 237*) on October 12 1999 by Hon Bruce Donaldson MLC in which the petitioner prayed for relief.
- 2.12.2 The petition was certified by the Clerk of the Legislative as it came within Legislative Council Standing Order 134(a)(i). Pursuant to Standing Order 134(a) the petition was confined to a request for relief and was accompanied

by a statement of the facts supporting the request. This was necessary as the petition would not otherwise have complied with Standing Order 133(c)(v).

- 2.12.3 Following receipt of the petition the Committee sought a submission from the principal petitioner.
- 2.12.4 The Committee received a number of submissions from the principal petitioner.
- 2.12.5 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.13 HOMESWEST AND DEPARTMENT OF LAND ADMINISTRATION POLICIES

- 2.13.1 Hon Bob Thomas MLC tabled a petition (*Tabled Paper # 238*) on October 12 1999 opposing the proposed subdivision of the 15.5 hectares of land owned by Homeswest at the corner of Angove and Ulster Roads in the suburb of Spencer Park, Albany. The petitioners requested that the land (containing Casuarina woodland) be retained for conservation purposes for the public good.
- 2.13.2 The petitioners also requested that the Legislative Council seek a review of the policies of Homeswest and the Department of Land Administration with respect to the preservation of remnant bushland in urban environments and in particular with respect to this development.
- 2.13.3 Following receipt of the petition the Committee sought submissions from:
 - i) the principal petitioner; and
 - ii) Hon Bob Thomas MLC.
- 2.13.4 The Committee received a letter from the principal petitioner in which he outlined his concerns with the subdivision. Those concerns related to environmental, social and public policy matters.
- 2.13.5 The Committee also received a letter from Hon Dr Christine Sharp MLC, Member for the South-West in which she discussed the land the subject of the petition and requested that it not be developed until the remnant vegetation assessment had been completed and the Town Planning Scheme had been updated to incorporate a rationalisation of reserves and the protection of important remnants.

- 2.13.6 As part of its inquiry the Committee requested information from the Minister for Housing, Hon Dr Kim Hames MLA, relating to the amount of public open space and remnant vegetation in the development, the proposed density of Homeswest owned housing in the development and the nature of the relationship between the Ministry for Housing and the joint venture company. The Committee also requested information from the Minister for Planning concerning the planning procedures and policies it follows in deciding to either approve or refuse development and subdivision applications in regional areas.
- 2.13.7 The Committee also conducted a hearing into the matters raised in the petition during a visit to the south-west of Western Australia in February 2000. The hearing was held in Albany on February 14 2000. The witnesses were:
- i) Mr Robert Howard, Co-convenor, Spencer Park Action Group;
 - ii) Ms Christine King, resident of Albany;
 - iii) Ms Eileen Croxford, Assistant Co-ordinator of the Albany Regional Herbarium; and
 - iv) Mr Brian Newman, Project Manager for the development.
- 2.13.8 While they were in Albany, the members of the Committee took the opportunity to visit the 15.5 hectares of land the subject of the petition.
- 2.13.9 On May 2 2000 the Committee tabled its report (Report Number 50) into the matters raised in the petition. After considering all of the submissions received in relation to the petition, the Committee concluded that the evidence supplied to it indicated that at least the current minimum planning and environmental requirements had been met and that there had not been a breach of the current proper planning or environmental procedures.
- 2.13.10 In accordance with the Legislative Council's Standing Order 337, the Committee's report was forwarded to the Ministers for Planning and Housing for a response to the Committee's recommendations. The Committee received a response from the Minister for Housing dated May 24 2000 in which the Minister agreed with the Committee's conclusions and commended the Committee on conducting a thorough investigation into the matter. The Committee did not receive a response from the Minister for Planning before the prorogation of Parliament on August 4 2000.

Status – finalised

2.14 DENMARK AGRICULTURAL SCHOOL

- 2.14.1 A petition was tabled (*Tabled Paper # 244*) on October 13 1999 by Hon Muriel Patterson MLC requesting that the Legislative Council give consideration to the retention of the brick and tile buildings (dormitory and administration/dining) which have housed the Denmark Agricultural School since the 1940s. The petitioners also requested that the Legislative Council “...approve their use as a centre for the 21st century, where the heritage buildings are integral in the promotion of community education and innovation for sustainable living.”
- 2.14.2 Following receipt of the petition the Committee sought submissions from:
- i) the principal petitioner; and
 - ii) Hon Muriel Patterson MLC.
- 2.14.3 The Committee received a submission from Mr Clive Malcolm dated November 8 1999. Mr Malcolm made the submission on behalf of the recently formed Ag School 2000 Committee which, he advised the Committee, was responsible for moves to have the old buildings retained.
- 2.14.4 In his submission Mr Malcolm gave some background to the reasons for the petition, discussed the old agricultural college buildings, and commented on the Denmark community proposal that the buildings be used as a field study centre with the theme of Sustainable Living. Mr Malcolm advised that the Ag School 2000 Committee planned to have a feasibility study carried out to determine the practicability of establishing a centre that would be self-funding.
- 2.14.5 His submission concluded by stating that the Ag School 2000 Committee, the organisations it represented and the persons who signed the petition to the Legislative Council would greatly appreciate the assistance of the Honourable Members in persuading the Minister for Education to retain the old Denmark Agricultural College buildings for possible use as a Centre for Sustainable Living.
- 2.14.6 The Committee wrote to the Minister for Heritage advising him that it was intending to conduct a site visit and hearing in Denmark and inviting him or a member of the Ministry to attend. The Minister did not attend the hearing, however the Committee received a letter from him dated February 17 2000 offering information on the issues raised in the petition.

- 2.14.7 During its visit to the south-west of Western Australia in February 2000 the Committee conducted a site visit to the Denmark Agricultural School and met with a number of the petitioners. The Committee also conducted a hearing into the matters raised in the petition. The hearing was held on February 15 2000 and the Committee heard evidence from eight witnesses. The Committee received a number of written submissions from members of the Denmark community at the close of the hearing.
- 2.14.8 The Committee also conducted a site visit to the Denmark Agricultural School and met with a number of the petitioners.
- 2.14.9 On March 13 2000 the Committee wrote to the Minister for Education requesting that the buildings not be demolished until the Committee had been given the opportunity to consider the feasibility study, reported to Parliament on the issue, and the responsible Minister had responded to the Committee's recommendations pursuant to Legislative Council Standing Order 337. The Minister for Education replied by letter dated March 24 2000. He informed the Committee that he was advised that the Education Department would defer the demolition of the buildings until the Committee had had the opportunity to gather further information and consider the future of the buildings.
- 2.14.10 On March 28 2000 the Committee received a copy of a Scoping Study into the Establishment of the Centre for the Twenty-First Century in the Denmark Agricultural College Buildings (the Scoping Study) from the Convenor of the Denmark Education and Innovation Centre. The Scoping Study was prepared by Green Skills Inc. for the Denmark Education and Innovation Centre.
- 2.14.11 The Scoping Study stated that preliminary market research had indicated that there were excellent opportunities for the development of business in areas such as camps for school groups, residential and non-residential courses, small conferences and meetings, boarding accommodation for isolated students attending the Denmark High School, and office accommodation for community groups or government agencies. The Scoping Study concluded that *"[I]n order to proceed further with detailed market research and the preparation of a Business Plan, the threat of demolition needs to be lifted and preferably the buildings need to be transferred to the National Trust to ensure their protection while the final concept is developed."*
- 2.14.12 On May 23 2000 the Committee tabled its report (Report Number 52) into the matters raised in the petition. After considering all of the submissions received in relation to the petition, the Committee concluded that the long

term financial viability and management of the proposed Centre for the Twenty-First Century in the Denmark Agricultural College buildings was a key element in the decision whether to demolish or retain the buildings. The Committee concluded that the buildings should be retained only if they were not a financial burden on the community and ratepayers of the Shire of Denmark. The Committee concluded that on the basis of the evidence presented to it there was good reason for placing a moratorium on the demolition of the Denmark agricultural school buildings until the end of the year 2000 to allow time for the Ag School 2000 Committee to negotiate with the Denmark Shire Council as to the long term financial viability of the project and to secure the Council's concurrence.

