



**REPORT OF THE**

**STANDING COMMITTEE ON**

**CONSTITUTIONAL AFFAIRS**

**IN RELATION TO**

**STANDING ORDER 134 CONCERNING A**

**PETITION REGARDING ISSUES OF COMMUNITY**

**CONCERN IN REGARD TO THE CITY OF ALBANY**

Presented by Hon Murray Nixon JP MLC (Chairman)

Report 43

## STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

### **Date first appointed:**

21 December 1989

### **Terms of Reference:**

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

### **Members as at the date of this report:**

Hon Murray Nixon JP MLC (Chairman)  
Hon Ray Halligan MLC  
Hon Tom Helm MLC

### **Staff as at the date of this report:**

Ms Felicity Beattie, Advisory/Research Officer  
Mr David Driscoll, Committee Clerk

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**Report of the Standing Committee on  
Constitutional Affairs**

**in relation to**

**Standing Order 134 Concerning  
a Petition Regarding Issues of  
Community Concern in Regard  
to the City of Albany**

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**1. The Petition**

1.1 Two petitions were tabled by Hon Norm Kelly MLC during the Second Session of the Thirty Fifth Parliament (*Tabled Paper # 1080 tabled on 26 May 1999 and Tabled Paper # 1118 tabled on 15 June 1999*) raising issues of community concern in regard to the City of Albany. The petitions requested an appropriate Committee of the Parliament to examine the following issues:

- i) Albany Foreshore Development;
- ii) Rainbow Coast Waste Management Services;
- iii) Disposal of Used Tyre Dump;
- iv) Administration of Councils Town Planning Schemes;
- v) Minutes and Records of Meetings;
- vi) Valuations for Leases and Rating of Council and Private Property;
- vii) Engagement of Consultants; and
- viii) Regional Saleyard Development.

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

1.3 Following receipt of these petitions the Committee sought submissions from:

- i) the principal petitioner; and
- ii) the tabling member.

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

1.5 The petition was retabled on 8 September 1999 by Hon Norm Kelly MLC (*Tabled Paper # 144*). The petition again requested that the Legislative Council investigate issues of community concern in regard to the City of Albany.

## **2. Certification of the petition**

2.1 The petition was certified by the Clerk of the Legislative Council as complying in all substantive respects with the requirements of Chapter XI of the Standing Orders of the Legislative Council.

## **3. Submission**

3.1 On 16 September 1999 the Committee wrote to the tabling member and the principal petitioner to confirm receipt of the petition and to request any information they may wish to provide to the Committee.

3.2 The Committee received a submission from the principal petitioner on 11 October 1999. The submission consisted of a covering letter, three pages of information elaborating on the matters outlined in the petition, 12 pages of photocopied newspaper articles and a photocopy of a file note from the Shire of Albany.

## **4. Standing Orders**

4.1 The Committee has reviewed the submission and found it to contain statements that fall within Standing Order 133(c)(v); that is, it contains statements adverse to, or makes allegations of improper, corrupt or illegal conduct against, a person whether by name or office.

4.2 The Committee believes that Standing Order 134 applies. The petition should be confined to a request for relief and be accompanied by a statement of all relevant facts supporting the request. The statement should have affixed an affidavit in the required form.

**5. Conclusion**

- 5.1 The Committee believes that in these circumstances it would be improper for it to continue its inquiry into this petition in its current form.

**6. Recommendation**

- 6.1 That the Clerk of the Legislative Council advise the principal petitioner of the reasons the petition cannot be further considered.

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**Hon Murray Nixon JP MLC**  
**Chairman**

**Date:**

