

**41ST PARLIAMENT**



## **Report 64**

# **STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS**

*Overview of Petitions 1 January – 30 June 2023*

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Presented by  
Hon Peter Foster MLC (Chair)  
September 2023

## **Standing Committee on Environment and Public Affairs**

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# 1 Introduction

## History and function of the Committee

- 1.1 The Standing Committee on Environment and Public Affairs (Committee) was appointed by the Legislative Council on 17 August 2005.
- 1.2 The functions of the Committee are outlined in the Committee's terms of reference in Schedule 1 to the Standing Orders of the Legislative Council. At paragraph 2.3, it says:

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

  - (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
  - (b) any Bill referred by the Council; and
  - (c) petitions.
- 1.3 This is the fourth overview report tabled by this Committee in the 41<sup>st</sup> Parliament.

## Petitions

- 1.4 A petition is a formal request for action from individuals or groups. The petitions process provides a fundamental link with the community. The general public can bring issues of concern to the attention of the Parliament through this process.
- 1.5 Conforming petitions<sup>1</sup> presented in the Legislative Council by a Member are referred to the Committee.<sup>2</sup> The promoter of the petition (known as the 'principal petitioner') must reside in Western Australia or, if a corporate body, have its registered office in Western Australia.
- 1.6 Whilst most petitions contain many signatures, this is not necessary. Petition No. 74, regarding the collapse of Stirling First, contained just 9 signatures. Petition No. 59, regarding safety and compensation for Port Hedland taxi drivers contained only 11. However, just one signature is sufficient for a petition to be regarded as conforming. The Committee will deal with all petitions referred to it in the same way.
- 1.7 A petition will not always bring about a change of policy by the Government or achieve the specific objectives desired by petitioners. A fact sheet is sent to all principal petitioners at the submission stage (paragraph 1.12). That fact sheet explains to the principal petitioner that the Committee is not a decision-making body, and only has the power to make recommendations for the Government to consider. It does not have the power to direct, amend or overturn the decisions of other bodies. It cannot make binding decisions to resolve the matters or issues raised in the petition. Only the Government has the power to change policy or take other action to resolve these matters.
- 1.8 Despite those limitations, the results of the Committee's enquiries may provide petitioners with an explanation for Government decisions or actions.

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

<sup>2</sup> Standing Order 102 of the Standing Orders of the Legislative Council.

## Introduction of e-petitions

- 1.9 The Legislative Council agreed to trial an e-petitions system, which commenced on 1 January 2022.<sup>3</sup> The procedures governing e-petitions are contained in the Legislative Council's [Temporary Order](#) of 9 September 2021, the effect of which was extended to 31 October 2024.<sup>4</sup>
- 1.10 Petitions can now be created on the Parliament's website at [LC e-Petitions \(parliament.wa.gov.au\)](http://parliament.wa.gov.au).
- 1.11 The Committee considers e-petitions in the same way as paper petitions once they have been tabled in the Legislative Council. The majority of petitions received by the Committee are now commenced in this way (paragraphs 1.19 to 1.20).

## Petitions process

- 1.12 The nature and extent of the investigation into each petition will vary depending on the nature of the issues raised. In most cases, the Committee will request a submission from the principal petitioner and the tabling Member. These submissions enable the Committee to better understand the issues involved and the action, if any, already undertaken by the petitioner to resolve the matter.
- 1.13 Once submissions are received, the Committee will usually request a response to the petition from the relevant Government Minister. The Committee may also seek responses from other organisations (such as local governments) and carry out other investigations as required.
- 1.14 In many instances, the Minister's response to the petition will provide to the Committee an explanation for the policy or action in question. Sometimes the Committee will need more information to clarify the issues to its satisfaction. These enquiries may take the form of further correspondence or a hearing to obtain more detailed evidence. On occasion, the Committee will produce and table in the Legislative Council a report on its enquiries (see for example, Petition No. 29). On some matters raised, the Committee may resolve to conduct a formal inquiry into the matter (see Petition 70).
- 1.15 The Committee may decide to limit or conclude its consideration of a petition if:
- there are other ways to address the issues in the petition which have not been pursued
  - the matter has been or is being dealt with by the relevant authority. For example, planning or environmental matters have established decision-making and appeal processes over which the Committee has minimal influence
  - the issues raised in the petition will be, or have already recently been considered and/or debated by the Legislative Council
  - the matter is the same or very similar to a petition or petitions the Committee has already considered
  - the petition is the subject of a commercial dispute or legal action
  - other reasons determined on a case-by-case basis.
- 1.16 This is explained to the principal petitioner in the fact sheet sent to them.

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<sup>3</sup> Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 9 September 2021, pp 3680-3688. This was on the recommendation of the Standing Committee on Procedure and Privileges, See Report 64, *Review of the Standing Orders*, Western Australia, Legislative Council, September 2021, pp 25-7.

<sup>4</sup> Legislative Council, *Debates*, 2023, p 759.

## Overview of petitions

- 1.17 This report provides an overview of petitions finalised by the Committee during the period 1 January 2023 to 30 June 2023 (the reporting period).
- 1.18 Eighteen new petitions were referred to the Committee during this time.
- 1.19 The Committee concluded its consideration of 21 petitions, 15 of which were initiated as e-petitions, though 3 of those were presented as both e-petitions and physical copies. They are outlined in Part 2 of this report.
- 1.20 Of the 16 petitions still under consideration at the end of the reporting period (listed in Part 3), all but 2 came to the Committee through the e-petition system.

## Committee webpage

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



## 2 Finalised petitions

### Petition No. 29—Independent review of DBCA prescribed burning practices

Date Tabled and Tabled Paper (TP) number	15 September 2021 (TP 608), retabled 16 September 2021 (TP 677)
Number of signatures	1,710 and 891
Principal petitioner	Donald Clarke
Tabling Member	Hon Dr Sally Talbot MLC and Hon Jackie Jarvis MLC
Date Finalised	21 June 2023

- 2.1 The petitioners called for the Legislative Council to recommend that the Government commission an independent review of the Department of Biodiversity, Conservation and Attractions' (DBCA's) prescribed burning practices. That review should include an assessment of:
- environmental objectives
  - research, monitoring and evaluation of ecological impacts on fauna and flora
  - application of relevant and recent leading external research
  - provision and integrity of Fire Exclusion Reference Areas
  - adaptive management for climate change, disease, drought, and wildfire
  - transparency, accountability, and public/stakeholder consultation.
- 2.2 The Committee considered submissions from the principal petitioner (11 October 2021) and the first tabling Member (12 October 2021). It later received a response to the petition and the submissions from the then Minister for Environment, Hon Amber-Jade Sanderson MLA (letter, 18 November 2021).
- 2.3 The Minister's response included an invitation to the Committee to undertake a field visit to view proposed and recent prescribed burns undertaken by DBCA, in order to provide some further insight. The Committee resolved to accept that invitation, and field trips were undertaken in the Perth Hills/Mundaring area on 9 February 2022 and to the Margaret River region on 31 May 2022.
- 2.4 On 15 June 2022, the Committee resolved to conduct a number of public hearings, and invited DBCA, the Department of Fire and Emergency Services, Fire and Biodiversity WA and The Leeuwin Group. Those public hearings took place on 19 August 2022.
- 2.5 Having considered all of the evidence received, and the knowledge gained from the field visits, the Committee tabled a report on the matter in the Legislative Council on 22 June 2023. That report can be found [here](#). The Committee made 9 findings. They included that:
- DBCA aims to use best efforts to limit damage done to fauna and flora whilst undertaking prescribed burns
  - the burning program is not target driven
  - DBCA was aware of the threats posed by climate change and was dealing with and planning for those threats
  - more information regarding the implementation of prescribed burns, and the outcomes of them, should be provided (and that DBCA was working towards that provision)

- DBCA had a publicised commitment to continuous learning and improvement.
- 2.6 The conclusion of the Committee was that the commissioning of an independent review, as requested by the petitioners, was not necessary.
- 2.7 On the tabling of the report, the petition was finalised.

