



**THIRTY-EIGHTH PARLIAMENT**

**REPORT 14**  
**STANDING COMMITTEE ON ENVIRONMENT AND**  
**PUBLIC AFFAIRS**  
**OVERVIEW OF PETITIONS**

Presented by Hon Sheila Mills MLC (Chair)

December 2008

## STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

### **Date first appointed:**

17 August 2005

### **Terms of Reference:**

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

#### **“1. Environment and Public Affairs Committee**

- 1.1 An *Environment and Public Affairs Committee* is established.
- 1.2 The Committee consists of 5 members.
- 1.3 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 House; and
  - (c) petitions.
- 1.4 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.
- 1.5 The Committee may refer a petition to another committee where the subject matter of the petition is within the competence of that committee.
- 1.6 In this order “**environment**” has the meaning assigned to it under section 3(1), (2) of the *Environmental Protection Act 1986*.”

### **Members as at the time of this inquiry:**

Hon Sheila Mills MLC (Chair)

Hon Paul Llewellyn MLC

Hon Bruce Donaldson MLC  
(Deputy Chairman)

Hon Robyn McSweeney MLC  
(resigned 21 October 2008)

Hon Kate Doust MLC

Hon Wendy Ducan MLC  
(appointed 5 November 2008)

### **Staff as at the time of this inquiry:**

Linda Omar, Committee Clerk

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**ISBN 978-1-921243-78-3**

# CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>I</b>
EXECUTIVE SUMMARY.....	I
1 HISTORY AND PURPOSE OF THE COMMITTEE .....	1
2 PETITIONS .....	1
Petitions process adopted by the Committee .....	2
Reporting to the Parliament.....	3
The Parliamentary Commissioner for Administrative Investigations (Ombudsman) .....	3
Evidence and Reports .....	3
3 PETITIONS CONSIDERED.....	4
4 PETITIONS FINALISED BY THE COMMITTEE DURING THE REPORTING PERIOD .....	4
Petition No 36 – South Cardup Landfill .....	4
Petition No 65 – Wanneroo Road Upgrade.....	11
Petition No 66 – Whitfords Road Reserves and Bus Services .....	13
Petition No 68 – Multipurpose Taxis - People with Disabilities.....	15
Petition No 78 – State Government Proposal to Amend the <i>Prostitution Act 2000</i> .	20
Petition No 79 – Human Reproductive Technology Amendment Bill 2007 .....	21
Petition No 82 – Smoking Ban at Graylands .....	22
Petition No 86 – Real Estate and Business Agents Amendment Bill 2007 .....	25
Petition No 22 – Utility Consumer Hardship .....	25
Petition No 75 – Legislation to improve Cat Welfare.....	26
Petition No 81 – Teacher Supply and Salaries and Allowances .....	28
Petition No 88 – Prostitution Amendment Bill 2007 - Oppose.....	29
Petition No 73 – Allenswood and East Greenwood Primary Schools Proposed Amalgamation .....	30
Petition No 90 – Assaults Against Public Officers - Mandatory Imprisonment .....	34
Petition No 69 – Development of Foreshore Land in Busselton.....	34
Petition No 72 – Siting of a New Busselton Hospital .....	40
Petition No 94 – Shenton Park Bushland - University of Western Australia Proposal .....	46
Petition No 71 – Regarding Alcoa’s Compensation Arrangements.....	47
Petition No 77 – Relocation of Governor Stirling Senior High School .....	53
5 PETITIONS THAT LAPSED UPON PROROGATION OF THE PARLIAMENT ON 7 AUGUST 2008.....	58



**EXECUTIVE SUMMARY FOR THE**

**REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS**

**IN RELATION TO THE**

**OVERVIEW OF PETITIONS**

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**EXECUTIVE SUMMARY**

- 1 This report provides an overview of the petitions considered by the Legislative Council Standing Committee on Environment and Public Affairs (**Committee**) from 30 November 2007 to 30 June 2008. This report is the seventh Overview of Petitions Report to be tabled by the Committee. While the report covers the Committee's activities in the Thirty-Seventh Parliament, it is now being tabled in the first session of the Thirty-Eighth Parliament.
- 2 The report provides a summary of, and comment on, the Committee's inquiries into petitions that deal with a wide range of issues relating to the environment, planning, the community/social, transport, industrial relations and health.
- 3 While petitions represent just one of the Committee's functions, as outlined in its terms of reference, the Committee's inquiries into petitions assume a considerable part of its workload.
- 4 The Committee noted that for some petitions the community's expectations of outcomes from the petitions process are often much higher than what the Committee may be able to deliver.
- 5 The Committee understands, however, that its inquiries into petitions increase transparency, and thus the scrutiny of, and accountability for various decisions across both State and local governments.
- 6 In many cases where the Committee finalises a petition there has been some resolution of the matters or issues raised and often the Committee's influence on the process may not be overly apparent.



# REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

## IN RELATION TO THE

### OVERVIEW OF PETITIONS

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#### **1 HISTORY AND PURPOSE OF THE COMMITTEE**

- 1.1 The Committee was appointed by the Legislative Council on 17 August 2005. The Committee continues the work of the previous Standing Committee on Environment and Public Affairs (**Former Committee**), which operated during the Thirty-Sixth Parliament from 24 May 2001 until 17 August 2005. The Committee's terms of reference are predominantly the same as those of the Former Committee, but with five members rather than seven.
- 1.2 The functions of the Committee are to inquire into and report on public or private policies, practices, schemes, arrangements or projects in Western Australia (**WA**) which affect or may affect the environment, as well as any bill referred by the Legislative Council and petitions. The terms of reference of the Committee are published at the front of this report.

