



PARLIAMENT OF WESTERN AUSTRALIA

EIGHTH REPORT

OF THE

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

**OVERVIEW OF PETITIONS:
JUNE 1993 - MARCH 1994**

Presented by the Hon M D Nixon (Chairman)

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JUNE 1994

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

Date first appointed:

21 December 1989

Terms of Reference:

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

- (a) what written laws of the State and spent or obsolete Acts of Parliament might be repealed from time to time;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

A petition stands referred to the Committee after presentation.

Members as at the date of this report:

Hon M D Nixon MLC (Chairman)
Hon A J G MacTiernan MLC
Hon B M Scott MLC

Staff as at the date of this report:

Ms K A Schmidt, Advisory/Research Officer
Mr A C Evans, Committee Clerk

Previous reports:

See Appendix I

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OVERVIEW OF PETITIONS: June 1993 - March 1994.

1. BACKGROUND

Since June 1993, the Legislative Council Standing Committee on Constitutional Affairs and Statutes Revision has considered eleven petitions referred from the Council. This paper provides an overview of each of the petitions, including the action taken by the Committee to date.

The Committee has given due consideration to each of the petitions. The extent of the Committee's deliberations, however, necessarily varied across the petitions. The Committee is mindful, *eg.*, that matters of Government policy are most effectively addressed through the responsible Minister. The Committee conducted comprehensive reviews with regard to three of the petitions and has tabled separate reports detailing the Committee's investigations and subsequent recommendations. In other cases, *eg.*, the security screens and doors petition, the Committee merely acted as a mediator between the relevant parties.

A further two petitions, regarding the Mount Henry Hospital and the alteration of trading hours respectively, were tabled toward the end of the session. As the anticipated date of prorogation allowed insufficient time for the Committee to adequately consider the petitions, the Committee invited both of the principal petitioners to resubmit the petitions during the following session.

2. OVERVIEW OF PETITIONS

2.1 CLOSURE OF THE FORTESCUE HOTEL AND GOVERNMENT BUILDINGS IN WITTENOOM

2.1.1 Petition

Petition tabled by Hon Mark Nevill on 12 August 1993 requesting the Legislative Council to call on the State Government to reconsider the decision to close the Fortescue Hotel and demolish all Government buildings in Wittenoom.

2.1.2 Inquiry

The Committee conducted a detailed inquiry involving

- background research;
- consideration of formal evidence;
- a visit to Wittenoom, incorporating a public meeting; and
- written public submissions.

The Committee has subsequently tabled a report detailing five recommendations regarding the town of Wittenoom. The report also notes that a Select Committee of the Legislative Assembly was appointed to address similar terms of reference, and that, in order to avoid duplication of effort, the Committee has focussed its efforts accordingly.

2.2 NET FISHING

2.2.1 Petition

Petition tabled by Hon Tom Helm on 17 August 1993 requesting a ban on the use of fishing nets (other than prawn drag nets and throw nets) for recreational fishing between and including Point Samson and Eighty Mile Beach, and the phasing out of professional licence endorsements allowing netting in tidal creeks and turtle breeding areas between and including the De Grey River and Yule River.

2.2.2 Inquiry

The Committee conducted a detailed inquiry involving

- consideration of the report "Report to Hon Murray Nixon MLC on Petition - Net Fishing - Port Hedland" by Mr Robin Chapple;
- verbal evidence from Mr Robin Chapple, Hon Tom Helm, and the Fisheries Department of Western Australia;
- a visit to Port Hedland, incorporating a public meeting and inspection by air;
- written public submissions; and
- information from relevant authorities in the Northern Territory and Queensland.

The Committee subsequently produced and tabled a report detailing five recommendations on 16 December 1993.

2.3 NORTHAMPTON HOSPITAL

2.3.1 Petition

Petition tabled by Hon Kim Chance on 21 September 1993 requesting that the Northampton Hospital Board be provided with sufficient funds to maintain its eight medical acute beds.

2.3.2 Inquiry

The Committee noted, on advice from the Minister for Health, that, as part of a national health services programme, four acute, short-stay hospital beds would be maintained at the hospital. This advice was subsequently forwarded to the chief petitioner.

2.4 ESPERANCE PORT

2.4.1 Petition

Petition tabled by Hon Bruce Donaldson on 22 September 1993 concerning the citizens and ratepayers of the Shire of Esperance who do not support the export of iron ore through the Esperance port unless the proponent can guarantee that absolutely no iron ore dust will escape the boundaries of the port facility.

2.4.2 Inquiry

The Committee conducted a detailed inquiry involving

- consideration of written material;
- verbal evidence from the Department of Resources Development, CBH, BHP Transport, and a marine consultant;
- a visit to Esperance incorporating meetings with the Port Authority, local residents, the Goldfields Esperance Development Authority, and the EPA.