### **Petition No. 51—Marine fish kill in Jurien Bay Marina**

Date Tabled and Tabled Paper (TP) number	11 May 2022 (TP 1264)
Number of signatures	234
Principal petitioner	Penelope Normington
Tabling Member	Hon Sandra Carr MLC
Date Finalised	15 February 2023

- 2.8 This petition requested the Legislative Council to recommend to the Government that it include funds in its annual budget to immediately remediate the ongoing problem with water quality at the Jurien Bay Marina. The petition explained that the annual reduction in oxygen levels in the sea was killing wildlife, as well as being a public health risk and a threat to the local tourism and fishing industries.
- 2.9 Having received submissions from the principal petitioner (6 June 2022) and the tabling Member (19 July 2022), the Committee sought responses from a number of ministers. Letters from the Minister for Health (24 October 2022) and the Minister for Transport (the first undated, but received on 24 October 2022, the second dated 15 December 2022) assisted the Committee in its deliberations, as did a letter from the President of the Shire of Dandaragan (9 November 2022).
- 2.10 Following consideration of the responses, the Committee decided on 15 February 2023 not to conduct any further enquiries. It finalised its consideration of the petition, on the grounds that the matter has been or was being dealt with by the relevant authorities.
- 2.11 In making that decision, the Committee noted the Minister for Transport’s second letter, and in particular that:
- the State Government had increased the frequency of dredging and had trialled other solutions, including trawling and use of a bubble curtain barrier and aeration device
  - further dredging was proposed in early 2023
  - capital funding for construction would again be sought by the Department of Transport as part of the 2023-24 budget process.



## Petition No. 54—Mining Act 1978

Date Tabled and Tabled Paper (TP) number	16 June 2022 (TP 1344)
Number of signatures	605
Principal petitioner	Diane Evers
Tabling Member	Hon Dr Brad Pettitt MLC
Date Finalised	15 February 2023

- 2.12 The petitioners asked for the Legislative Council to recommend to the Government that it amend the *Mining Act 1978* (the Act) and its accompanying *Mining Regulations 1981* in 3 respects:
- to extend the giving of notice of applications for mining exploration licences to all landholders and other stakeholders in the area, irrespective of the depth of the proposed exploration
  - to reduce the complexity involved in making objections to applications
  - to create exclusion zones to protect existing environmental, social and economic activities.
- 2.13 Having received submissions from the principal petitioner (30 August 2022) and the tabling Member (5 September 2022), the Committee sought the views of Hon Bill Johnston MLA, Minister for Mines and Petroleum.
- 2.14 In a response dated 9 November 2022, the Minister explained that, under the Act, an application cannot be issued over private land without the written consent of the owner. This provision applies to within 100 metres of that private land. The Act provides for the service of notice on a private landholder if and when any proposed activities such as these affect that private land.
- 2.15 He went on to explain that proper regulatory restrictions apply, requiring the consent of Ministers or the Parliament where the land is within a sensitive zone.
- 2.16 The Minister's letter concluded:
- The Mining Act manages the development of the State's mineral resources with the need to protect the environment and conservation values within sensitive areas of the State in a balanced and fair manner. The mining industry continues to deliver jobs and outstanding economic benefits to Western Australia and our regional communities.
- The Mining Act has provisions for when private land owners must be notified and has existing procedures which require the approval of other regulatory agencies and the concurrence of the relevant Ministers which could exclude mining activity from certain areas. The proposition of the petition that the Mining Act is not fit for purpose is inaccurate.
- 2.17 In a later response to the Committee (letter, 3 January 2023), the Minister wrote:
- There is currently no proposal before Parliament to amend the Act or Regulations in a way suggested by the petition No. 054, namely notice requirements for all landholders, the lodgement of objections and statutory exclusion zones.

Any such amendments that may be proposed in the future would require consultation with all relevant stakeholders in the community, including the resources industry, government agencies and environment and conservations groups to ensure the success of the resources industry continues in a safe and responsible manner.

- 2.18 Following consideration of those responses, the Committee decided on 15 February 2023 not to conduct any further enquiries and to finalise its consideration of the petition.

### **Petition No. 59—Safety and compensation for Port Hedland taxi drivers**

Date Tabled and Tabled Paper (TP) number	9 August 2022 (TP 1462)
Number of signatures	11
Principal petitioner	Kristi-Anne Spoljaric
Tabling Member	Hon Neil Thomson MLC
Date Finalised	15 February 2023

- 2.19 Following a spate of violent and destructive attacks on taxi drivers and their taxis in Port Hedland, the petitioners asked the Legislative Council to support permanent increases in police numbers in the area. It also asked for the introduction of a new compensation scheme to fund repairs to cars which have been unlawfully damaged, funded from the Taxi Industry Development Account or from Proceeds of Crime.

- 2.20 The petition was supported by the tabling Member (15 September 2022), who submitted that:

Offences against Property in Port Hedland are at their highest levels in a decade and taxi drivers have endured a huge amount of damage to their vehicles and threats against their persons. Aside from the destabilising personal effect of crime, often vehicles need to be taken off the road for expensive and time-consuming repairs. Often vehicles will need to be sent 230kms to Karratha for windscreen repairs due to supply chain problems. This leads to a reduction in available taxi services, loss of income for the driver and a decrease in transport options available to the most disadvantaged people in the community.

- 2.21 The principal petitioner, the owner of Ozi Taxis (submission, received 26 October 2022), told the Committee that:

We are aware and grateful that some actions have been taken into putting a stop into these aggressive actions. Sadly it wasn't enough because the perpetrators are back at it again. We need to come up with a solution that could help the drivers to financially deal with it when it happens again. We are aware that prosecuting the perpetrators will be close to impossible and that's where we need assistance, because we are not being compensated by the perpetrators nor their parents.

- 2.22 The Committee asked the Minister for Police, Hon Paul Papalia MLA, and the Town of Port Hedland for their comments. In responses dated 18 January 2023 and 3 February 2023 respectively, the Committee was assured that the problem was recognised, and that steps were being taken to address the problems:

- offences were being reported and investigated, leading to charges

- areas identified by taxi drivers as being problematic due to low lighting and overgrown public areas were being dealt with by the Town of Port Hedland, including a review of CCTV coverage
- the Town of Port Hedland also continued to work closely with Western Australia Police and key stakeholders to monitor community concerns and address community safety issues in a collective approach
- Operation Regional Shield and Operation Heat Shield 4 were providing additional staffing and funding support to target juvenile offending, including incidents of damage in South Hedland. The South Hedland Police have identified recidivist offenders and are working with external agencies, including the taxi industry, to minimise offending.

2.23 The Committee decided on 15 February 2023 to finalise its consideration of the petition, because the matter was being dealt with by the relevant authorities.

### **Petition No. 60—Sewerage provisions adjacent to Kenwick Train Station**

Date Tabled and Tabled Paper (TP) number	9 August 2022 (TP 1461)
Number of signatures	765
Principal petitioner	Rikki-Lea Buxton
Tabling Member	Hon Kate Doust MLC
Date Finalised	14 June 2023

2.24 The petitioners raised the issue of a lack of sewerage to land close to Kenwick Train Station, and the effect it had on more than 100 local residents, despite the design for such sewerage infrastructure having been completed in 2017.

2.25 The principal petitioner, in her submission of 9 September 2022, set out the reasons why such infill sewerage was needed, including:

- the detrimental health effects on residents
- social and emotional implications
- the threat to local environmentally significant areas.

2.26 Such provision, the principal petitioner submitted, would also have beneficial economic effects for the area. Much of the affected land would be available for development with sewerage provision, in a location with excellent transport links.

2.27 The petitioners therefore asked that the Government urgently fund the provision of the necessary sewers. They were supported in this by the tabling Member (submission, 10 October 2022).

2.28 The Committee corresponded with the Minister for Water, Hon Dave Kelly MLA, the Water Corporation and the City of Gosnells.

2.29 The Chief Executive Officer of the City of Gosnells told the Committee (letter, 26 October 2022) that it had been lobbying the Government for the provision of sewerage to this area for some time, attaching the Council's official policy position on the matter.