#### **2 PETITIONS**

- 2.1 A function of the Committee, as provided by its term of reference 1.3(c), is to inquire into and report on petitions.
- 2.2 A petition is a request for action by the Legislative Council from a citizen or resident or a group of citizens or residents. The Committee considers petitions that have been tabled by a Member of the Legislative Council on behalf of a person or groups within the community.
- 2.3 The number of signatures to petitions identified in this report relate to the original petition as first tabled in the Legislative Council. On some issues identical petitions are tabled before they are finalised and the total number of combined signatures are not recorded for the purposes of this report.
- 2.4 When reviewing petitions, the Committee seeks to provide a forum for public discussion on matters of community interest and to allow interested persons, or groups, to bring their concerns to the attention of the Legislative Council.

- 2.5 **The Western Australian Legislative Council is the only State House of Parliament in Australia that refers all petitions to a committee for inquiry and report.**<sup>1</sup> In many other jurisdictions petitions are simply recorded in *Hansard* and no further investigation is undertaken.

#### **Petitions process adopted by the Committee**

- 2.6 Once tabled in the Legislative Council, all petitions (other than those raising a matter of privilege) stand referred to the Committee. Upon receipt, the Committee generally writes to the tabling Member and to the principal petitioner inviting a 1-2 page submission providing further information on the matters and issues raised in the petition. The Committee also, where appropriate, writes to the relevant Minister(s) seeking comment on the content of the petition and any submissions received. The Committee may also make preliminary investigations to obtain background information on the issues from government agencies, private organisations and individuals.
- 2.7 The Committee considers the submissions and other information received and resolves to either:
- a) finalise the petition, that is, to not inquire further into the petition; or
  - b) formally inquire into the petition.
- 2.8 Where a petition concerns a subject matter that is within the terms of reference of another standing committee of the Legislative Council, the Committee may refer the petition to that committee for inquiry and report, as provided by the Committee's term of reference 1.5.
- 2.9 The Committee may resolve to finalise a petition without formally inquiring into it in the following circumstances:
- a) if the Committee considers that the issues raised in the petition have been or are being adequately dealt with;
  - b) if the issues raised in the petition will be or have been considered and/or debated by the Legislative Council;

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<sup>1</sup> In February 2008 the House of Representatives established a Standing Committee on petitions for the 42<sup>nd</sup> Parliament. In Queensland, the Clerk of the Parliament sends petitions to the relevant Minister. The Minister may respond to the Clerk, who then tables the response, forwards a copy of the response to the tabling Member and publishes the response on the Parliament's website. See <http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/> (accessed on 6 October 2008). Petitions tabled in the Senate are "brought to the notice of the appropriate Senate Committee"; however, there is no requirement for those committees to inquire into or report back to the Senate on the petition. See <http://www.aph.gov.au/Senate/pubs/guides/briefno21.htm> (accessed on 6 October 2008).

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- c) if the Committee considers that the issues raised in the petition have been taken as far as possible at the time; or
- d) if the Committee has not received any submissions in response to its invitation to provide further information on the content of the petition.
- 2.10 When the Committee resolves to finalise a petition it advises the tabling Member and the principal petitioner.
- 2.11 If the Committee resolves to formally inquire into a petition, it may:
- arrange hearings at which discussion occurs on the various issues raised in the petition;
  - gather additional information; and
  - prepare a report on the petition for tabling in the Legislative Council.

*Reporting to the Parliament*

- 2.12 The Committee has resolved to report regularly to the Parliament on the progress of petitions that stand referred to the Committee under Standing Orders of the Legislative Council. The Committee had intended to table this report in August 2008, but was unable to do so when Parliament was prorogued on 7 August 2008.<sup>2</sup>

*The Parliamentary Commissioner for Administrative Investigations (Ombudsman)*

- 2.13 Certain issues or matters raised in a petition may come under the Ombudsman's jurisdiction as set out in the *Parliamentary Commissioner Act 1971*.<sup>3</sup>
- 2.14 The Committee liaises regularly with the Ombudsman's office in recognition of the fact that a matter raised by a petition may have been previously considered or could currently be under consideration by that office.

*Evidence and Reports*

- 2.15 All transcripts of evidence given in public, and all of the Committee's reports and relevant Government responses are available from the Parliament of WA website at <http://www.parliament.wa.gov.au>. Committee reports can be purchased from the State Law Publisher and are also available at the Alexander Library and other selected libraries.

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<sup>2</sup> Proclamation, *Government Gazette*, No 135 (Special), Perth 7 January 2008, p3497.

<sup>3</sup> Act No 64 of 1971.

### **3 PETITIONS CONSIDERED**

3.1 From 30 November 2007 to 30 June 2008, the Committee inquired into 38 petitions, 17 of which were carried over from the previous session of Parliament. The Committee received a further 21 petitions during this reporting period. The Committee has finalised 19 petitions, which are discussed below. On 30 June 2008, the Committee had 19 petitions under consideration, but these petitions lapsed upon prorogation of the Parliament on 7 August 2008 (see section 6 below).