The Committee has subsequently tabled a report detailing five recommendations.

2.5 BATOUL OSET

2.5.1 Petition

Petition tabled by Hon R Pike on 14 September 1993 requesting that the Legislative Council makes such order or recommends such relief as it shall think fit in relation to [the petitioner's] employment with the Ministry of Premier and Cabinet Women's Interest Division in 1989 and subsequent events.

2.5.2 Inquiry

The Committee advised Ms Oset on 22 December 1993 that the Committee intends to take no further action to that already undertaken by the Commissioner for Equal Opportunity, the Equal Opportunity Tribunal, and the Public Services Appeal Board. The Committee has also responded to a number of subsequent letters from Ms Oset, reiterating its decision.

2.6 STUDENT GUILDS AND ASSOCIATIONS BILL

2.6.1 Petition

Petition tabled by Hon R Davies on 14 September 1993 requesting that State Parliament refrains from passing the Acts Amendment (Student Guilds and Associations) Bill 1993 which aims to restrict the power of universities to levy a universal fee on behalf of their respective Student Guild.

2.6.2 Inquiry

The Committee sought comment from Hon R Davies, the Minister for Education, and the Murdoch University Guild President. No responses have been received.

2.7 SECURITY SCREENS AND DOORS

2.7.1 Petition

Petition tabled by Hon Tom Butler on 21 October 1993 urging the Legislative Council to direct Homeswest to fit security screens and doors to all aged invalid and pensioner homes in the Queens Park area.

2.7.2 Inquiry

Further to the Committee's requests for comment, Homeswest indicated that security screens for the principal petitioner, Ms Williams, and her colleagues have been approved. The Committee has since received a letter of thanks from Ms Williams.

2.8 PERSONAL INJURIES LAW

2.8.1 Petition

Petition tabled by Hon R Davies on 21 October 1993 requesting a full and independent inquiry into the changes to personal injuries law in Western Australia prior to the passage of any Bill before the Parliament.

2.8.2 Inquiry

Further to the proclamation of the Workers' Compensation and Rehabilitation Act, the Committee invited and received comment from the chief petitioner regarding the Motor Vehicle (Third Party Insurance) Bill.

2.9 REPEAL OF THE MINING ACT (1986)

2.9.1 Petition

Petition tabled by Hon N Moore on 27 October 1993 regarding the Paddington minesite and seeking the repeal of the Mining (Validation and Amendment) Act 1986 to restore the claim.

2.9.2 Inquiry

The Committee noted, on advice from the Minister for Mines, that the petition is identical to the petitioner's previous petition submitted on 3 December 1992. The petitioner has offered no further evidence to the petition of 3 December 1992, and has not, to date, responded to the Committee's request for further comment.

2.10 COMO SENIOR HIGH SCHOOL

2.10.1 Petition

Petition tabled by Hon C Griffiths on 2 December 1993 requesting the Legislative Council to recommend to the Government that it give a firm undertaking to include an appropriate allocation in the 1994/95 education budget for a gymnasium/performing arts centre at Como Senior High School.

2.10.2 Inquiry

The Committee has been advised by the Minister for Education that, as the availability of capital works funds for 1994/95 is not yet known, he is unable to provide a firm commitment to provide funding for the centre. The Committee has since forwarded the Minister's letter to the principal petitioner and Hon C Griffiths. Further petitions were tabled in the Legislative Council on 23 March 1994 and 29 March 1994.

2.11 CITY OF COCKBURN

2.11.1 *Petition*

Petition tabled by Hon John Halden on 24 June 1993 expressing concern regarding Cockburn City Council planning decisions to amend the City of Cockburn Town Planning Scheme to allow commercial development adjacent to the Waldorf School.

2.11.2 *Inquiry*

The Committee received advice from the City of Cockburn, the Minister for Planning, the Minister for Education, and Hon John Halden. The Committee notes, however, that the principal petitioner has not, to date, responded to the Committee's invitation to provide further comment regarding the petition.

LIST OF REPORTS

1. Report regarding a petition seeking legislation on various aspects of substantive law and procedural law relating to sex offences against children.
2. Interim report into links between Government agencies and the failed Western Women Group.
3. Second interim report into links between Government agencies and the failed Western Women Group.
4. Report regarding a petition requesting the Legislative Council to investigate whether the proposed dissolution of the City of Perth contravenes the Constitution Act 1889 or any other Act or Statute.
5. Report in relation to a petition requesting the ban on the use of fishing nets (other than prawn drag nets and throw nets) for recreational fishing in the Pilbara region and the phasing out of certain professional licence endorsements.
6. Report in relation to a petition concerning the export of iron ore through Esperance.
7. Report in relation to a petition concerning the town of Wittenoom.