2.30 The Minister explained (letter, 7 November 2022) that an Infill Sewerage Program had commenced in 1994 to provide wastewater connections to as many residential properties in metropolitan Perth and regional towns as possible, but the area which was the subject of the petition was not included in that scheme, because:

the size of the lots were larger than standard urban residential developments. When ranked against the program’s public health and higher environmental criteria, these properties were considered to pose a lower risk as they are large enough to safely manage domestic wastewater via appropriately operated and maintained septic tanks and leach drains.

2.31 The Minister went on to point out that the option still remained for the establishment of a developer contribution scheme for the area by the City of Gosnells. This scheme would see the landowners contributing proportionately to the benefit they receive.

If a proponent requires network extensions in order to develop a property, it is their responsibility to fund the necessary works. This longstanding approach to development is an integral part Water Corporation’s Infrastructure Network Funding Model, which was developed in accordance with the Western Australian planning framework. Kenwick is not the last remaining suburb in Perth, there are 17,836 properties in the Perth metropolitan area currently not connected to deep sewerage.

2.32 The Water Corporation later provided a map of those properties (letter, 5 December 2022).

2.33 Whilst the Committee was still engaged in correspondence with the City of Gosnells and the Water Corporation, the Government issued a media statement on 2 May 2023, announcing a \$55 million investment in wastewater infrastructure in order to facilitate the development of 15,000 new homes. The Committee wrote to Hon Simone McGurk MLA, by then the Minister for Water, who replied on 30 May 2023 saying:

I can confirm the area and properties identified in Petition No. 60 will be provided wastewater reticulated services through this program.

2.34 With that, the Committee finalised its consideration of the petition on 14 June 2023.

### **Petition No. 61—Abortion rights in Western Australia**

Date Tabled and Tabled Paper (TP) number	11 August 2022 (TP 1477)
Number of signatures	2,573
Principal petitioner	Nicole McEwen
Tabling Member	Hon Dr Brad Pettitt MLC
Date Finalised	15 February 2023

2.35 This petition called for the Legislative Council to support amendments to legislation governing abortion in Western Australia, in order to:

- remove abortion from the Criminal Code
- commit to ensuring that abortion is free for all
- remove any requirement that people seeking an abortion must undergo counselling or seek multiple approvals
- remove barriers to abortion access based on conscientious objection.

2.36 Having received submissions from the tabling Member and the principal petitioner (14 September 2022 and 15 September 2022 respectively), and whilst consideration was being given to those submissions, the Committee’s attention was drawn to a Government media release, dated 20 November 2022, stating:

The McGowan Government has opened a four-week consultation period to provide input on the modernisation of Western Australia's abortion laws.

Abortion laws in WA have remained unchanged for almost 25 years and some women are choosing to travel interstate to access care that is either not lawful in WA, or is a challenge to access locally.

The McGowan Government will progress legislative amendments to contemporise the provision of abortion care in WA.

Following consultation, the proposed bill will address inequity of access in line with other Australian jurisdictions and remove clinically unnecessary barriers for women accessing an abortion.

- 2.37 The Committee later received a response from the Chief of Staff to the Minister for Health (letter, 13 January 2023) setting out the Government's intentions in this regard, and attaching the discussion paper published.
- 2.38 Following consideration of that letter, the Committee decided on 15 February 2023 not to conduct any further enquiries and to finalise its consideration of the petition, on the grounds that the matter was being dealt with by the relevant authorities.
- 2.39 In making that decision, the Committee noted that the Government was actively considering many of the issues raised in the petition and submissions. A wide-ranging consultation process had taken place, the results of which were being analysed.

### **Petition No. 64—Ban greyhound racing in WA**

Date Tabled and Tabled Paper (TP) number	20 September 2022 (TP 1591), retabled 21 September 2022 (TP 1647)
Number of signatures	13,449 and 5,228
Principal petitioner	Melissa Harrison
Tabling Member	Hon Dr Brad Pettitt MLC
Date Finalised	29 March 2023

- 2.40 The banning of greyhound racing has been the subject of a number of petitions to the Legislative Council in the past. This petition called for a recommendation that the Government:
- releases greyhound racing from the sale of the TAB
  - bans greyhound racing
  - allows a 2 year phase out of the industry
  - assists industry participants in reskilling
  - rehomes all greyhounds
  - approves 4 breeders to continue as registered breeders for greyhounds as pets only.
- 2.41 Submissions were received from the principal petitioner, President of Free the Hounds (17 October 2022) and the tabling Member (25 October 2022). The Committee then wrote to Hon Reece Whitby MLA, Minister for Racing and Gaming, and Hon Jackie Jarvis MLC, Minister for Agriculture.
- 2.42 The Minister for Racing and Gaming replied on 7 March 2023, setting out the advice he had received from Racing and Wagering Western Australia, which took issue with many of the

claims made by the principal petitioner. On the issue of restricting the number of permitted breeders in the State, the Minister for Agriculture drew the Committee’s attention to the Dog Amendment (Stop Puppy Farming) Bill 2021, which had been Assented to, and attached a discussion paper on the greyhound industry and animal welfare concerns.

2.43 Noting the Government’s ongoing support for greyhound racing, the Committee resolved to finalise its consideration of the petition on 29 March 2023.

### **Petition No. 65—Preservation of Mount Claremont playing fields**

Date Tabled and Tabled Paper (TP) number	20 September 2022 (TP 1590)
Number of signatures	4,642
Principal petitioner	Josephine Norman
Tabling Member	Hon Dr Brad Pettitt MLC
Date Finalised	15 February 2023

2.44 This petition related to a planning application made by Christ Church Grammar School to rezone Mount Claremont Fields for development purposes. The petitioners were opposed to the application because it had been used by the community for recreational purposes for the previous 60 years, and this valuable community asset should be protected.

2.45 The principal petitioner (submission, received 20 October 2022) informed the Committee that the application had been rejected by the Town of Cambridge, but that the School had subsequently made a request to the Minister under Section 76 of the *Planning and Development Act 2005* to override the Council’s decision.

2.46 In the principal petitioner’s view, from an environmental perspective, the land was outstanding. She stated that it comprised of 3 tiers of generously treed green spaces that:

- abuts on two sides, and effectively forms part of, the Bold Park bushland, itself a biodiversity hotspot
- helps maintain urban ecosystems, being frequented by many species
- aids cooling and energy efficiency by mitigating the heat island effect
- improves air quality by reducing the effects of pollution
- lies partly within an extreme bushfire zone and so acts as a firebreak for surrounding areas, as illustrated during the 2012 Bold Park bushfire (infill housing would exacerbate the fire risk for new residents, as well as for locals and the wider community)
- offers greater opportunities for girls’ sport in particular, at time when there is a shortage of same
- is conducive to public mental health (as exemplified by the recent COVID-19 restrictions).

2.47 The petitioners were supported in a submission from the tabling Member (25 October 2022). He concluded:

If the land is truly now surplus to the school’s needs, I suggest that they sell the land back to the Government at a similar discount to that for which it was originally purchased, so that it can be used for the benefit of the wider community.

2.48 The Committee sought a response to the petition and the submissions from the Minister for Planning, Hon Rita Saffioti MLA. She confirmed to the Committee (letter, 2 December 2022) that an application had been made to her under section 76 of the *Planning and Development Act 2005* to override the Council's decision, but that no decision had been made on it.

2.49 She continued:

In making a determination, I will consider the applicant's representation, and in particular, whether it is supported by documentary evidence or other material, including any relevant statutory instruments, frameworks, policies or plans, as well as the consistency of the representation with orderly and proper planning principles.

2.50 Following consideration of that response, the Committee decided on 15 February 2023 not to conduct any further enquiries and to finalise its consideration of the petition. The matter was being dealt with by the relevant authorities under established decision-making and appeal processes. Moreover, the Minister had stated that the petitioners' views would be taken into account.