### **4 PETITIONS FINALISED BY THE COMMITTEE DURING THE REPORTING PERIOD**

#### **Petition No 36 – South Cardup Landfill**

4.1 On 17 October 2006, Hon Giz Watson MLC tabled a petition in the Legislative Council [TP#2085] containing 1258 signatures which was couched in the following terms:

*We the undersigned residents of Western Australia are opposed to the expansion of the Cardup landfill and its continuing environmental impacts.*

*Your petitioners therefore respectively request the Legislative Council to conduct an inquiry into the operations, environmental and social impacts of the South Cardup Landfill and the role of government agencies in allowing ground and surface water pollution and expansion of the landfill.<sup>4</sup>*

4.2 The Committee received a response from the principal petitioner, which stated that the communities around the South Cardup Landfill have been opposed to it since it was approved by the EPA in 1993, and became operational in 1999. The landfill facility is operated by WA Landfill Services (**WALS**). The letter stated that the landfill site has a history of poor management and environmental incidents which have and continue to impact on the environment and local residents. The incidents included:

- *a massive spill in 2000 of over 2 million litres of toxic leachate without a regulatory consequence;*
- *a number of leachate and gas ‘pop-outs’ where contaminants have escaped from the landfill;*
- *contamination of groundwater at the site with BTEX, arsenic, ammonia and other leachate constituents in spite of an ‘impermeable liner’;*

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<sup>4</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 17 October 2006, p6967.

- *major odour problems for nearby neighbours from municipal waste and chemical waste dumping at the landfill.*<sup>5</sup>

- 4.3 The letter from the principal petitioner stated that despite all of these incidents no regulatory action has ever been taken against the landfill operators by environmental regulators.<sup>6</sup>
- 4.4 The Committee received another letter from the principal petitioner, on behalf of the Serpentine-Jarrahdale Ratepayers and Residents Association Inc (**Association**), urging the Committee to investigate their concerns regarding the South Cardup Landfill. The Association claimed that they had uncovered more serious problems with the landfill.<sup>7</sup>
- 4.5 The letter stated that it was confirmed at the South Cardup Landfill Stakeholders' Consultative Group meeting on 21 February 2007 that:

*WALS are not operating within their licence conditions by not testing the groundwater at the site in accordance with Australian Standards 5667-11. We believe the Minister for the Environment at that time, through no fault of his own, made a decision late 2006 not to further investigate possible environmental harm upon flawed information. The Department of Environment and Conservation licensing and testing requirements for the South Cardup Landfill are not practiced by the company.*<sup>8</sup>

- 4.6 The letter also stated that:

*Environmental advice has confirmed that the procedure undertaken to take samples from the bores is not an accurate representation of toxic chemicals in the bores. Thus with the knowledge that the Landfill is leaking into the groundwater the situation may be much more serious than was first thought.*

*As the South Cardup Landfill is impacting offsite through surface water we have serious concerns that contamination is impacting offsite in the groundwater.*<sup>9</sup>

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<sup>5</sup> Letter from Mr Alan Clarkson, Vice President of the Serpentine-Jarrahdale Ratepayers and Residents Association Inc, 6 November 2006, p1.

<sup>6</sup> *Ibid.*

<sup>7</sup> Letter from Mr Alan Clarkson, President of the Serpentine-Jarrahdale Ratepayers and Residents Association Inc, 19 March 2007, p1.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

- 4.7 The Committee received a letter from Hon David Templeman MLA, then Minister for the Environment, which was in response to the Committees original 7 December 2006 request for comment on the terms of the petition and the submission.<sup>10</sup>
- 4.8 The then Minister informed the Committee that the EPA formally assessed the South Cardup Landfill's expansion proposal at a level of Assessment on Referral Information. The EPA concluded that the proposal was capable of being managed in an environmentally acceptable manner such that it is unlikely that the EPA's objectives would be compromised. The Minister continued:

*The EPA's level of Assessment and Report and Recommendations were appealed, and in September 2006 the Minister for the Environment decided that a higher level of assessment by the EPA was not warranted given the exhaustive independent reviews commissioned by the Department of Environment and Conservation (DEC) and the extensive information provided to the community in recent years. In regard to the acceptability of the proposed extension, the Minister decided to grant environmental approval, subject to strict environmental conditions that required the landfill to meet or exceed the standards required for this type of facility.*<sup>11</sup>

- 4.9 The then Minister for the Environment referred to the submission of the principal petitioner and stated that:

*I have been informed by the DEC that there were two incidents in July 2000 where a total of approximately 2,500 kilolitres of stormwater and leachate mixture were discharged to the surface water stream on site. These were investigated by DEC. The discharges consisted of a large volume of stormwater mixed with a relatively small volume of leachate. I understand that in response to these incidents the landfill operator undertook remedial and preventative actions and commissioned a consultant to investigate the environmental impact. This study concluded that while there were some elevated concentrations of nutrients detected in the creek, water quality was back to normal by the end of July 2000. DEC was satisfied with the landfill operator's response to the incidents.*<sup>12</sup>

- 4.10 The then Minister stated that there have been a large number of reports and reviews undertaken for the South Cardup Landfill and that those reports provide enough data to conclude that, while the landfill is leaking into the underdrainage, this

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<sup>10</sup> Letter from Hon David Templeman MLA, Minister for the Environment, 10 April 2007.

<sup>11</sup> *Ibid*, p1.

<sup>12</sup> *Ibid*.

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underdrainage appears to have captured any apparent leakage. The Minister further stated that:

*The material is collected and treated through sedimentation ponds prior to discharge through a constructed wetland. Weekly and monthly testing of this water is carried out by the landfill operator. Accordingly, I am advised that the landfill is not impacting the offsite environment.*<sup>13</sup>

4.11 The then Minister referred to the EPA assessment of the landfill expansion and stated that the new landfill cells will have the following features:

- a minimum separation distance of 2m between the base of the new cells to the highest predicted groundwater table;
- separate underdrainage systems; and
- a composite lining system consisting of layers of geo-synthetic clay liner and a 2mm High Density Polyethylene liner.