2.14.13 In accordance with the Legislative Council's Standing Order 337, the Committee's report was forwarded to the Minister for Education for a response to the Committee's recommendations.

2.14.14 The Committee did not receive a response from the Minister for Education before the prorogation of Parliament on August 4 2000.

Status – finalised

2.15 SOUTHERN LINK ROAD FOR JARRAHDAL

2.15.1 Hon Ljiljanna Ravlich MLC tabled a petition (*Tabled Paper # 268*) on October 19 1999 in which the petitioners expressed their utmost concern at the proposed Southern Link Road for Jarrahdale and for the Serpentine-Jarrahdale Shire. The petitioners claimed that the proposal would be injurious to the lifestyle, industry and wellbeing of local residents.

2.15.2 The petitioners called upon the Government to take heed of the community's needs and concerns, to urgently examine the proposal before it is implemented and to evaluate other alternatives deemed to be more beneficial to the whole Western Australian community.

2.15.3 The petition was first tabled during the Second Session of the Thirty-Fifth Parliament. At that time the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Ljiljanna Ravlich MLC.

2.15.4 Following retabling of the petition the Committee continued with its inquiry. The Committee received a submission from the principal petitioner dated November 11 1999. After considering this submission the Committee

concluded that the evidence supplied to it did not indicate that there had been a breach of the proper planning or environmental procedures.

- 2.15.5 The Committee wrote to the principal petitioner advising him of its conclusions and informing him that it had resolved to close its inquiry into the petition.

Status – finalised

2.16 VOLUNTARY EUTHANASIA

- 2.16.1 On October 26 1999 Hon Norm Kelly MLC tabled a petition (*Tabled Paper # 293*) concerning voluntary euthanasia.

2.16.2 The petition requested that “...because Criminal Code law in Western Australia is such that suffering people have no legal right to be actively helped to die, no matter what their degree of suffering nor the urgency of their pleas for release by death, the Legislative Council, in Parliament assembled, shall pass a properly regulated Bill that would make the right to be thus helped to die a legal option on the request of adults who are hopelessly suffering more than they wish to bear; and that other persons participating in the fulfilment of such a legal option shall do so only if willing, and shall not be subject to adverse legal or professional action.”

- 2.16.3 Following receipt of the petition, the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Norm Kelly MLC.

2.16.4 The Committee received a submission from the principal petitioner dated November 23 1999. The petitioner stated that no matter how good palliative care services are, or what life prolonging technologies are developed, there are always some cases where these services can not always address an individual’s suffering to the satisfaction of that individual.

2.16.5 The petitioner submitted that voluntary euthanasia is already widely practiced in Australia. She stated that “[I]t is wrong and potentially more dangerous to continue to turn a blind eye to an uncontrolled practice as vitally serious as this. Decriminalisation of voluntary euthanasia would allow the practice to be subject to formal controls, stringent safeguards and proper scrutiny.”

2.16.6 The petitioner concluded her submission by stating that individuals should have the ability to exercise personal choice over moral issues of this nature in accordance with their own belief system, provided others are not adversely

affected. She submitted that an individual's right to self determination over their own body should extend to choosing the timing and circumstances of their own death, should the pain and suffering of living with an incurable illness become intolerable.

2.16.7 The Committee notes that it has tabled a report in relation to *Petitions Regarding Voluntary Euthanasia* (Report Number 23) which reviewed a number of previous petitions tabled in the Legislative Council on this matter.

2.16.8 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status - lapsed

2.17 PHASING OUT OF THE BATTERY CAGE SYSTEM OF EGG PRODUCTION

2.17.1 Hon Jim Scott MLC tabled a petition (*Tabled Paper # 361*) on November 9 1999 calling on the Legislative Council to allow the phasing out of battery cages and of the sale of battery eggs in the ACT by agreeing to the inclusion of subsection 24A(1) and 24B of the *Food Amendment Act 1997* (ACT) in the Schedules to the *Mutual Recognition Act 1992* (Cth).

2.17.2 The petition strongly urged the Members of the Legislative Council to support the following recommendations:

- “...that the battery cage system of egg production is inherently cruel;
- that the citizens of any jurisdiction have the right to demand a standard of animal welfare consistent with their collective conscience;
- that the ACT Animal Welfare Amendment Act 1997 and the ACT Food Amendment Act 1997 are consistent with the High Court proceedings relating to Section 92 of the Australian Constitution and other exemptions under the Mutual Recognition Act 1992 (Commonwealth).

Inclusion of subsection 24A(1) and 24B of the ACT Food Amendment Act 1997 in the Schedules to the Mutual Recognition Act 1992 (Commonwealth) will allow the phase out of battery cages and of the sale of battery eggs to the citizens of the ACT to commence, as agreed by the ACT's elected Parliament.”

2.17.3 The petition was first tabled during the Second Session of the Thirty-Fifth Parliament at which time the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Jim Scott MLC.

- 2.17.4 Following retabling of the petition the Committee continued with its inquiry which included seeking further submissions from the principal petitioner and tabling member.
- 2.17.5 The Committee did not receive any submissions concerning the issues raised by this petition.
- 2.17.6 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.18 MIDWIFERY

- 2.18.1 A petition was tabled on November 9 1999 (*Tabled Paper # 362*) by Hon Jim Scott MLC requesting the Legislative Council to “...ensure State Health Services include Community-Based Midwifery as a part of Maternity Services and make recommendations for appropriate coverage under Medicare.”
- 2.18.2 The petition expressed concern that women do not have sufficient choices with regard to the process of childbirth, such as where and with which professionals they undertake childbirth. The petitioners submitted that recognition is not given to the fact that continuity of midwifery care throughout pregnancy, childbirth and the post natal period makes a vital contribution to the future health of the family and the community.
- 2.18.3 The petition was first tabled during the Fourth Session of the Thirty-Fourth Parliament and again during the First and Second Sessions of the Thirty-Fifth Parliament.
- 2.18.4 Following retabling of the petition, the Committee continued with its inquiry which included seeking further submissions from the principal petitioner and the tabling member.
- 2.18.5 The Committee also conducted a hearing into the matters raised in the petition. The hearing was held on March 24 1999 and the witnesses before the Committee were:
- i) Dr Beverley Thiele, Senior Lecturer in Women’s Studies, Division of Social Sciences, Humanities and Education, at Murdoch University;
 - ii) Ms Bronwyn Key, the Convenor of Community Midwifery WA Inc;
 - iii) Ms Tracey Riebel, Project Administrator, of the Community Based Midwifery Program;

- iv) Ms Renai Adamson, Consumer Representative, Birthplace Support Group Inc;
- v) Ms Belinda Whitworth, Senior Purchasing Manager, Health Department of Western Australia;
- vi) Ms Clare Chamberlain, Planning Officer, Health Department of Western Australia; and
- vii) Mrs Penny Brown, Acting Principal Nursing Adviser, Health Department of Western Australia.