### **Petition No. 66—Proposed 8 or 9 month demersal ban**

Date Tabled and Tabled Paper (TP) number	11 October 2022 (TP 1696)
Number of signatures	17,885
Principal petitioner	Tim Farnell
Tabling Member	Hon Colin de Grussa MLC
Date Finalised	15 February 2023

2.51 This petition contained what was, at the time, thought to be a record number of signatures for a petition presented to the Legislative Council.

2.52 The petitioners asked the Legislative Council to review the proposal by the Department for Primary Industries and Regional Development (DPIRD) to ban West Coast demersal fishing for between 8 and 9 months a year. The petition explained that:

The recreational fishing industry contributes over \$2.4 billion dollars to the WA economy every year. Recreational fishing is a vital part of the WA lifestyle, with demersal fishing between Augusta and Kalbarri being very popular pastime amongst 1000's of West Australians. The proposed ban will not only affect the recreational fishing community, it will also have a devastating flow on effect to many small businesses and families in both the metropolitan area and coastal regional towns, resulting in the loss of thousands of jobs and income.

2.53 A submission by the tabling Member (3 November 2022) set out in detail the process by which the Government had seemingly reached the position it was at, being:

the decision by the Minister for Fisheries to only present those management options which involve a blanket ban for specified periods on the recreational fishing sector during the public consultation process to determine future management options to reduce catch within the West Coast Demersal Scalefish Resource (WCDSR).

2.54 He re-iterated that what was not being questioned was the scientific veracity of the stock assessment undertaken by DPIRD, the quantum of the catch reductions determined by the



Minister or the sectoral allocations divided between the commercial and recreational sectors. What was in question however, he said, was:

the process through which the State Government has determined which management options should be under consideration during the public consultation phase. There has been a very obvious lack of transparency by the State Government on:

- Its analysis of the recommended options submitted by Recfishwest and the basis for its decisions to summarily exclude these options from the public consultation process
- The reasons why it failed to engage further with the recreational sector – especially in light of its decision to specifically exclude any of their recommended management options
- The fundamental merits of the management options it has chosen specific to the recreational sector, and whether they are predicated on:
  - minimising the Departmental resources required to regulate any adopted management approach
  - any consideration of the social, economic and environmental consequences.

- 2.55 A detailed submission was also received from the principal petitioner (9 November 2022).
- 2.56 The Committee sought a response from the Minister for Fisheries, Hon Don Punch MLA, and received a letter from him dated 7 December 2022. He explained the background to the issue (a formal recovery plan necessitated by over-fishing in the 1990's and early 2000's), and set out the consultative steps that had been taken before a decision had been reached.
- 2.57 Following consideration of that response, the Committee decided on 15 February 2023 not to conduct any further enquiries. It finalised its consideration of the petition, on the grounds that the matter was being dealt with by the relevant authorities under established decision-making processes.
- 2.58 In making that decision, the Committee noted that the matter has been the subject of significant consultation with the appropriate bodies for some time. Some accommodation has been reached, and the decision had been made by the Government and put into effect. A financial compensation package had been included for those adversely affected.

### **Petition No. 67—Sustainable forest management**

Date Tabled and Tabled Paper (TP) number	13 October 2022 (TP 1714)
Number of signatures	946
Principal petitioner	Gavin Butcher
Tabling Member	Hon Dr Steve Thomas MLC
Date Finalised	15 February 2023

- 2.59 This petition related to the Government's decision concerning the native logging industry. The petitioners stated that the industry 'worth \$240 million annually has been in continuous operation for 150 years whilst maintaining the full biodiversity of our forests along with a

range of other uses including recreation and water'. The decision was made, the petitioners said:

1. without considering the science demonstrating the sustainability of forest timber production, including government agency reports;
2. without examining the costs and benefits of forest industries;
3. without assessing the effect on people and communities, particularly in regional areas;
4. without examining other options for achieving the government's objective.
5. without transparency as this was made only six months after an election when the policy change was not mentioned.

2.60 A detailed submission was provided by the principal petitioner (received 18 November 2022), which was supported by the tabling Member (submission received 24 November 2022), who stated that the Government had 'embarked upon the destruction of the industry', adding:

I simply ask on behalf of the businesses that have already and will in the future be closed down; on behalf of the workers that have and will lose their jobs; and on behalf of the communities that will decline and see services downgraded, that the justification for the decision be demanded.

2.61 A response to the petition and submissions was received from Hon Reece Whitby MLA, Minister for Environment (letter, 21 December 2022). He explained that the *Forest Management Plan 2024-33* was in preparation, and that it would 'no longer support timber harvesting as currently occurs, consistent with the Government policy'. He explained:

The decision was based on ever-increasing impacts of climate change, the importance of maintaining biodiversity and forest health, the need for carbon capture and storage and declining timber yields. From 2024, timber taken from our native forests will be limited to forest management activities that improve forest health and clearing for approved mining operations. This includes a practice referred to as ecological thinning.

2.62 A response was also received from Hon Jackie Jarvis MLC, Minister for Forestry (letter, 22 December 2022). She told the Committee that:

Given that the impacts of climate change are already impacting our forests, it is vitally important that WA transitions to a new paradigm for forestry as soon as possible. The draft FMP 2024-2033 does not propose an end to management of native forests but provides the framework for future forestry activities that maintain and improve forest health and resilience through forest thinning rather than the current commercial driven forest management that has produced sub-optimal outcomes for forest health and climate change resilience of forests. The proposed future management activities focused on forest health outcomes will reduce the threat to forest biodiversity from forest collapse and protect our unique WA forests for generations to come.

2.63 Minister Jarvis went on:

The State Government has also announced a \$350 million investment in the softwood plantation sector. This funding has been allocated over the next 10 years to support and grow our softwood plantation estate and supply timber for the construction industry in WA well into the future. This is considered the single biggest investment in plantation expansion ever in Australia.

While the future of forestry in WA will look different in terms of scale, forest type and available products, the decision to manage our native forests for forest health outcomes and invest in the expansion of our plantation forests will ensure a future for many forestry related businesses in WA. The decision to end logging of Western Australia's native forests reflects the changing attitudes of the community towards our native forests.

- 2.64 The Committee decided on 15 February 2023 not to conduct any further enquiries and to finalise its consideration of the petition. The matter was being dealt with by the relevant authorities under established decision-making processes over which the Committee had minimal influence.

### **Petition No. 69—Funding of ambulance services in WA**

Date Tabled and Tabled Paper (TP) number	27 October 2022 (TP 1777), retabled 15 November 2022 (TP 1807)
Number of signatures	1,021 and 2,996
Principal petitioner	Anne Gething
Tabling Member	Hon Martin Aldridge MLC
Date Finalised	15 February 2023

- 2.65 The petitioners were concerned about the cost to users of ambulance services in the State, as well as the 'inadequate funding' provided to ambulance sub-centres in regional areas. They asked the Legislative Council to support measures which would ensure that ambulance services were made free at the point of use, and that regional ambulance sub-centres were appropriately funded and resourced to meet the needs of their communities.
- 2.66 The principal petitioner made a submission (14 November 2022) on behalf of the Country Women's Association of WA, of which she was President. She told the Committee that the ambulance services consisted of 4,332 volunteers. They are forced to fundraise for vital equipment and ambulance replacements whilst delivering ambulance services and carrying-out their 'day jobs'.
- 2.67 This submission was supported by one from the tabling Member (24 November 2022). He drew Members' attention to Report 37 of the Standing Committee on Public Administration<sup>5</sup>, which highlighted the disparity between metropolitan ambulance services and regional services. He highlighted the pressure on volunteers, particularly the demand for inter-hospital patient transfers.
- 2.68 Hon John Carey MLA, Acting Minister for Health, responded to the Committee on 5 January 2023. He stated that, in response to the Public Administration Committee's report, the Government had:

outlined a plan to overhaul ambulance service delivery in WA to better meet the needs of the community, which detailed strategies to expand the service delivery model and improve coordination of ambulance dispatch through a collaborative approach with SJA and other health providers.