4.12 The then Minister further stated that:

*The EPA also noted that the new cells are to be constructed to a standard suitable for Class III waste even though the landfill is only licensed to accept Class II waste. Class III landfills require higher protective specifications than those required for Class II. Class II and III landfills accept waste of different classifications, however Class III landfills are lined and have an underdrainage system. In this case requiring Class III specification but only accepting Class II waste provides added protection for the containment of the waste.*<sup>14</sup>

4.13 The Committee received a copy of a letter that was sent to Ms Joanne Abbiss, CEO of the Shire of Serpentine-Jarrahdale by Mr Lee Bell from the Contaminated Sites Alliance.<sup>15</sup>

4.14 Mr Bell maintained that the sampling methodology being undertaken at South Cardup is not in line with the Australian Standards for groundwater monitoring and the Committee noted the following comment from that correspondence:

*Both the DEC and GHD created confusion about the application of the Australian Standard. In the licence it requires the landfill*

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<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> Letter from Mr Lee Bell, Contaminated Sites Allowance, 27 April 2007.

*operators to implement ASNZS 5667.1 1998 which subsequently requires the implementation of ASNZS 5667.11 1998 when dealing specifically with groundwater as opposed to surface or other water bodies. GHD claimed the Australian Standard is just a 'guideline' and the DEC were unclear as to whether ASNZS 5667.11 1998 applied.<sup>16</sup>*

- 4.15 The Committee wrote to the Shire of Serpentine-Jarrahdale on 3 May 2007 for comment on the petition. The Committee noted the following support for the petition:

*In regards to the terms of the petition, the Shire supports the local residents request that the Legislative Council conducts an inquiry into the operations, environmental and social impacts of the South Cardup landfill and the role of government agencies in allowing ground water pollution and the expansion of the landfill.<sup>17</sup>*

- 4.16 The Shire provided a list of reasons in support of an inquiry, which they had developed to present to the Ministerial Appeals Committee. At the forefront of those reasons are the likely impact of an expansion in population from the proposed urban development adjacent to the site in Whitby; the reliance on a generic 500 metre buffer between the landfill site and future urban development; and the removal of the 79 Proponent Environmental Management Commitments as described with the following:

*Of primary concern to the Shire and the community of Serpentine Jarrahdale is that the EPA and, as a result the Minister, have given virtually no consideration to the large urban development proposed immediately adjacent to the site in Whitby (8,000 - 10,000 people) or to the imminent population increase to between 30,000 and 40,000 people for the Mundijong town site, which is due West and down stream of the landfill.*

*The other major concern for the Shire is the removal of the seventy nine (79) Proponent Environmental Management Commitments (PEMC), which were administered in response to issues raised in the public submissions for the original applications. Because of the significance of the PEMC they were the first item referenced in the original Ministerial Statement, 345 (May 1994). If the Minister removes the PEMC, he will be actively removing the safety net that the then Minister put in place through agreement with the community*

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<sup>16</sup> *Ibid.*

<sup>17</sup> Letter from Ms Joanne Abbiss, Chief Executive Officer Shire of Serpentine-Jarrahdale, 5 June 2007, p1.

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*and the regulatory agencies, without any communication or consultation.*<sup>18</sup>

- 4.17 The Committee wrote another letter to the then Minister for the Environment, on 3 May 2007, seeking information about an appeal by the Shire of Serpentine-Jarrahdale against the level of Assessment on Referral Information. The appeal was lodged under section 45(3) of the *Environmental Protection Act 1986*.<sup>19</sup> The Committee also requested clarification from the Minister for the Environment on the claims by the principal petitioner and the Contaminated Sites Alliance.
- 4.18 The Committee received a response from the then Minister for the Environment<sup>20</sup> which provided the following comment in response to the claims that WALs are not operating the landfill facility within their licence conditions:

*With regard to the claim WALs [West Australian Landfill Services] are not operating within their licence conditions by not testing the groundwater at the site in accordance with Australian Standards 5667-11". I am advised by the Department of Environment and Conservation (DEC) that the licence issued under the provision of the Environmental Protection Act 1986 requires the proponent to comply with the Australian Standard AS 5667. 1:1998. It does not reference AS 5667. 11 1998: Sampling is carried out in accordance with a devised sampling program, the requirements of the licence and AS 5667. 1: 1998: DEC has advised me that it considers that WALs is in compliance with AS 5667. 1: 1998.*<sup>21</sup>

- 4.19 The Committee received another response from the then Minister for the Environment<sup>22</sup> which restated the above in relation to the licence conditions and the Committee noted the following additional information:

*In relation to the concerns of the local community, an officer from DEC's Kwinana Office has been in contact with the principal petitioner, Mr Alan Clarkson, President of the Serpentine-Jarrahdale Ratepayers and Residents Association Inc., to discuss the Association's concerns regarding groundwater testing and the accuracy of samples from the bores. I understand that these concerns primarily relate to the location of the groundwater monitoring bores.*

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<sup>18</sup> *Ibid*, p2.

<sup>19</sup> Act No 87 of 1986.

<sup>20</sup> Letter from Hon David Templeman MLA, Minister for the Environment, 29 May 2007.

<sup>21</sup> *Ibid*, p2.

<sup>22</sup> Letter from Hon David Templeman MLA, Minister for the Environment, 13 July 2007.