2.18.6 The Committee heard a substantial amount of evidence from the witnesses concerning a range of issues relating to community based midwifery.

2.18.7 On December 14 1999 the Committee tabled its report (Report Number 48) into the matters raised in the petition. After considering all of the submissions received in relation to the petition, the Committee recommended that State Health Services should include community based midwifery as a part of its maternity services and that adequate, on-going funding should be made available to the Midwifery Program to allow for long-term planning to cater for all the women who wish to use the service. The Committee also recommended that the State Government should negotiate with the Federal Government to enact changes to Medicare to offer rebates to women who choose a midwife as their primary carer.

2.18.8 In accordance with the Legislative Council's Standing Order 337, the Committee's report was forwarded to the Minister for Health for a response to the Committee's recommendations.

2.18.9 The Government responded favourably to the Committee's report. The Minister advised that the State currently purchases community-based midwifery as an important component of its maternity services. The Community Based Midwifery Program now includes 80 births over and above the 70 births funded under the Commonwealth State Public Health Outcome Funding Agreement. The Minister advised that the recurrent funding is \$450 000.

2.18.10 The Minister advised that the Community Based Midwifery Program was initially funded in 1996-1997 by a Commonwealth grant for delivery of services to the south metropolitan region. The Minister advised that the State currently purchases additional services as part of the program, which has allowed the expansion to include the whole metropolitan area. The additional recurrent allocation has allowed for training of non-accredited midwives, the

establishment of a resource centre, additional ante-natal classes and further evaluation of the program. These services will assist in the long-term planning and further development of the program.

- 2.18.11 The Minister also advised that although Medicare coverage is a Commonwealth issue, the Health Department of Western Australia will continue to raise the matter with the Federal Government to enable rebates to be offered to women who choose the option of midwifery supported births.

Status – finalised

2.19 COOLBELLUP

- 2.19.1 Hon Jim Scott MLC tabled a petition (*Tabled Paper # 363*) on November 9 1999 opposing the use of remnant bushland on the corner of Stock and Sudlow Roads, near Coolbellup, for urban development.
- 2.19.2 The petitioners opposed the use of the bushland for urban development as they believed “...it will deplete the quality of life of residents, devalue a valuable educational scientific resource, threaten valuable flora and fauna, remove a buffer zone for local residents, and damage an environmental and social asset which is an educational and recreational amenity for schools and the local community.”
- 2.19.3 The petition was first tabled during the Third Session of the Thirty-Fourth Parliament. At that time the Committee sought submissions from:
- i) the principal petitioner;
 - ii) Minister for Planning; and
 - iii) Hon Jim Scott MLC.
- 2.19.4 Following retabling of the petition in the current Parliamentary Session, the Committee sought further submissions from the principal petitioner, the Minister for Planning and the tabling member. The Committee also made inquiries with the City of Cockburn.
- 2.19.5 The Minister for Planning wrote to the Committee on December 22 1999 advising that it was anticipated that Perth’s Bushplan would go to Cabinet in the new year. Subject to Cabinet endorsement, it was intended that Perth’s Bushplan would be finalised for release by the middle of the year 2000.
- 2.19.6 The Minister advised that the land the subject of the petition was not included in Perth’s Bushplan, however it was nominated as an additional area through

the public submission process and therefore would be considered in due course.

- 2.19.7 During the course of its inquiries with the City of Cockburn, the Committee was advised that on December 21 1999 the City of Cockburn Council refused an application by Landcorp to extract sand and limestone from Lot Pt 3, 11 and 13 Phoenix Road, Bibra Lake. The Council noted that indications from the Bushplan office were that it was unlikely that the site would be included in Bushplan due to the industrial zoning of the land and degraded nature of areas of the site adjacent to South Lake.
- 2.19.8 The Committee notes that the petition was first tabled on September 7 1995 and that the delay in finalising the petition was due to the fact that it raised issues that were live in the community. Consultative processes were continuing and the Committee did not want to be seen to be pre-empting a decision that should rightly be made by the Ministry of Planning.
- 2.19.9 After considering the information provided to it, the Committee concluded that while it recognises that the bushland is locally significant and of value to the community, it believes that the evidence supplied to it does not indicate that there has been a breach of the proper planning or environmental procedures. The Committee therefore resolved to close its inquiry into the petition.
- 2.19.10 The principal petitioner and tabling member were advised accordingly.

Status – finalised

2.20 LEIGHTON MARSHALLING YARDS REDEVELOPMENT

- 2.20.1 A petition was tabled (*Tabled Paper # 370*) by Hon Giz Watson MLC on November 10 1999 requesting the suspension of the Leighton Shores Joint Venture tender process.
- 2.20.2 The petitioners expressed concern about the redevelopment of the Leighton Marshalling yards. The petition claimed that the public were not given the opportunity to express their needs in the planning process. The petition also stated that there are grave community concerns regarding beach access and the loss of views. It stated that this area presents a once-only opportunity to create parklands which would complement the safe swimming beaches in the South Metropolitan region.

- 2.20.3 The petitioners requested that the Legislative Council investigate the community concerns and make recommendations to the Premier and Cabinet to ensure that:
- i) *“...the Leighton Shores Joint Venture tender process is immediately suspended so that the Government can facilitate an open and interactive planning process to develop a sustainable vision for the Port and Leighton beach coastal zones and the Leighton marshalling yards in keeping with current best practice coastal management policies; and*
 - ii) *no land be sold off or developed until the community have developed a stated vision.”*
- 2.20.4 The petition was first tabled by Hon Jim Scott MLC during the Second Session of the Thirty-Fifth Parliament at which time the Committee sought submissions from:
- i) the principal petitioner; and
 - ii) Hon Jim Scott MLC.
- 2.20.5 Following retabling of the petition in the Third Session of the Thirty-Fifth Parliament the Committee continued with its investigations which involved seeking submissions from the principal petitioner, the tabling member, the City of Fremantle, the Town of Cottesloe, the Town of Mosman Park, the Minister for Planning and the Minister for Transport.
- 2.20.6 The Committee received a number of detailed submissions in response to its requests. After considering all of the submissions received in relation to the petition, on July 14 2000 the Committee tabled its report (Report Number 54) into the matters raised in the petition.
- 2.20.7 The Committee noted that State Cabinet has agreed that a formal planning process will shape the final design proposal for redevelopment of the Leighton Marshalling yard site and that this process will involve the community, local government and relevant Government agencies in extensive consultation. The Committee concluded that the petitioners’ request that the Leighton Shores Joint Venture tender process be suspended so that the Government can facilitate an open and interactive planning process has been satisfied.
- 2.20.8 The Committee also concluded that the petitioners’ request that *“...no land be developed until the community have developed a stated vision”* should be satisfied by the public consultation process outlined in the report.