<sup>5</sup> Standing Committee on Public Administration, report 37, *Delivery of Ambulance Services in Western Australia: Critical Condition*, [https://www.parliament.wa.gov.au/Parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/F488C9C6E5A266FE48258847000D1C02/\\$file/pc.all.220519.rpf.037.xx.pdf](https://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/F488C9C6E5A266FE48258847000D1C02/$file/pc.all.220519.rpf.037.xx.pdf) Western Australia, Legislative Council, May 2022.

- 2.69 Consistent with that plan, the Minister said that the Government had signed a new 5-year contract with St Johns Ambulance Services (SJA) for the provision of emergency ambulance services which provided for:
- an expansion of paid paramedics in the regions by 25%
  - new KPIs and mandatory reporting measures for country ambulance to make SJA accountable for delivering high quality services to regional areas
  - a new requirement that SJA to develop an asset investment plan and reinvest any surpluses back into new equipment, infrastructure, and vehicles
  - the introduction of alternative inter-hospital patient transport providers in the regions to reduce the impost on volunteers and improve service delivery.
- 2.70 On the cost to users of ambulance services, the Minister said that the Government was currently working closely with the Department of Health and SJA to explore alternative mechanisms to reduce the impost of ambulance fees on people experiencing financial hardship. This included some of the suggestions made by the Public Administration Committee in its final report.
- 2.71 In light of those assurances, the Committee resolved to finalise its consideration of the petition on 15 February 2023, on the grounds that the matter was being dealt with by the relevant authorities.

### **Petition No. 70—Inquiry into past adoptive policies and practices**

Date Tabled and Tabled Paper (TP) number	15 November 2022 (TP 1805)
Number of signatures	318
Principal petitioner	Jennifer McRae
Tabling Member	Hon Lorna Harper MLC
Date Finalised	15 March 2023

- 2.72 The petitioners called upon the Legislative Council to conduct a parliamentary inquiry to investigate the systematic and systemic removal of newborns from their mothers' care via past adoptive policies and practices (1939-onwards).
- 2.73 On 22 February 2023, this Committee announced that it had resolved to conduct such an inquiry, with the following terms of reference:

To inquire into the past adoptive policies and practices of the twentieth century, notably the years between 1939 and 1980.

In particular, the Committee will seek to:

1. understand the lived experiences of those affected by historical forced adoption practices
2. examine the role of the State Government, health services and private institutions in these practices
3. identify what measures are currently available to assist persons experiencing distress, their effectiveness, and how those persons may be supported further

4. consider any other matter that arises during the course of the inquiry deemed to be relevant by the Committee.<sup>6</sup>

2.74 That inquiry having been launched, the Committee finalised its consideration of the petition on 15 March 2023. The inquiry is ongoing.

### **Petition No. 73—Removal and abandonment of shopping trolleys**

Date Tabled and Tabled Paper (TP) number	22 November 2022 (TPs 1869 and 1870 – paper petition and e-petition)
Number of signatures	214 and 130
Principal petitioner	John Cunai
Tabling Member	Hon Stephen Pratt MLC
Date Finalised	15 March 2023

2.75 The petitioners called upon the Legislative Council to conduct a parliamentary inquiry into the removal and abandonment of shopping trolleys within the City of Cockburn and the State. It was felt that current local government laws were inadequate to deal with the problem, and the petition recommended ‘the implementation of stringent and uniform shopping trolley containment laws for the whole of Western Australia’.

2.76 A submission from the principal petitioner (13 December 2022) outlined the steps that he and his fellow petitioners had taken within the City of Cockburn, and discussions he had previously had with other local government authorities and volunteer groups. He was supported by the tabling Member (submission, 25 January 2023).

2.77 Responses to the petition and submissions were sought from the Western Australian Local Government Association (WALGA) and the Minister for Local Government, Hon John Carey MLA. WALGA told the Committee that it had previously advocated for the alleviation of issues caused by abandoned shopping trolleys, referencing a discussion paper it had published as far back as 2005. The petition was supported by a resolution of the WALGA Annual General Meeting of 2022. The response concluded:

In terms of the petition, it is foreseeable that the Local Government sector will support the promulgation of state-wide laws to address the issue of abandoned shopping trolleys, on the basis that the sector’s own statutory law-making powers are limited.

2.78 Minister Carey responded on 1 March 2023. He pointed out that many local laws contain a clause that prohibits the abandonment of trolleys and allows for such trolleys to be impounded. In any event, he said:

the State Government is working to deliver the largest package of local government reforms in more than 25 years. A substantial body of work to implement these reforms is ongoing and includes reforms to model local laws for local governments. New model local laws, which may include those which relate to abandoned shopping trolleys, may be considered following the delivery of these significant reforms.

<sup>6</sup> Standing Committee on Environment and Public Affairs, report 61, *Terms of reference: Inquiry into past forced adoptive policies and practices*, [95400461.pdf \(parliament.wa.gov.au\)](https://www.parliament.wa.gov.au/95400461.pdf), Western Australia, Legislative Council, February 2023.

- 2.79 Following consideration of those responses, the Committee decided on 15 March 2023 not to conduct any further enquiries and to finalise its consideration of the petition.
- 2.80 In reaching that decision, the Committee noted in particular that:
- local governments have the power to make local laws to deal with abandonment of items in public spaces. Most local governments in Western Australia have local laws in place to deal with the abandonment of shopping trolleys, including the City of Cockburn
  - WALGA produces a template local law for local governments which deals with:
    - prohibiting a person from leaving a trolley in a public place
    - requiring retailers to have their trading name on any shopping trolley provided to customers
    - imposing a penalty to any retailer who fails to remove a shopping trolley within 24 hours of being advised to do so by the local government
  - the City of Cockburn imposes a \$100 fine for the offence of abandoning a trolley or failing to collect it
  - the Government was working on substantial local government reforms, which included reforms to model local laws. New model local laws, which may include those which relate to abandoned shopping trolleys, will be considered as part of these larger reforms.

### **Petition No. 74—Stirling First collapse**

Date Tabled and Tabled Paper (TP) number	29 November 2022 (TP 1902)
Number of signatures	9
Principal petitioner	Denise Brailey
Tabling Member	Hon Colin de Grussa MLC
Date Finalised	22 February 2023

- 2.81 The Sterling First collapse in 2019 caused numerous families in Western Australia to lose their life savings and homes. The petitioners asked the Legislative Council to call on the Minister for Commerce to take action with regards to providing redress to the tenants and/or their families (for those who have passed away) who were impacted.
- 2.82 The Minister for Commerce, Hon Sue Ellery MLC (letter, 13 February 2023) acknowledged that the Stirling First collapse had impacted 101 tenancies involving older people. However, she told the Committee:
- The demise of Sterling and its schemes is primarily an investment related issue and responsibility lies with the Commonwealth Government. I understand that ASIC instituted a number of legal proceedings in relation to this matter.
- 2.83 In 2021, the Senate Economics Reference Committee had carried out an inquiry into the regulatory oversight of Stirling First, and it had recommended that the Commonwealth Government establish an appropriate compensation scheme of last resort (CSLR) to provide assistance to victims. The State Government had been in contact with its Federal counterpart in an effort to progress this matter.

2.84 The Minister said:

I understand that the Commonwealth is committed to introducing a CSLR and will consult further on aspects of a legislated CSLR before proceeding further, including a review of the regulatory framework of managed investment schemes which was announced in the Budget on 25 October 2022. The State Government will provide a submission to the review when it arises.

2.85 Following consideration of the response, the Committee decided on 22 February 2023 not to conduct any further enquiries and to finalise its consideration of the petition, on the grounds that the matter is being dealt with by the relevant authorities. As the Minister points out, this is a Federal matter, though the State offers such support and cooperation as it can.