*DEC is writing to Mr Clarkson to provide details of the sampling completed at the site.*

*In response to your question regarding the appeal against the level of assessment on referral of information, I can advise that a committee has been established and will be conducting hearings with affected parties in the coming weeks, prior to making its decision. At this stage I cannot advise on the likely timing of the decision of the committee.<sup>23</sup>*

- 4.20 The Appeals Committee delivered an interim decision to the parties on 18 July 2007, which indicated that the proposed expansion of the landfill should be implemented. The parties were invited to make further submissions on the proposed conditions.
- 4.21 The Appeals Committee made its final recommendation to the then Minister for the Environment on 13 September 2007, which essentially allowed for expansion of the landfill site subject to further amendments to the conditions.<sup>24</sup>
- 4.22 The development application to expand the landfill also went before the State Administrative Tribunal as a result of the Shire not meeting the required 60 days deadline, for a decision, as per its Town Planning Scheme No 2. Consequently, the development application was deemed to be refused and open for the proponent to seek a review under s 252(1) of the *Planning and Development Act 2005*.<sup>25</sup>
- 4.23 The State Administrative Tribunal brought down its decision on 16 November 2007 and development approval was granted subject to 21 conditions.<sup>26</sup>
- 4.24 The then Minister for the Environment approved the proposed landfill expansion with additional conditions on 21 January 2008, which are contained in Ministerial Statement No 761.<sup>27</sup>
- 4.25 The Committee noted the lengthy and arduous appeals process and the additional burden that such a process places upon the limited resources of many of the smaller rural and regional local governments in particular.
- 4.26 **The Committee finalised this petition on 20 February 2008 because the issues raised in the petition had been taken as far as possible at the time, including reviews by the Appeals Committee and the State Administrative Tribunal.**

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<sup>23</sup> *Ibid.*

<sup>24</sup> [http://portal.appealsconvenor.wa.gov.au/portal/page?\\_pageid=1258,1&\\_dad=portal&\\_schema=PORTAL](http://portal.appealsconvenor.wa.gov.au/portal/page?_pageid=1258,1&_dad=portal&_schema=PORTAL) (viewed on 1 August 2008).

<sup>25</sup> Act No 37 of 2005.

<sup>26</sup> West Australian Landfill Services Pty Ltd and Shire of Serpentine-Jarrahdale [2007] WASAT 297 (16 November 2007).

<sup>27</sup> <http://www.dec.wa.gov.au> (viewed on 1 August 2008).

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**Petition No 65 – Wanneroo Road Upgrade**

- 4.27 On 29 August 2007, Hon Ray Halligan MLC tabled a petition in the Legislative Council [TP#3075] containing 57 signatures which was couched in the following terms:

*To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We the undersigned residents of Western Australia respectfully and strongly support the upgrading of Wanneroo Road between the Pinjar Road intersection and Joondalup Drive.*

*We are concerned that this section of Wanneroo Road has not been upgraded to cope with increased residential development. Peak-hour traffic congestion is causing significant frustration for traffic trying to enter Wanneroo Road and the volume of traffic is also creating additional hazards for pedestrians.*

*Further, motorists from the Pineview Lifestyle Village have difficulty entering and exiting Wanneroo Road.*

*Your petitioners therefore request that the Legislative Council do everything in its power to ensure that the safety of all concerned is restored to community expectations.<sup>28</sup>*

- 4.28 The Committee received a submission from the principal petitioner, Mr Luke Simpkins, which began with the following:

*Wanneroo Road is a major arterial road serving the outer metropolitan northern suburbs. It is a road under the responsibility of the Department of Main Roads and therefore it is a State road. Wanneroo Road is used by tens of thousands of vehicles a day for private and commercial use. The peak hours of use now includes all hours of the day and late into the evening, seven days a week. This vastly increased use of the subject area of Wanneroo Road has resulted from the growth of the adjacent suburbs of around 20% per year and the clogging of the Mitchell Freeway and a train service that is not able to cope with commuter demand. Added to this is the home building work traffic and additional schools in the area, which also generate additional traffic movements during pick up and drop off times. This section of Wanneroo Road also hosts the City of*

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<sup>28</sup> Hon Ray Halligan MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 29 August 2007, p4413.

*Wanneroo's Works Depot and two Lifestyle Villages of around 1,000 residents in total.*<sup>29</sup>

- 4.29 The submission stated that the single carriageway with long distances between traffic lights is a dangerous and inefficient arterial road. The submission concluded with the following:

*As the petitioner I encourage the Committee to examine this serious matter and ask the Government of Western Australia to take the long overdue action on this matter, building a dual carriageway and improved traffic control at the intersections serving the adjacent suburbs.*<sup>30</sup>

- 4.30 The Committee received a response from Hon Allanah MacTiernan MLA, then Minister for Planning and Infrastructure,<sup>31</sup> which began by stating that requests for infrastructure expenditure in particular locations cannot be assessed in isolation of the budget process. The then Minister continued with the following comments:

*Funding for the construction of the dual carriageway on Wanneroo Road between Wallewa Street and Joondalup Drive will be considered as part of the 2008 budget process. I have asked Main Roads to proceed with the design and other pre-construction activities associated with the project.*

*In line with my request, detailed works are currently progressing and Main Roads is liaising with the relevant authorities for the relocation of services. Land acquisition requirements are also being assessed. However, early indications are that the cost of land and service relocations is likely to be significant.*<sup>32</sup>

- 4.31 The then Minister stated that Main Roads' officers have been working closely with a private land developer to have the Wanneroo Road/Ashley Road intersection upgraded, to provide a number of safety enhancements, but that the full cost of the treatment would be more than \$900,000. The letter concluded with the following:

*However, I can advise that Main Roads has recently carried out the sealing of a 60 metre section of shoulder on the west side of Wanneroo Road opposite Ashley Road. While this is not designed or intended as a passing opportunity, the additional pavement area will*

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<sup>29</sup> Submission from Mr Luke Simpkins, 30 September 2007, p1.