2.20.9 The Committee noted that despite numerous requests concerning the sale of the land, the Minister for Transport did not answer the Committee's specific question concerning that issue. The Committee concluded that this part of the petition has not been satisfied and recommended that the Minister for Transport advise the Committee whether or not the Leighton Marshalling yards site will be sold prior to the final design proposal being approved.

2.20.10 The Committee did not receive a response from the Minister for Transport before the prorogation of Parliament on August 4 2000.

Status - finalised

2.21 DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES

2.21.1 A petition was tabled (*Tabled Paper # 412*) by Hon Jim Scott MLC on November 18 1999 concerning the Department of Family and Children's Services.

2.21.2 The petitioners expressed concern that "*...the administration of the Department of Community Development and the interpretation of its powers under the Child Welfare Act 1947 creates a lack of accountability within the Department; an inability by the Department to be constructively criticised and scrutinised when procedures are wrong; inequity in the treatment of families; and mismanagement of the needs of clients leading to detrimental outcomes.*"

2.21.3 The petition was first tabled during the Third Session of the Thirty-Fourth Parliament. At that time submissions were sought from:

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

2.21.4 Following retabling of the petition in the current Parliamentary Session, the Committee sought further submissions from the principal petitioner and the tabling member.

2.21.5 The Committee did not receive any submissions concerning the issues raised by this petition.

2.21.6 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.22 TRUST REMOVAL (MOUNT CLAREMONT LAND) BILL 1998: OPPOSING THE REMOVAL OF THE DECLARATION OF TRUST 30/1961

- 2.22.1 Two petitions were tabled (*Tabled Paper #s 431 and 434*) by Hon Giz Watson MLC on November 23 1999 opposing the removal of the Declaration of Trust 30/1961 relating to the Trust Removal (Mount Claremont Land) Bill 1998.
- 2.22.2 The petition stated that the land is currently held in trust for recreation purposes for the use of the public for all time. The petition also stated that the area of natural bushland contains rare accessible mature banksias, and is situated in an area that serves as a community gathering point.
- 2.22.3 The petitioners claimed that recreational space is inadequate in Mount Claremont and that this is partly due to the developers of St John's Wood paying the Nedlands Council cash in lieu of public open space, of which there has been no net benefit to the residents of Mt Claremont. The petitioners claimed that there are no other large areas of land in this part of Mt Claremont where children can play and which all residents can enjoy. The petition also stated that most long-term residents in the area have assumed this land would remain for recreation purposes and have been surprised by this little-publicised proposal to deprive future generations of much-needed recreational land.
- 2.22.4 The petitioners requested that the Committee make recommendations to suspend any tendering process and prohibit the sale of the land until the community has been properly consulted.
- 2.22.5 The Committee considered the matters raised in the petition and concluded that as the matter involved a Bill which was being considered by the House, the matter would be dealt with during debate. Accordingly, the Committee resolved not to inquire into the matter.
- 2.22.6 The principal petitioner and tabling member were advised accordingly.

Status – finalised

2.23 EDUCATION/CHILD CARE EXCLUSION POLICY

- 2.23.1 On December 7 1999 Hon Jim Scott MLC tabled a petition (*Tabled Paper # 515*) opposing the enforcement of the Education Department's exclusion policy of non-immune children.

- 2.23.2 The petitioners strongly opposed any attempts to enforce the Education Department's and Child Care Exclusion Policy on 'non-immune' children. The petitioners claimed that "[T]his policy discriminates against parent's rights to choose their children's health care based on medical, conscientious, religious, or naturally acquired immunity from disease." [sic] The petitioners claimed that the policy can cause families financial and emotional distress and that students will receive a disruptive education. The petition stated that "No vaccine is 100% effective so how do we know if the vaccinated child will not contract the disease – so why should healthy 'non-immune' children be penalised?"
- 2.23.3 The petitioners requested that the Legislative Council investigate the impacts of this policy in regard to:
- the educational disruption to students and staff;
 - emotional and economic impact imposed on children/students and their families;
 - what health risks non-immune children pose to the school and childcare communities;
 - discrimination in respect to Equal Opportunities and Human Rights.
- 2.23.4 The petition was first tabled during the Second Session of the Thirty-Fifth Parliament at which time the Committee sought submissions from:
- i) the principal petitioner; and
 - ii) Hon Jim Scott MLC.
- 2.23.5 Following retabling of the petition in the current Parliamentary session the Committee received a letter from the President of the Australian Vaccination Network (WA) Inc which requested that the petition be investigated by the Standing Committee on Public Administration.
- 2.23.6 The Committee wrote to the petitioners noting their request that the petition be investigated by the Standing Committee on Public Administration (PAC). The Committee advised that it (the Constitutional Affairs Committee) was the appropriate Parliamentary committee to inquire into petitions. The Committee advised the petitioners that under its terms of reference, it may refer a petition to another standing committee where the subject matter of the petition is within the terms of reference of that standing committee. The Committee advised that in this case the matters raised in the petition were outside the PAC's terms of reference. The Committee advised the petitioners that it had resolved that it would not refer the petition to the PAC.

- 2.23.7 The Committee sent a copy of the Report of the Select Committee on Immunisation and Vaccination Rates in Children to the principal petitioner. The Committee drew the petitioners' attention to specific chapters of the report and several recommendations relevant to the petition.
- 2.23.8 The Committee advised the petitioners that it considered that Parliament had given the matter due consideration and that the issues raised in the petition had been covered by the Select Committee. The Committee believed that it would therefore be inappropriate for it to conduct an inquiry into the petition.
- 2.23.9 The Committee advised that it had therefore resolved not to inquire further into the petition.

Status – finalised

2.24 EROSION OF PRIVATE PROPERTY RIGHTS

- 2.24.1 Hon Simon O'Brien MLC tabled a petition (*Tabled Paper # 601*) on December 15 1999 concerning the erosion of private property rights.
- 2.24.2 The petitioners drew attention to the erosion of private property rights without compensation due to Acts, Regulations and Policies including:
- Bushplan;
 - South West Wetlands Environmental Protection Policy;
 - Swan Coastal Plain Lakes Environmental Protection Policy;
 - Agricultural and Rural Land Use Planning Policy;
 - Conservation Category Wetlands; and
 - Remnant Vegetation Protection Memorandum of Understanding (MOU).
- 2.24.3 Following receipt of the petition the Committee sought submissions from:
- i) the principal petitioner; and
 - ii) Hon Simon O'Brien MLC.
- 2.24.4 The Committee received a large number of detailed submissions concerning the petition. The Committee conducted a number of hearings into the matters raised in the petition in Perth, and also travelled to the south-west of Western Australia in February 2000 to conduct hearings and to carry out research into the petition.