### **Petition No. 75—Protecting the rights of parents and role of faith-based schools**

Date Tabled and Tabled Paper (TP) number	29 November 2022 (TP 1903)
Number of signatures	10,234
Principal petitioner	Mark Davies
Tabling Member	Hon Nick Goiran MLC
Date Finalised	22 February 2023

2.86 This petition supported faith-based schools and maintained that it was essential they retained the right to fill all staffing positions with staff whose faith and values were consistent with the stated faith and values of the school. They were concerned that some of the content of the Law Reform Commission's *Review of the Equal Opportunity Act 1984* (EO Act) failed to properly recognise the role of faith-based schools. The petition called on the Government to ensure that any changes to legislation strengthen that role and refrain from any watering down of these protections. The petition emphasised the right of parents to send their children to the school of their choice.

2.87 In support of the petition, the tabling Member (letter, 22 December 2022) sent to the Committee 4 submissions:

- A joint submission from the Australian Federation of Islamic Council, Islamic Council of WA, Coalition for Jewish Values, Australian Christian Lobby, Australian Christians and Sikh Association of WA, dated 12 December 2022
- The Australian Islamic College, dated 15 December 2022
- The Christian Schools Australia, dated 15 December 2022
- The Australian Association of Christian Schools, dated 16 December 2022.

2.88 The Attorney General, Hon John Quigley MLA, and the Minister for Education, Hon Tony Buti MLA, were contacted for a response.

2.89 The Attorney General provided a fulsome response to the concerns raised, both in the petition and in the submissions of the principal petitioner (submission, 12 December 2022) and the tabling Member. It set out the recommendations of the Law Commission review and the Government's consideration of them. He said:

The Government is committed to ensuring the new EO Act is fair and effective and achieves a balance between the rights and interests of a wide variety of Western



Australians. Issues raised with specific recommendations will be considered during drafting, including identifying any practical implications which may arise from implementation.

2.90 He added:

This forthcoming Bill remains in the drafting phase and, as such, the final scope of the reform is yet to be settled. In due course I look forward to introducing it to Parliament, where it can be debated by all members.

2.91 The Minister for Education told the Committee (letter, 14 February 2023):

I am aware of concerns raised by some non-government schools, and various organisations representing their interests, about potential changes to the *Equal Opportunity Act 1984* arising from the review of that Act by the Law Reform Commission of Western Australia. While the Attorney General has expressed his broad support for the Commission's recommendations, I understand that a Bill to amend the Act has not yet been drafted.

2.92 He continued:

I trust that there will be opportunity as the Bill is drafted for interested parties to be consulted on the proposal and for the concerns of non-government schools to be explored and considered.

2.93 The Committee decided on 22 February 2023 to finalise its consideration of the petition, on the grounds that the matters raised will be considered and debated by the Legislative Council in due course.

### **Petition No. 76— Planned upgrades to Toodyay Road east of Dryandra Road, Morangup**

Date Tabled and Tabled Paper (TP) number	29 November 2022
Number of signatures	1,129
Principal petitioner	Bethan Lloyd
Tabling Member	Hon Darren West MLC
Date Finalised	15 February 2023

2.94 The petitioners in this instance were opposed to the plans of Main Roads for a future upgrade of Toodyay Road east of Dryandra Road Morangup. They asked the Legislative Council to support a halt to any action on those plans until such time as a full review of the current needs for safe traffic use was assessed.

2.95 The tabling Member (submission, 14 December 2022) wrote in support of the petitioners that the review was sought with a view to:

- finding ways to reduce the environmental impact on the area while improving the safety of the road
- considering the concept of turning Toodyay Road into a Scenic and Heritage Trail to increase tourism to Toodyay, utilising the scenic beauty of Toodyay Road as it exists now. It was the belief of the petitioners that the planned improvements would destroy much of that scenic value

- reviewing the proposed increase in speed limit (to 110 km/h) to assess the impact of this increase to the safety of this section of road, and for those who may be stopping along the route to enjoy the scenery.

2.96 The tabling Member added:

I am aware of the challenges of balancing the needs of improving road infrastructure throughout regional WA, and some of the constraints encountered by Main Roads WA in achieving the best outcomes for WA road users including environmental and amenity factors. It is my hope and belief that the Committee can give this petition and the supporting documentation due consideration and an outcome that suits all parties can be reached.

2.97 An extensive submission was provided in support by the principal petitioner (29 December 2022) on behalf of the Safe and Scenic Toodyay Roads campaign.

2.98 The Committee sought a response to the petition and the submissions from the Minister for Transport, Hon Rita Saffioti MLA. In a detailed reply (letter, 30 January 2023), she told the Committee about the Federal and State funding committed to this project, and the reasons why it was being carried out. She advised:

The route carries an increasing volume of commuter and tourist traffic, mixing with heavy vehicles carting clay, quarry materials, waste materials and fertiliser. Approximately 2,150 vehicles a day currently use Toodyay Road, of which 17.3 per cent are heavy vehicles, with this number expected to increase with developments in the area. The size and weight of heavy vehicles causes adverse safety impacts and increases degradation of the existing road.

Toodyay Road has an unacceptable safety record. The Wheatbelt Highway Safety Review of 2015 identified the road as the travel route with the highest crash density in the Wheatbelt region. Issues raised by the community as part of this review included lack of safe overtaking opportunities, poor road conditions and the potentially dangerous mix of heavy and light vehicles. The provision of additional passing lanes and right turn pockets at key intersections were identified as high priority items within the review.

Between 2011 and 2021, there were 81 reported crashes within the project area. Thirty of these crashes resulted in death or serious injury. While the number of incidents on the road has declined in more recent times, the conditions that contributed to the severity of the earlier crashes have not changed (with the exception of the two sections upgraded as part of this project).

These conditions include narrow lanes, unsealed shoulders, limited sight distances at intersections, lack of safe overtaking opportunities, steep drop offs and large trees within metres of the road edge. With vehicle numbers expected to increase over time, it is likely that other serious incidents will occur unless action is taken.

2.99 The Minister informed the Committee that community consultation had been ongoing since 2017, including 6 Community Reference Group meetings during the design development stage of the project, as well as meetings, briefings and site visits. She advised that the designs had evolved over that 5-year period, and significant modifications had been made to reflect feedback from the local community, including current Safe and Scenic Toodyay Roads representatives. Environmental protection measures had been included in the plans, and were set out by the Minister.

2.100 A response was also sought from the Shire of Toodyay. The Chief Executive Officer told the Committee (letter, 3 February 2023):

The Shire recognises that development often results in competing needs and ideals, however truly sustainable development must be a balance between economic, social and environmental considerations. In this instance, safety is the key social consideration.

- 2.101 Following consideration of the responses, the Committee decided on 15 February 2023 not to conduct any further enquiries. It finalised its consideration of the petition, on the grounds that the matter has been or is being dealt with by the relevant authorities.
- 2.102 In making that decision, the Committee noted that:
- a great deal of consultation had taken place
  - accommodations had been made by Main Roads throughout that time
  - in particular, environmental concerns had been mitigated.
- 2.103 In conclusion, the Committee agreed with the Chief Executive Officer of the Shire that, when considering the competing interests, safety had to be the key consideration.

### **Petition No. 77—Litter bisecting the Walpole Wilderness**

Date Tabled and Tabled Paper (TP) number	14 February 2023 (TPs 1998 and 1999– paper petition and e-petition)
Number of signatures	1,371 and 65
Principal petitioner	Michael Filby
Tabling Member	Hon Martin Aldridge MLC
Date Finalised	14 June 2023

- 2.104 The principal petitioner in this matter had taken personal responsibility for the cleaning of Highway 1, which bisects the Walpole Wilderness between Denmark and Manjimup, on a weekly basis for the past 18 years. Having received numerous awards for his service to the community, he had just turned 77 years of age, and was looking to retire. The petitioners asked the Legislative Council to support measures to ensure the ongoing management of the litter. This included the provision of appropriate funding to facilitate a regular cleaning service to the area.
- 2.105 The tabling Member made a submission in support of the petition (9 March 2023), stating:
- While Mr Filby’s efforts to reduce and clean-up litter along Highway 1 are a significant achievement, the clean-up of litter alongside a major highway which bisects several National Parks and Nature Reserves must not fall to the efforts of a sole volunteer.
- 2.106 He added:
- With a Main Roads regional office being established in Manjimup, there may exist greater scope for Main Roads personnel in this region to provide increased support for litter management in this region.
- 2.107 The petition was supported by the Shire of Manjimup (letter, 5 May 2023), expressing its admiration for the volunteering efforts of the principal petitioner.
- 2.108 The Committee wrote to the Minister for Transport, Hon Rita Saffioti MLA. She replied (letter, 4 April 2023), also acknowledging the volunteering work undertaken by the principal petitioner across the South West and Great Southern Regions. She outlined the work being done by Main Roads, alongside the Keep Australia Beautiful Council, to reduce litter across

the State road network. She outlined the Government’s intentions to transition road maintenance work in-house from some independent contractors, adding:

One of the benefits of this model is not only the \$25 million per year in costs savings and directly managed staff, but also the ability for Main Roads to directly engage local sub-contractors who are regionally based. This will allow Main Roads to respond more quickly, deliver a wider range of services and increase the overall capacity and capability of Main Roads.