<sup>30</sup> *Ibid.*

<sup>31</sup> Letter from Hon Allanah MacTiernan MLA, Minister for Planning and Infrastructure, 2 January 2008.

<sup>32</sup> *Ibid*, p1.

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*enable northbound vehicles to safely take evasive action if unexpectedly encountering a vehicle turning right into Ashley Road.*<sup>33</sup>

- 4.32 **The Committee finalised this petition on 20 February 2008 because the matter was apparently being addressed by the then State Government.**

**Petition No 66 – Whitfords Road Reserves and Bus Services**

- 4.33 On 29 August 2007, Hon Ray Halligan MLC tabled a petition in the Legislative Council [TP#3075] containing 57 signatures which was couched in the following terms:

*To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We, the undersigned residents of Western Australia, respectfully and strongly support the retention of the road reserves on the eastern side of the Mitchell Freeway and adjoining Whitfords Avenue as open space.*

*While we support the provision of additional car-parking bays we believe that this could be achieved by building over the existing car parks, instead of further interfering with the lifestyle of local residents.*

*Alternatively, the provision of car parks on the road reserves immediately west of the Freeway would not appear to have any impact on local residents.*

*We also submit that, in conjunction with additional car parking, provision should be made for improved east-west bus services to the Whitfords Train Station.*

*Your petitioners therefore request that the Legislative Council do everything in its power to ensure that the lifestyle of all concerned is maintained to community expectations by retention of the above road reserves as open space.*<sup>34</sup>

- 4.34 The Committee received a submission from the principal petitioner, Mr Luke Simpkins, which began with the following:

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<sup>33</sup> *Ibid*, p2.

<sup>34</sup> Hon Ray Halligan MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 29 August 2007, p4413.

*The petition relates to the demand by local residents of Kingsley and Woodvale that the State Government does not turn the bushland adjacent to Twickenham Drive (Kingsley) and the area between the freeway and the South bound off ramp (Woodvale) into train station parking bays at Whitfords Station. This is because the shortage could be addressed with better bus services feeding the railway station, and building the existing car park up or utilising the areas on the West side of the Freeway between the Freeway and the off/on ramps. By adopting these alternative options the amenity of the local residents can be preserved whilst also addressing the inadequacies of the train station infrastructure.<sup>35</sup>*

- 4.35 The submission referred to alternative car parking sites and to bus services not going where people want them to go and that they do not run as long as trains in the evenings. The submission concluded with the following:

*As the petitioner I encourage the Committee to examine this serious matter and ask the Government of Western Australia to take the long overdue action on this matter, building the car parks on the West side of the Freeway, or building an upper level to the existing car park, while also taking steps to improve the bus services feeding the northern railway line so as to reduce the demand for parking at railway station car parks.<sup>36</sup>*

- 4.36 The Committee received a response from Hon Alannah MacTiernan MLA, then Minister for Planning and Infrastructure<sup>37</sup> which began by stating the Government's commitment to encouraging public transport patronage.

- 4.37 The then Minister stated that she requested the Public Transport Authority (PTA) to examine the possibility of identifying an alternative site for the construction of additional parking bays at Whitfords train station. The response continued with the following:

*The PTA identified a potential option within the Main Roads Freeway Reserve, south west of the station that could, if appropriate environmental approvals are granted, accommodate up to 170 car bays. On that basis, in September 2007, I announced a revision to the original plans.*

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<sup>35</sup> Letter from Mr Luke Simpkins, 30 September 2007, p1.

<sup>36</sup> *Ibid.*

<sup>37</sup> Letter from Hon Alannah MacTiernan, Minister for Planning and Infrastructure, 4 February 2008.

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*While on this occasion, it appears we will be able to reconcile micro and macro environmental objectives that will not always be possible.*<sup>38</sup>

- 4.38 **The Committee finalised this petition on 20 February 2008 because the matter was being addressed by the then State Government.**

**Petition No 68 – Multipurpose Taxis - People with Disabilities**

- 4.39 On 19 September 2007, Hon Ken Travers MLC tabled a petition in the Legislative Council [TP#3137] containing 84 signatures which was couched in the following terms:

*We the undersigned residents of Western Australia believe that Western Australians with disabilities who are forced to rely on the current Multi Purpose Taxi system for personal transport are being discriminated against. This discrimination includes large waiting time discrepancies and the failure to provide a service at all. We believe the inadequacy of the current Multi Purpose Taxi service can only be fully addressed by requiring all taxis in Western Australia to have the capacity to transport all people, including people who need to travel in their wheelchair.*

*Your petitioners therefore respectfully request the Legislative Council to conduct an Inquiry into the benefits of a universally accessible taxi fleet for people with disabilities and the broader Western Australian community.*<sup>39</sup>

- 4.40 The Committee received a submission from the principal petitioner<sup>40</sup> which began by providing a brief background of information on the issue. The submission stated that the majority of the petitioners clearly believe that Western Australians with a disability are discriminated against and treated as second class citizens. The main reason given for that belief (discrimination) is the long waiting times experienced by people with disabilities waiting for a Multi Purpose Taxi (MPT). The submission continued with the following information about waiting times:

*According to recent figures available in the 2006 Taxi Industry Service Standard Quarterly Report produced by the Department of Planning and Infrastructure (DPI), 7.7% of the booked conventional*

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<sup>38</sup> *Ibid*, p2.

<sup>39</sup> Hon Ken Travers MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 19 September 2007, p5244.

<sup>40</sup> Letter from Ms Kaye Regan and Mr Luke Garswood, Joint Executive Officers, People with Disabilities, 13 November 2007.