- 2.24.5 The Committee's first hearing was in Albany and concerned the Remnant Vegetation Protection MOU. From Albany the Committee travelled via Denmark and Scott River (where it conducted another site visit) to Margaret River where the Committee conducted a second hearing. The issues raised at that hearing also included the Remnant Vegetation Protection MOU as well as the Draft Agricultural and Rural Land Use Planning Policy, the Leeuwin-Naturaliste Ridge Statement of Planning Policy and Environmental Protection Policies generally.
- 2.24.6 From Margaret River the Committee travelled to the Kemerton Industrial Area and met with a number of landowners who were concerned about the proposed expansion of the Kemerton Industrial Area. The landowners expressed concern that their land may be resumed as a result of the expansion and that they may not receive compensation. These issues were discussed in detail at the Committee's hearing in Bunbury.
- 2.24.7 Following its visit to Bunbury the Committee travelled to Harvey to inspect the works for the Harvey Dam. The Committee conducted a hearing in Harvey and heard evidence from a number of witnesses who were concerned about the compulsory acquisition of their land and their entitlement to compensation.
- 2.24.8 The Committee also visited the Peel Inlet Area and met with landowners in the area. The Committee conducted a hearing in Pinjarra at which the landowners expressed their concerns about the Peel Region Scheme. They also raised the question of compensation for compulsory acquisition of land.
- 2.24.9 The Committee conducted a site visit to Southern River in March 2000. The Committee met with a number of landowners concerned about the process by which land is included in Perth's Bushplan. Several landowners also expressed concern about the process by which land is classified as Conservation Category Wetland.
- 2.24.10 These and other issues relating to the petition were raised at a number of public hearings conducted in Perth during the first part of the year 2000.
- 2.24.11 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.25 OPPOSING NUCLEAR WASTE DUMPS IN WESTERN AUSTRALIA

- 2.25.1 On March 14 2000 Hon Barbara Scott MLC tabled a petition (*Tabled Paper # 708*) opposing all proposals to locate high level nuclear waste dumps in Western Australia.
- 2.25.2 The Committee wrote to the principal petitioner and tabling member advising that the matter had been dealt with by the Parliament in the *Nuclear Waste Storage (Prohibition) Act 1999* which was assented to on December 7 1999.
- 2.25.3 The Committee resolved that as the matter had been dealt with by the Parliament, it would not inquire further into the petition.

Status – finalised

2.26 LIVE SHEEP TRADE

- 2.26.1 A petition was tabled (*Tabled Paper # 805*) by Hon Jim Scott MLC on March 21 2000 opposing live sheep trade.
- 2.26.2 The petitioners expressed concern at the continuation of the live sheep trade for the following reasons:
- *“Annually more than 100 000 sheep exported from Fremantle die traumatically during transshipment to the Middle East.*
 - *Regulations covering road transportation and loading are not being adequately policed.*
 - *The live sheep trade is undermining the more lucrative, job creating processed meat trade.”*
- 2.26.3 The petitioners requested that the Legislative Council “...investigate and recommend a time frame in which this cruel, wasteful and uneconomic trade can be terminated.”
- 2.26.4 The petition was first tabled by Hon Jim Scott MLC during the Thirty-Fourth Parliament and was retabled during the First Session of the Thirty-Fifth Parliament.
- 2.26.5 During the current Parliamentary session the Committee continued its inquiry which involved seeking further submissions from the principal petitioner and Hon Jim Scott MLC. The Committee was aware of a project, to be conducted by Agriculture Western Australia, aimed at comparing the economic value of the live sheep trade with processed sheep. The Committee requested a copy

of that report but was advised by Agriculture Western Australia that it was unlikely that the report had been completed.

- 2.26.6 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.27 REQUESTING THE BANNING OF AERIAL SPRAYING OF INTENSIVE MONOCULTURE TREE FARMING IN THE GREAT SOUTHERN

- 2.27.1 Two petitions were tabled (*Tabled Paper #s 823 and 1103*) by Hon Bob Thomas MLC requesting the Parliament to urge the Government to take action to ban the practice of aerial spraying of intensive monoculture tree farming in the Great Southern.

- 2.27.2 The petitioners stated that the reason for their request was the extreme toxicity of the pesticides used and spray drift which is almost impossible to control. The petition stated “[W]e remind Parliament that the local residents use rain water from their roofs for drinking and that Rogor one of the chemicals used is *EXTREMELY* toxic to Birds, Fish Invertebrates and *HIGHLY* toxic to Mammalians and Bees.”

- 2.27.3 Following receipt of the petition, the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Bob Thomas MLC.

- 2.27.4 The Committee received a letter from Hon Bob Thomas MLC dated April 7 2000 in which he suggested that the Committee may wish to examine “...*the problem of the appearance that no regulatory body polices the activities of the aerial spraying contractors to ensure that they comply with all laws and codes of practice.*” Hon Bob Thomas MLC advised the Committee that his research has shown that the Civil Aviation and Safety Authority has no power to police the activities of the operators because the industry is now self regulating. Further, the Health Department of Western Australia has responsibility for control of use of the chemicals used but does not have the resources to police the industry.

- 2.27.5 Hon Bob Thomas MLC also advised that anecdotal evidence suggests that some aerial spraying operators do not comply with the relevant codes of practice and as a result are causing spray to drift over non target areas. This is affecting humans and stock and will cause long term problems given that

many people in the area are dependant on rainwater collected from their roofs for all of their water requirements, including drinking water.

- 2.27.6 The Committee also received a submission dated May 2 2000 from Ms Verna Pearce on behalf of The Great Southern Group for Smart Tree Farming. She drew the Committee's attention to a number of issues including spray drift, contamination of rain water tanks used for drinking water, the killing of marron and yabbies in farm dams, the lack of guidelines for spray application, the use of the chemical Rogor in aerial spraying and the affect aerial spraying has on bee populations and other sensitive fauna.
- 2.27.7 The Committee also received a submission dated May 12 2000 from Ms Julia Levinson, Executive Officer of Timber 2002 Incorporated. Ms Levinson advised the Committee that the plantation timber industry stakeholders operating in the Great Southern of Western Australia were aware of the petition and were extremely concerned that the signatories were not in possession of the full facts at the time of signing, and as such may have been misguided.
- 2.27.8 Ms Levinson advised the Committee that the plantation industry through the local Regional Plantation Committee Timber 2002, was requesting that prior to considering the petition the Committee accept a submission relating to the petition in order to provide for a balanced debate by considering all of the matters.
- 2.27.9 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status - lapsed

2.28 REID HIGHWAY EXTENSION

- 2.28.1 Two petitions were tabled (*Tabled Paper #s 858 and 923*) by Hon Giz Watson MLC during the Third Session of the Thirty-Fifth Parliament requesting the Legislative Council to recommend that construction of the Reid Highway extension be deferred.
- 2.28.2 The petitioners also requested that the Legislative Council convene a Select Committee to conduct public hearings into the purpose and necessity of the extension including the protection of Lake Carine and its environs.
- 2.28.3 Following receipt of the petition, the Committee wrote to the principal petitioner and tabling member advising that the Standing Committee on

Constitutional Affairs was the appropriate Parliamentary Committee to consider the petition.