2.109 The Committee sought clarification from the Minister as to whether the work to be undertaken by staff of the proposed Manjimup Main Roads office would include the litter clearance measures currently undertaken by the principal petitioner, either directly or through direct engagement of local contractors.

2.110 The Minister replied (letter, 7 June 2023):

Main Roads is continuously working to improve the condition and appearance of Western Australia’s road network within its available budget. Funding for litter management is considered together with other road maintenance activities.

I can advise the change to in-house maintenance delivery will not result in a significant change to the current approach taken for the management of litter. There may be efficiencies and savings as a result of in-house delivery that may enable additional allocation of budget to litter collection in the future.

2.111 The Committee decided on 14 June 2023 not to conduct any further enquiries and to finalise its consideration of the petition. It was felt that the matter would be dealt with by the appropriate authorities.

2.112 In informing the principal petitioner of this decision, the Committee also thanked him for his years of sterling service to the community.

### **Petition No. 78—Risk proportionate vaping regulations in WA**

Date Tabled and Tabled Paper (TP) number	14 February 2023 (TP 2000)
Number of signatures	1,183
Principal petitioner	Vaping Association of Australia
Tabling Member	Hon Dr Brian Walker MLC
Date Finalised	14 June 2023

2.113 The signatories to this petition felt that the current regulations on vaping products in Western Australia were inadequate, and unnecessarily harm legally owned and operated specialist vape stores in the State. They called on the Legislative Council to recommend that the State Government allow Western Australian adults access to vaping products by:

- ending the Western Australian Health Department's crackdown on legally owned and operated specialist vape stores
- introducing urgent legislative changes to regulate for, and provide consumer protections to, Western Australian adults who wish to access safe and effective vaping products sold and distributed by specialist vape stores.

2.114 While the Committee was considering the petition, and the submissions received from the principal petitioner (15 May 2023) and the tabling Member (13 March 2023), the Federal

Department of Health issued a media release (2 May 2023) outlining a new Government campaign against vaping. It stated that:

The Government will work with states and territories to stamp out the growing black market in illegal vaping, including to:

- stop the import of non-prescription vapes
- increase the minimum quality standards for vapes including by restricting flavours, colours, and other ingredients
- require pharmaceutical-like packaging
- reduce the allowed nicotine concentrations and volumes
- ban all single use, disposable vapes.

The Government will also work with states and territories to close down the sale of vapes in retail settings, ending vape sales in convenience stores and other retail settings, while also making it easier to get a prescription for legitimate therapeutic use.

2.115 Following that media release, the Committee wrote to the Minister for Health, Hon Amber-Jade Sanderson MLA, noting that the Federal Minister for Health had undertaken to work with States and Territories on the issue of vaping regulation. The letter asked the Minister to tell the Committee how that work was progressing, and what the State Government's intentions were in this regard. In a detailed response (letter, 7 June 2023), the Minister said:

The Western Australian Government welcomes the recent announcements by the Commonwealth to take strong action to reduce vaping, particularly among young Australians, through stronger legislation, enforcement, education, and support. The changes are expected to significantly enhance the regulatory efforts already being undertaken in Western Australia (WA) to tackle retail sales of vapes.

2.116 She went on:

The Western Australian Government looks forward to receiving further details from the Commonwealth regarding its proposed reforms. This includes more information related to the new controls on importation as well as changes to e-cigarette contents and packaging and prescription changes as they relate to the proposed regulatory changes by the TGA [Therapeutic Goods Administration].

2.117 The Minister concluded her letter:

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

2.118 In light of the Federal Government announcement, and following consideration of the Minister's response, the Committee decided on 14 June 2023 not to conduct any further enquiries and to finalise its consideration of the petition.

## Petition No. 79—No more emergency powers without oversight

Date Tabled and Tabled Paper (TP) number	16 February 2023 (TP 2029)
Number of signatures	9,407
Principal petitioner	Bianca Cobby
Tabling Member	Hon Nick Goiran MLC
Date Finalised	10 May 2023

- 2.119 This was the third in a series of petitions promoted by the same principal petitioner, and tabled by the same tabling Member, regarding aspects of the Government’s handling of the COVID-19 pandemic and the issuance of State of Emergency Orders. The others were Petition No. 49 and Petition No. 57. They were dealt with as reported in the Committee’s last overview report.<sup>7</sup>
- 2.120 This petition aired concerns that the Government had ‘shifted the responsibility for “emergency powers” for the next two years from the Minister for Emergency Services to the Police Commissioner’. The petition asked that:
- the Police Commissioner undertake that he will not use these new discretionary powers and instead insist that if a true State of Emergency occurs that the Premier and his Ministers take personal responsibility for making a lawful declaration
  - the Government give an unequivocal commitment that they will not seek to extend these new powers when they expire in 2024
  - the Legislative Council establish a select committee, not controlled by the Government, that will review the use of emergency powers since they were first invoked in 2020 and monitor their use over the next 2 years.
- 2.121 A joint submission was received from the principal petitioner and the tabling Member (24 March 2023).
- 2.122 The petition related to matters that had already been debated and passed in both Houses of Parliament in the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022*, which was Assented to on 21 October 2022.
- 2.123 That being the case, the Committee decided on 10 May 2023 not to conduct any further enquiries and to finalise its consideration of the petition.

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<sup>7</sup> Standing Committee on Environment and Public Affairs, report 63, *Overview of Petitions 1 July 2022 to 31 December 2022*, [ev.pet21.230614.rpf.063.xx Web ready.pdf \(parliament.wa.gov.au\)](https://www.parliament.wa.gov.au/ev/pet21.230614.rpf.063.xx%20Web%20ready.pdf), Western Australia, Legislative Council, June 2023, pp 14 and 22.

## Petition No. 82—Recommendation 5 of the Review of the Wooroloo Bushfire

Date Tabled and Tabled Paper (TP) number	14 March 2023 (TP 2076, e-petition) and 21 March 2023 (paper petition)
Number of signatures	458 and 2,004
Principal petitioner	Dwayne Scook
Tabling Member	Hon Dr Brad Pettitt MLC and Hon Lorna Harper MLC
Date Finalised	21 June 2023

2.124 In 2021, the Australian and New Zealand National Council for Fire and Emergency Services (AFAC) carried out, at the request of the Government, an independent review of the fire operations leading up to and during the Wooroloo bushfire of February 2021. The report was publicly released on 29 March 2022.<sup>8</sup>

2.125 Recommendation 5 of the subsequent report was:

Any determination that the Fire and Emergency Services Commissioner as the Hazard Management Authority (Bushfire) makes in respect of construction standards or subdivision developments, regarding requirements such as Asset Protection Zones, Bushfire Attack Levels etc. should be upheld by the consent authority.

2.126 The petitioners asked the Legislative Council to recommend that the Government investigate and implement legislative changes to enable recommendations made by the Department of Fire and Emergency Services (DFES), via its Commissioner, to be upheld in all situations regarding planning and development in bushfire prone areas.