*taxi jobs occur outside 15 minutes from the time requested during peak hour traffic. In comparison 39% of bookings made by people with disabilities requesting a MPT must wait longer than 15 minutes to be picked up.*

*Outside peak hour response times change to a negligible 4.3% of people requesting conventional cabs waiting more than 15 minutes to be picked up, compared to 25% of people with disabilities waiting for an MPT in the same timeframe. In reality, the waiting period for a person with a disability requiring a MPT to meet their transportation needs generally equates to a 2-3 hours delay before the passenger is collected. This service is far inferior to that enjoyed by West Australians who do not live with a disability daily. (See <http://www.dpi.wa.gov.au/taxis/1558.asp>).*

*Large waiting time discrepancies exist between standard taxi waiting times (refer table 5 of the latest taxi service standards industry quarterly report [http://www.dpi.wa.gov.au/mediaFiles/taxis\\_MinRep\\_Q42006.pdf](http://www.dpi.wa.gov.au/mediaFiles/taxis_MinRep_Q42006.pdf)). This affects the individuals right to fully participate in the life of the community and inhibits work, recreation, medical and/or social activities and opportunities. A universally accessible taxi fleet would ensure all Western Australians have equal access to taxi services. People with disabilities have the right to be as independent as possible.*

*Even when an MPT is booked in advance, there is still a lengthy delay which can jeopardise personal safety and well-being and cause considerable stress. Long waiting times commonly mean 16.5% of people with disabilities wait longer than 45 minutes for their MPT in off peak times. In contrast only 0.7% non wheelchair users wait for a conventional taxi over the same period.*

*It is unjust that MPTs cannot be booked in advance for jobs from the airport and intolerable that people with disabilities regularly wait up to 4 hours and even longer, for a taxi to arrive.<sup>41</sup>*

- 4.41 The submission raised further issues and claimed that MPT drivers are more motivated to take groups of able-bodied passengers rather than a single passenger in a wheelchair, particularly on Friday and Saturday nights; drivers have been known to ignore people that have a guide dog with them and the submission also raised safety and welfare concerns with the following statement:

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<sup>41</sup> *Ibid*, pp1-2.

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*Major safety and welfare concerns exist for vulnerable passengers, especially women with disabilities. Waiting in isolated, unlit and unsafe areas for long periods occurs regularly. This is a duty of care issue as women in this position are targets for abuse and inappropriate behaviour.<sup>42</sup>*

4.42 The submission acknowledged that the DPI is aware of service difficulties and that there have been some initiatives introduced, to improve the service, but that there are also some problems with those introduced initiatives.

4.43 The Committee received a response from Hon Sheila McHale MLA, then Minister for Disability Services,<sup>43</sup> which began by stating that the Disability Services Commission supports the principal petitioner's request to conduct an inquiry into the benefits of a universally accessible taxi fleet for people with disabilities. The response continued with the following:

*In Western Australia one in five, or 20 per cent of the population, has a disability. The prevalence of disability increases with age; 50 per cent of people aged over 60 years have a disability. The Commission anticipates that the number of people with disabilities in Western Australia will rise by 48 per cent between 2001 and 2021.<sup>44</sup>*

4.44 The response from the then Minister for Disability Services stated that the Commission has received many complaints over many years, from Western Australians with disabilities, relating to the inequity and poor service provision for MPT users.

4.45 The response referred to the concept of universal access being widely used for many years to provide accessible public services and facilities for the whole community. The response from the then Minister for Disability Services outlined the following documents that have contributed to universal access:

- *Building Code of Australia;*
- *Australian Standard 1428 suite;*
- *Commonwealth Disability Discrimination Act 1992;*
- *Disability Standards for Accessible Public Transport; and*

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<sup>42</sup> *Ibid*, p2.

<sup>43</sup> Letter from Hon Sheila McHale MLA, Minister for Disability Services, 10 December 2007, pp1–3.

<sup>44</sup> *Ibid*, p2.

- *Western Australian Equal Opportunity Act 1984.*<sup>45</sup>

4.46 The Committee received a response from Hon Alannah MacTiernan MLA, then Minister for Planning and Infrastructure,<sup>46</sup> which began by acknowledging that the published waiting times for wheelchair taxis do not compare favourably with those for conventional taxis. The response, however, stated that the published statistics only recorded the taxis booked through the Taxi Dispatch Services and did not include the 60 per cent of wheelchair jobs organised between the customer and the taxi driver.

4.47 The response from the then Minister stated it was Government policy that MPT drivers must give priority to wheelchair passengers and that drivers cannot refuse a passenger with a guide dog. The response referred to the capacity for the DPI to issue fines for non-compliance, or in relation to persistent offenders, confiscate taxi plates. The response referred to the benefits and obstacles of a universal taxi fleet (UWT) with the following:

*Whilst it is true that the introduction of a Universal Wheelchair Taxi (UWT) into the conventional taxi fleet would eliminate the vast majority of the concerns raised in this petition, there are major obstacles to this happening in the short-term.*

*Firstly, DPI is not aware of any vehicle (other than the 'London' taxi cab) that is used as a UWT. I have recently approved a specially modified Toyota Tarago to be licensed and trialled as a Multi Purpose Taxi (MPT). This vehicle may be the closest thing to a UWT available in the foreseeable future — hence the trial.*

*The second obstacle is cost. This vehicle has undergone extensive modification, which brings its cost up to around that of a standard MPT. Imposing this vehicle on all taxi operators would add a significant expense to their business (approximately \$40,000 - \$50,000 per taxi) and adversely affect the cost of taxi services for all consumers. In my view, it is more efficient to have a dedicated MPT fleet of sufficient capacity.*

*Indeed, my very strong concern would be, this would greatly affect our capacity to get more general taxis into the system — and in fact reduce the service level for all.*

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<sup>45</sup> *Ibid*, p2.