- 2.28.4 The Committee also advised that it is Committee policy that with respect to petitions concerning planning and environmental matters, the Committee considers that its role is not to replace existing planning and environmental appeal bodies but is limited to inquiring into breaches of the proper planning and environmental procedures.
- 2.28.5 The Committee invited submissions from the principal petitioner and tabling member regarding the issues raised in the petition in order that the Committee could decide whether the matter would be investigated further.
- 2.28.6 The Committee did not receive any submissions concerning the issues raised by this petition.
- 2.28.7 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.29 REQUESTING AN EXTENSION OF TIME FOR THE USE OF FRESH CHICKEN MANURE

- 2.29.1 Hon Ray Halligan MLC tabled a petition (*Tabled Paper # 859*) on April 6 2000 requesting the Legislative Council to seek an extension of time for the use of fresh chicken manure for horticultural use while tests continue to find a viable alternative acceptable to the industry. The petitioners expressed their belief that failure to allow such an extension would put the horticultural industry in jeopardy.
- 2.29.2 Following receipt of the petition, the Committee sought submissions from:
- i) the principal petitioner; and
 - ii) Hon Ray Halligan MLC.
- 2.29.3 The Committee also wrote to the Minister for Resources Development, the Minister for Health, the Minister for Primary Industry and the Minister for Local Government asking if there was any reason why an extension of time could not be granted until such time as the Committee has had the opportunity to consider the petition, report to Parliament on the issue, and the responsible Minister has responded to the Committee's recommendations pursuant to Legislative Council Standing Order 337.

- 2.29.4 The Ministers for Resources Development and Local Government advised the Committee that the matter did not come within their portfolios. They suggested that the matter should be addressed by the Minister for Primary Industry.
- 2.29.5 The Minister for Health advised the Committee by letter dated May 25 2000 that the Stable Fly Management Steering Group convened by the Minister for Primary Industry was scheduled to meet again on May 30 2000 to further consider the implementation date of legislation on the use of poultry manure in the generation of power and the results of trials that have been held to evaluate the conditioning process of poultry manure for horticultural use.
- 2.29.6 The Minister for Health also advised the Committee that until the power generation project and the trials of the conditioning process are completed, the implementation date of legislation on the use of poultry manure will not be considered.
- 2.29.7 The Minister for Primary Industry advised the Committee by letter dated June 2 2000 that no decision had been made as to the use or otherwise of fresh chicken manure for horticultural use.
- 2.29.8 The Committee received a submission from Mr Nick Tana, Chairman of the Poultry Litter Users Committee dated May 1 2000. Mr Tana advised the Committee that poultry litter has been an important source of soil enrichment and fertiliser to the horticultural industry for many years, however the management and use of the product in that industry has to date not been carried out in accordance with best practices. As a result its use has created a recognised problem in stable fly breeding.
- 2.29.9 Mr Tana noted that the State government is now considering banning the use of the product. He advised that the broiler industry, which produces the poultry litter, has identified another possible use for its product and is courting the Government to consider its burning for power generation and as such creating a replenishable energy source. The Committee was advised that the industry has appointed a committee to firstly convince the Government not to ban the use of the product until such time as an alternative can be found, and secondly to develop alternative methods of using poultry manure which will address the current problems.
- 2.29.10 As part of its inquiry the Committee conducted a hearing into the issues raised in the petition. The hearing was held on June 28 2000 and the witnesses were:
- i) Mr Mick Nanovich;

- ii) Ms Sally Grant;
- iii) Mr Colin Philpott; and
- iv) Mr Toby Riseborough.

2.29.11 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.30 CONCERN ABOUT THE CONTINUING PLANNING PROGRAM FOR THE POULTRY INDUSTRY FOR THE SERPENTINE-JARRAHDAL SHIRE

2.30.1 A petition was tabled (*Tabled Paper # 902*) by Hon Derrick Tomlinson MLC on May 2 2000 in which the petitioners expressed their concern at the continuing planning program for the poultry industry for the Serpentine-Jarrahdale Shire. The petitioners submitted that “[T]his program and any future proposals will be injurious to the lifestyle, health, environment and future of this rural metropolitan community.”

2.30.2 The petitioners called upon the Government to take heed of the needs and concerns of the Serpentine-Jarrahdale community and to urgently examine the poultry industry and all future proposals before they are implemented. It also called on the Government to properly consider other alternatives and opportunities deemed to be more beneficial to the whole Western Australian community.

2.30.3 Following receipt of the petition, the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Derrick Tomlinson MLC.

2.30.4 The Committee received a letter from Hon Derrick Tomlinson MLC dated May 17 2000 in which he raised two matters for the Committee’s attention.

2.30.5 The first matter was the effect of the Western Australian Planning Commission ‘Statement of Planning Policy No 5 Poultry Farms’ (Policy No 5). Hon Derrick Tomlinson MLC advised that Policy No 5 provides that the location of poultry farms should be in rural areas and specifies separation of poultry farms from residential land users. He also advised that in addition to these statutory requirements, the industry maintains as a bio-security measure a separation of 1 000 metres between poultry farms.

- 2.30.6 Hon Derrick Tomlinson MLC submitted that the net result of these planning policy requirements and industry-regulated bio-security measures is that poultry farms are dispersed in suitable rural areas of the metropolitan region.
- 2.30.7 The second matter raised by Hon Derrick Tomlinson MLC was the deliberation of the Poultry Farms Relocation Committee. Hon Derrick Tomlinson MLC advised that he chaired that committee in 1995. Its purpose was to identify localities within the metropolitan region where new poultry farms might be established.
- 2.30.8 Areas identified fell within the Shire of Gin Gin, Chittering, Serpentine-Jarrahdale and Peel. Hon Derrick Tomlinson MLC advised that the industry has accepted the planning constraints and that new poultry farms are being located in the identified region. Existing farms in urban areas of the metropolitan region are being relocated progressively.
- 2.30.9 Hon Derrick Tomlinson MLC advised that the relocation policy is to be reviewed by a new working group to be approved by the Minister for Planning and that the Minister had invited him to chair the working group.
- 2.30.10 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.31 REQUESTING A PERMANENT MEDICAL PRACTITIONER IN THE DIVISION OF AVON

- 2.31.1 Hon Ljiljanna Ravlich MLC tabled a petition (*Tabled Paper # 937*) on May 9 2000 which requested the Legislative Council to acknowledge the need for a resident medical practitioner at Northam Hospital and support measures to enable a permanent position for a medical practitioner in the Division of Avon.
- 2.31.2 The petitioners submitted that in the electorate of Avon they:
- do not have a medical practitioner in residence at Northam Hospital;
 - do not have a doctor available without prior appointment;
 - in emergencies, must wait for the medical practitioner on call to arrive at Northam Hospital; and
 - are concerned that nursing staff have exclusive responsibility for deciding whether a case is an emergency and, as a consequence, whether treatment by a medical practitioner will be received.