2.127 A comprehensive submission from the principal petitioner (13 April 2023, supplemented by another dated 21 April 2023) was supported by the tabling Member (5 May 2023), who stressed that the Government had only 'noted' Recommendation 5 in its response to the report.<sup>9</sup>

2.128 The Committee wrote to the Minister for Emergency Services, Hon Stephen Dawson MLC, for a response. The Minister said:

While the State Government response to Recommendation 5 was by way of noting, significant effort has been undertaken to achieve the intent of the recommendation. This work has focused on optimising DFES role under the current framework to ensure that DFES comments are given appropriate weight in planning and development decision-making.

2.129 He pointed out however that while bushfire risk is an incredibly important consideration in planning decisions, it is only one factor. It is the responsibility of the planning decision makers to make a robust assessment against all relevant considerations and to make a balanced, reasonable and well-informed recommendation. Those considerations include environmental and cultural heritage issues.

<sup>8</sup> Australian and New Zealand National Council for Fire and Emergency Services, <https://www.wa.gov.au/system/files/2022-09/Wooroloo-Bushfire-Review-2021.pdf>, 2022, accessed 6 September 2023.

<sup>9</sup> Department of Fire and Emergency Services, [Update on the Government response to the Wooroloo review](#), 2023, accessed 6 September 2023.



2.130 Minister Dawson also informed the Committee that:

The Department of Planning, Lands and Heritage (DPLH) is currently undertaking a comprehensive review of State Planning Policy 3.7 Planning in Bushfire Prone Areas and the associated Guidelines, which are the primary policy documents for the bushfire planning framework. This work is framed by the ongoing state government planning reform and informed by recommendations from the State's Action Plan for Bushfire Framework Review and informed by findings from the Independent Wooroloo Review, the Royal Commission into the National Natural Disaster Arrangements, and other relevant inquiries. DFES is working closely with DPLH to assist and influence this policy framework and will be conducting a review of the Map of Bushfire Prone Areas in due course, which will further support this work.

2.131 The Committee also sought a response from the Minister for Planning, Hon John Carey MLA. His reply was received on 19 June 2023. He reiterated the comments of Minister Dawson, adding:

Complex legislative reform would need to be enacted to require decision-makers to be bound by DFES advice. There is significant risk in undertaking legislative amendments that regulate the primacy of a singular planning issue above others. The land use planning system needs to consider a large range of matters (environmental, social, economic), including multiple matters that have direct implications for human health and safety such as the protection of drinking water sources, consideration of flood risk and proximity to sources of air pollution. The current land use planning framework provides the appropriate degree of regulation and policy to ensure the necessary protections and flexibility can be applied to each decision to effectively balance a range of matters including bushfire risk.

2.132 Having considered the Ministers' responses, the Committee decided on 21 June 2023 to finalise its consideration of the petition.

### **Petition No. 83—Transport subsidies in response to the Fitzroy Crossing floods**

Date Tabled and Tabled Paper (TP) number	16 March 2023 (TP 2090)
Number of signatures	351
Principal petitioner	Darren Spackman
Tabling Member	Hon Neil Thomson MLC
Date Finalised	21 June 2023

2.133 The Fitzroy Crossing bridge, which connects East and West Kimberley, was heavily damaged and partially collapsed as a result of record flooding in January 2023. As a result, only a few dozen vehicles were able to traverse the region via a small barge operating across the river, which had the capacity of 6 medium sized vehicle per day. The cost of freight into the East Kimberley had increased exponentially, because trucking companies were forced to travel a route via Norseman, South Australia, Katherine (in Northern Territory) and back to the East Kimberley.

2.134 Freight subsidy arrangements were put in place by the Government, but the petitioners felt that they were inadequate. They asked the Legislative Council to review those freight subsidy arrangements, 'to ensure transparency and recognise that business continuity underpins the future sustainability of the Kimberley region'.

2.135 The principal petitioner (submission, 14 April 2023) explained the difficulties being faced by businesses in the region, including lost business without visitors, the difficulties in receiving supplies and attracting staff, as well as the general freight problems. He added:

In summary, every sector is under direct or indirect financial pressure due to not having reliable road access. Worker attraction, including government workers, is becoming increasingly difficult as normal expectations of living standards are now challenging to meet. Tourism confidence is being impacted, and every sector from mining to agriculture is being challenged by the logistics.

2.136 The principal petitioner went on:

The current business freight subsidies are welcome, however businesses need certainty going forward and full restoration of pre-collapse transport timeframes must be achieved prior to any variation on the current arrangements. There is concern that the dry season use of the low level crossing will not achieve full restoration of transport timeframes which must include the capacity for triple road trains to move across with minimal/no delay. If significant queuing were to occur and/or the need to breakdown trailers and take only one or two at a time across the low-level crossing, the impact could be cumulative due to the Fatigue Management requirements.

2.137 The petitioners were supported in a submission received from the tabling Member (13 April 2023). He set out the impact of the bridge collapse on a range of local businesses. He stressed that:

Businesses are struggling in the East Kimberley, so are seeking compassion and understanding. But most of all they are seeking solutions.

2.138 The Committee sought a response from the Minister for Emergency Services, Hon Stephen Dawson MLC. Minister Dawson wrote on 15 June 2023, telling the Committee:

On 23 February 2023, the former Premier and I announced a freight assistance scheme to replace the emergency scheme. The new freight assistance scheme was designed to support all businesses in the East Kimberley impacted by the closure of the Great Northern Highway. The scheme was back-dated so that businesses and freighters could claim costs incurred and not covered under the emergency scheme.

Since the scheme was launched, DFES [the Department of Fire and Emergency Services] and the Department of Primary Industries and Regional Development have further revised the scheme on the basis of feed back from Kimberley businesses and freight companies servicing the Kimberley.

2.139 The Minister went on:

I am also pleased to advise that a second low-level and sealed crossing is now operational across the Fitzroy River, enabling the movement of road-trains and oversized vehicles. This will enable a return to normal transport operations whilst the reconstruction of the Fitzroy Crossing Bridge continues. Noting the importance of supply chains for businesses in the Kimberley, DFES is continuing to collaborate across government and the private sector to ensure minimal supply chain disruption during the next wet season.

2.140 In light of the Minister's response, the Committee decided on 21 June 2023 not to conduct any further enquiries and to finalise its consideration of the petition.

## 3 Ongoing petitions

### Petitions subject to ongoing enquiries

- 3.1 At the end of the reporting period, the Committee was continuing its enquiries into the following petitions:
- Petition No. 68 — LGBTIQ+ rights in Western Australia
  - Petition No. 71 — Protecting children from harmful hypersexualised advertising
  - Petition No. 72 — Stolen generations compensation
  - Petition No. 80 — Sealing the remainder of the Goldfields Highway, Meekatharra to Wiluna
  - Petition No. 81 — Air-conditioning at Roebourne Regional Prison
  - Petition No. 84 — Religious freedom
  - Petition No. 85 — Racial discrimination within the justice system
  - Petition No. 86 — Urgent review of the justice system
  - Petition No. 87 — Royal Commission to evaluate our health system
  - Petition No. 88 — Gold-standard transparency owed on the Voice
  - Petition No. 89 — Wittenoom Memorial
  - Petition No. 90 — Shalom House
  - Petition No. 91 — Murder of Stacey Thorne
  - Petition No. 92 — Extension and replacement of the Beenyup treated sewage outfall
  - Petition No. 93 — Amending the Cat Act
  - Petition No. 94 — Aboriginal Cultural Heritage Act.



Hon Peter Foster MLC  
**Chair**

## GLOSSARY

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<b>Term</b>	<b>Definition</b>
<b>Committee</b>	Standing Committee on Environment and Public Affairs
<b>Principal petitioner</b>	The promoter of the petition
<b>Reporting period</b>	1 January 2023 to 30 June 2023
<b>TP</b>	Tabled Paper Number
<b>Tabling Member</b>	The Member of the Legislative Council that presents the petition to the House under Standing Order 102 of the Standing Orders of the Legislative Council

## **Standing Committee on Environment and Public Affairs**

### **Date first appointed:**

23 May 2017

### **Terms of Reference:**

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

#### **'2. Environment and Public Affairs Committee**

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



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