- 2.31.3 Following receipt of the petition, the Committee sought submissions from:
- i) the principal petitioners; and
 - ii) Hon Ljiljanna Ravlich MLC.
- 2.31.4 The Committee did not receive any submissions concerning the issues raised by this petition prior to prorogation.
- 2.31.5 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.32 RESIDENTIAL TENANCIES ACT 1987

- 2.32.1 On May 11 2000 Hon Barbara Scott MLC tabled a petition (*Tabled Paper # 948*) signed by permanent residents of caravan parks in Western Australia. The petitioners noted that they are subject to the *Residential Tenancies Act 1987* (Residential Tenancies Act) and expressed their concern that section 65 of that Act provides landlords with excessive power over their permanent tenants.
- 2.32.2 The petitioners requested a review of section 64 of the Residential Tenancies Act with a view to amending the Act, thereby protecting the security of permanent residents of caravan parks in Western Australia.
- 2.32.3 Following receipt of the petition, the Committee sought submissions from:
- i) the principal petitioner; and
 - ii) Hon Barbara Scott MLC.
- 2.32.4 The Committee received a letter dated May 23 2000 from the principal petitioner, Mr Kevin Fahie, President of the Park Home Owners Association WA Incorporated. He submitted that there are a number of issues that arise from applying the Residential Tenancies Act to tenants of caravan parks in Western Australia.
- 2.32.5 Mr Fahie submitted that the Act fails to protect these people because it was never written with any consideration for permanent residents of caravan parks. He submitted his belief that “[I]t seems it was simply expedient to apply the act [sic] to park living once government recognised permanent residency as a legitimate way of life on caravan parks.”

- 2.32.6 Mr Fahie compared the case of tenants of residential properties who have been given a notice of termination with permanent residents in caravan parks in receipt of a similar notice. He submitted that permanent residents in caravan parks are in a much more difficult situation compared to those in other residential properties as most permanent residents actually own the home they live in. Therefore when they receive a section 64 notice of termination, they are being ordered to vacate their own premises. He advised the Committee that the majority of park residents are retirees and to force them to sell under such duress causes great emotional and financial pain.
- 2.32.7 Mr Fahie concluded by submitting that section 64 of the Residential Tenancies Act should not apply to those people living permanently in their own dwellings in caravan parks.
- 2.32.8 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.33 VOLUNTARY EUTHANASIA BILL 2000

- 2.33.1 Hon Norm Kelly MLC tabled a petition (*Tabled Paper # 982*) on May 23 2000 requesting the Legislative Council to debate the Voluntary Euthanasia Bill 2000 as a matter of urgency.
- 2.33.2 The petitioners requested that the House pass a bill allowing for the strict and properly regulated practice of voluntary euthanasia for individuals with an irreversible illness or condition.
- 2.33.3 The Committee considered the petition and noted that in 1998 it considered two petitions on this subject and reported to the House.
- 2.33.4 The Committee believed that it was not appropriate for it to inquire into or report on the order of business of the House and accordingly resolved not to inquire further into the matter.
- 2.33.5 The principal petitioner and tabling member were advised accordingly.

Status – finalised

2.34 OPPOSING DISCRIMINATION ON THE BASIS OF SEXUALITY AND SUPPORTING THE SEXUALITY DISCRIMINATION BILL 2000

- 2.34.1 On May 23 2000 Hon Helen Hodgson MLC tabled a petition (*Tabled Paper # 983*) opposing discrimination on the basis of sexuality.
- 2.34.2 The petitioners supported Hon Helen Hodgson MLC's Sexuality Discrimination Bill 2000. The petitioners called on the Government to allow debate in the Legislative Council on the Bill to continue immediately.
- 2.34.3 The petitioners also called on the Government to allow a conscience vote for its members in both Houses of Parliament on the Bill.
- 2.34.4 The Committee noted that the Standing Committee on Legislation had tabled two reports into matters raised in the petition. These are Report No 45, *Acts Amendment (Sexuality Discrimination) Bill 1997* and Report No 49, *Acts Amendment (Sexuality Discrimination) Bill 1997 clause 8, proposed sections 350(3) and 35P(3)*.
- 2.34.5 The Committee considered the matters raised in the petition and concluded that as the matters involve a Bill which is currently being considered by the House, the matter will be dealt with during debate. The Committee did not believe it was appropriate for it to inquire into or report on the order of business of the House or how members vote.
- 2.34.6 The Committee resolved not to inquire further into the matter. The principal petitioner and tabling member were advised accordingly.

Status – finalised

2.35 STAFFING LEVELS AT GERALDTON POLICE STATION

- 2.35.1 Hon Kim Chance MLC tabled a petition (*Tabled Paper # 984*) on May 23 2000 in which the petitioners requested that the Legislative Council inquire into police staffing levels at the Geraldton Police Station.
- 2.35.2 The petitioners expressed their belief that the Geraldton Police Station is not adequately staffed as evidenced by the recent call from Geraldton police for volunteer assistance at the station.
- 2.35.3 Following receipt of the petition, the Committee sought submissions from:
- i) the principal petitioner; and

ii) Hon Kim Chance MLC.

- 2.35.4 The Committee received a submission from the principal petitioner dated July 5 2000. The petitioner advised the Committee that in January at a meeting of the Neighbourhood Watch Suburb Manager's group in Geraldton a senior police officer suggested a trial of volunteers at the new Geraldton Police station to assist Police Officers and release them from other duties. Volunteers would answer telephones, use the radio and assist on the front counter.
- 2.35.5 The petitioner submitted that the nature of this request suggests that Geraldton police are unable to meet the demands of normal operational requirements at peak periods. He also submitted that it does not seem proper that volunteers be used in some of the roles that were suggested as it may reflect badly on the Western Australian Police Service and may give rise to questions of legal liability.
- 2.35.6 The petitioner concluded his submission by stating that the Geraldton community had been aware of staffing difficulties at the Geraldton Police Station for some time. He stated that if the matter is investigated by the Committee so that the reasons underlying this request are discovered and addressed, the Geraldton community will again have full confidence in the level of service Geraldton police can offer.
- 2.35.7 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.36 TRANSPORT OF WOODCHIPS BY RAIL

- 2.36.1 A petition was tabled (*Tabled Paper # 1000*) on May 25 2000 by Hon Murray Montgomery MLC requesting that all woodchips be transported by rail.
- 2.36.2 The petition stated that “[S]hortly important decisions will be made on the transporting of woodchips to the Albany Port” and that “[P]ublic meetings have overwhelmingly supported ALL woodchips being railed to the Port.”
- 2.36.3 The petitioners claimed that the health, safety and environmental impacts associated with road transport are unacceptable to the wider communities of Albany and surrounding districts.
- 2.36.4 The petitioners also stated that “[T]he WA State Government's Regional Development Policy emphasises the communities capacity to plan for and

manage their own future. Consequently we the undersigned respectfully request that the State Government initiate a cost neutral rail freight system to transport ALL woodchips, whether mill chipped or plantation chipped from an inland assembly area/areas into the Port of Albany.”

- 2.36.5 Following receipt of the petition, the Committee sought submissions from:
- i) the principal petitioner; and
 - ii) Hon Murray Montgomery MLC.
- 2.36.6 The Committee advised the principal petitioner and Hon Murray Montgomery MLC that it is Committee policy that with respect to petitions concerning planning and environmental matters, the Committee considers that it's role is not to replace existing planning and environmental appeal bodies but is limited to inquiring into breaches of the proper planning and environmental procedures. The Committee requested that they take this policy into consideration when making their submission.
- 2.36.7 The Committee received a submission from the Albany Region Community Development Alliance through the principal petitioner dated June 22 2000. The submission raised issues concerning the *Albany Hardwood Plantation Act 1993*, the Southern Province Transport Strategy, the Department of Resources Development Draft Report Plantation Wood Processing Strategy and Action Plan, the Regional Development Policy for Western Australia and the Bluegum Plantation Industry Regional Transport Infrastructure Report.
- 2.36.8 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.37 OPPOSING THE CONSTRUCTION OF GROYNES AT BACK BEACH IN BUNBURY

- 2.37.1 Hon Bob Thomas MLC tabled a petition (*Tabled Paper # 1013*) on May 30 2000 opposing the construction of groynes at Back Beach in Bunbury.
- 2.37.2 The petitioners advised that although they welcomed the landscape enhancement aspects of the Bunbury Coastal Enhancement Project at the Back Beach, they were strongly opposed to the planned construction of groynes to attempt to prevent beach erosion.
- 2.37.3 The petitioners requested Parliament to examine the technical material in the report by SMEC Australia Pty Ltd of May 1999 that was used to justify the

groynes. The petitioners expressed their particular concern at the poor sample of aerial photographs to substantiate beach stability and vegetation, the modelling used to simulate beach retreat and accretion, the spacing and alignment of the proposed groynes and the threat to natural features in the basalt from the northern groyne. The petitioners requested that Parliament be aware of the research findings of other scientists which are critical of the groynes proposal.

2.37.4 Following receipt of the petition, the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Bob Thomas MLC.

2.37.5 The Committee advised the principal petitioner and Hon Bob Thomas MLC that it is Committee policy that with respect to petitions concerning planning and environmental matters, the Committee considers that its role is not to replace existing planning and environmental appeal bodies but is limited to inquiring into breaches of the proper planning and environmental procedures. The Committee requested that they take this policy into consideration when making their submission.

2.37.6 The Committee received a letter from Hon Bob Thomas MLC dated June 16 2000 in which he expressed his concern about possible flaws both in the consultant's reports which recommended the construction of three groynes on the Back Beach (as a means of combating erosion) and with the government's failure to conduct a more formal assessment of the project after the proponent significantly changed the design of two of the groynes after the EPA had assessed the initial proposal.

2.37.7 Hon Bob Thomas MLC requested that the Committee examine:

- whether there were any breaches of the process relating to the project's assessment by the EPA; and
- the consultant's reports to determine whether technical material used to justify the construction of the groynes is correct.

2.37.8 The Committee also received a submission from the Concerned Citizens of Bunbury through the principal petitioner dated July 3 2000. The petitioner submitted that the proposal to build three groynes off the beach was never publicly advertised in the local press by the Department of Environmental Protection, the City of Bunbury Council or the Bunbury Coastal Enhancement Committee to allow locals to comment on the issue until the plan had virtually

come to its final days. He submitted that the plan has been presented to the community as a 'take it or leave it option.'

2.37.9 The Committee was advised that the original plans for the project were advertised once in *The West Australian* newspaper in July. The petitioner submitted that when no submissions were received the Department of Environmental Protection believed that the plan was in order and approved in principle a low profile groyne plan.

2.37.10 The petitioner submitted that these plans were changed at a later date to provide groynes of quite considerable enormity compared to those originally approved. He stated that these amended plans could not be changed or objected to. He asked that the Committee investigate this method of approval and if possible stop construction of the groynes until other options such as offshore break waters or reefs, letting nature take its course or doing further studies are considered.

2.37.11 The petitioner concluded by submitting that the Concerned Citizens of Bunbury believed that the community had never had the opportunity to comment on this plan and that the method of advertising used by the Department of Environmental Protection for projects such as this should provide a more localised opportunity for comment.

2.37.12 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed

2.38 OPPOSING THE GNARABUP WASTE WATER TREATMENT PLANT

2.38.1 On May 30 2000 Hon Dr Christine Sharp MLC tabled a petition (*Tabled Paper # 1014*) opposing the Gnarabup Waste Water Treatment Plant. The petitioners claimed that the sewerage plant was previously and is currently damaging the environmental, geomorphological, flora, fauna, speliological aboriginal heritage, community, health and social values inherent in this site.

2.38.2 The petitioners requested an immediate stay on all expansion works at the present site and an investigation into the siting of the sewerage plant based on thorough recent research to ensure the protection of all the values mentioned above.

2.38.3 The petitioners also requested that the Legislative Council initiate a full enquiry into all the alternative best practices for sewerage and waste water

treatment available such that they can be instigated and will confer with the values of the local and wider community.

2.38.4 Following receipt of the petition, the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Dr Christine Sharp MLC.

2.38.5 The Committee advised the principal petitioner and Hon Dr Christine Sharp MLC that it is Committee policy that with respect to petitions concerning planning and environmental matters, the Committee considers that it's role is not to replace existing planning and environmental appeal bodies but is limited to inquiring into breaches of the proper planning and environmental procedures. The Committee requested that they take this policy into consideration when making their submission.

2.38.6 The Committee received a submission from the Prevelly Wilderness Progress Association (Inc) dated July 24 2000. The submission outlined the developments in the construction of the Gnarabup Waste Water Treatment Plant from the original approval for the Gnarabup subdivision in 1993 to the completion of the extensions to the Waste Water Treatment Plant and the commissioning of the plant in May 2000.

2.38.7 The submission stated that proper research had not been carried out on the geomorphology of the area, a full flora and fauna study had not been done, aboriginal heritage reports were questionable and the siting was inappropriate for a highly regarded tourist area.

2.38.8 The Prevelly Wilderness Progress Association (Inc) requested a thorough investigation into the suitability of the siting of the Waste Water Treatment Plant at Gnarabup in line with current procedures and research.

2.38.9 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

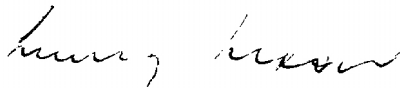
Status – lapsed

2.39 OPPOSING THE CURRENT DESIGN PLANNED FOR THE INTERSECTION OF DUFFY ROAD AND REID HIGHWAY IN CARINE

2.39.1 Hon Ed Dermer MLC tabled a petition (*Tabled Paper # 1064*) on June 20 2000 opposing the current design planned for the intersection of Duffy Road and the Reid Highway in Carine.

- 2.39.2 The petitioners claimed that the design does not provide for safe north/south traffic flow along Duffy Road and across the intersection and will adversely affect the safety and convenience of residents and other regular Duffy Road users required to travel north/south.
- 2.39.3 The petitioners requested that an alternative design for the intersection of the Reid Highway and Duffy Road be incorporated into the plan.
- 2.39.4 Following receipt of the petition, the Committee sought submissions from:
- i) the principal petitioner; and
 - ii) Hon Ed Dermer MLC.
- 2.39.5 The Committee did not receive any submissions concerning the issues raised by this petition prior to prorogation.
- 2.39.6 The Committee was unable to conduct further enquiries due to the prorogation of Parliament on August 4 2000.

Status – lapsed



Hon Murray Nixon JP, MLC

Date: September 5 2000