<sup>46</sup> Letter from Hon Alannah MacTiernan MLA, Minister for Planning and Infrastructure, 28 December 2007, pp1–3.

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*Nevertheless, should the trial prove successful, limited numbers of this type of modified vehicle may well fill a niche role in support of the standard MPT fleet.<sup>47</sup>*

4.48 The then Minister for Planning and Infrastructure referred to the Government strategies of implementing a \$6 million programme to buyback the privately owned taxi plates and the “heavily discounted fee of \$100 per week” to help recruit new operators into the industry.<sup>48</sup>

4.49 The then Minister outlined a range of initiatives involving a capital outlay of \$8 million over four years which had been introduced in April 2007 and included:

- *Offering a capital grant of \$15,000 towards the cost of installing the special wheelchair hoist in new vehicles.*
- *Introducing a subsidy to cover the cost of repositioning taxi-meters to ensure that the meter can be viewed by people who travel in wheelchairs.*
- *Introducing a new lifting fee subsidy for every TUSS [Taxi Users Subsidy Scheme] wheelchair trip undertaken. This subsidy is now set at \$7.00 per trip for privately booked jobs and \$10.00 for jobs undertaken through the taxi companies.*
- *Offering an MPT Cadetship Scheme valued at \$1,500.00 to attract new people into the industry. The Cadetship Scheme has enabled over 30 new entrants to qualify as MPT drivers to alleviate driver shortages.*
- *Offering MPT leases at the favourable rate of \$100.00 per week (some \$150 less than that for a conventional taxi).*
- *A further incentive to lease an MPT plate is the provision of a 50 per cent discount on the first six months lease - a saving of \$1,300.00.*
- *Conducting an extensive advertising programme to encourage people from both inside and outside the industry to become an MPT driver and possibly go on to take up an MPT lease plate. From January 2004 to March 2007 DPI issued only 13 MPT lease plates. Since the new programme was introduced in April this year, DPI has issued 21 lease plates.*

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<sup>47</sup> *Ibid*, p2.

<sup>48</sup> *Ibid*, p2.

*Not all these vehicles are on the road yet as there have been some fit-out delays.*<sup>49</sup>

4.50 The then Minister for Planning and Infrastructure concluded with the following:

*Once these vehicles are operational the MPT fleet will be the largest it has ever been. Since fleet size has a substantial influence on service levels, the Government believes that growing the fleet is the correct strategy to foster an excellent wheelchair taxi service. At the same time, we will continue to introduce various improvements until an optimal service is achieved.*<sup>50</sup>

4.51 **The Committee finalised this petition on 20 February 2008 based on the then State Government's commitment to upgrade the MPT service.**

**Petition No 78 – State Government Proposal to Amend the Prostitution Act 2000**

4.52 On 27 November 2007, Hon Barry House MLC tabled a petition in the Legislative Council [TP#3546] containing 720 signatures which was couched in the following terms:

*To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We the undersigned residents of Western Australia are opposed to the Attorney General, Hon Jim McGinty MLA's proposal to decriminalise prostitution and legalise brothels in the state of Western Australia.*

*The WA Carpenter Government is about to legitimise, institutionalise and sponsor exploitation and the further expansion of sex as a commodity by introducing the WA Prostitution Amendment Bill.*

*If this bill is passed by the WA Parliament, then:*

*brothel owners, madams and pimps would be licensed by the Department of Racing, Gaming and Liquor;*

*a licence would authorise them to recruit teenagers (18 or over) to work as prostitutes;*

*local communities or Councils would not be permitted to prohibit brothels in their community.*

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<sup>49</sup> *Ibid*, p3.

<sup>50</sup> *Ibid*.

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*Your petitioners therefore respectfully request the Legislative Council to oppose the State Government's proposal to amend the Prostitution Act 2000.*<sup>51</sup>

- 4.53 The Committee received a submission from the principal petitioner<sup>52</sup> which clearly opposed the *Prostitution Amendment Bill 2007*. The submission raised the following points in opposition to the legislation:

*Prostitution is exploitation of women;*

*Legalised prostitution in other States has failed;*

*Decriminalising prostitution leads to a greater incidence of child prostitution;*

*Decriminalising prostitution leads to more involvement of organised crime, naturally increasing the exploitation of women in prostitution;*

*Decriminalising prostitution leads to an increased number of brothels, both licensed and unlicensed;*

*Decriminalising prostitution leads to an overall increase in the number of prostitutes; and*

*Decriminalising prostitution leads to increased use of illegal immigrants in sexual slavery.*<sup>53</sup>

- 4.54 The submission concluded by calling for an examination of the legislative model for prostitution in Sweden, which the principal petitioner maintained, is recognised internationally as world best practice.

- 4.55 **The Committee finalised this petition on 20 February 2008, because the Bill was being debated in the Legislative Council.**

#### **Petition No 79 – Human Reproductive Technology Amendment Bill 2007**

- 4.56 On 4 December 2007, Hon Helen Morton MLC tabled a petition in the Legislative Council [TP#3573] containing 12 signatures which was couched in the following terms:

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<sup>51</sup> Hon Barry House MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 27 November 2007, pp7715–7716.

<sup>52</sup> Letter from Mrs Amber Pasco, principal petitioner, 28 December 2007.

<sup>53</sup> *Ibid*, pp1–2.

*To the Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We the undersigned residents of Western Australia are opposed to the cloning of human embryos for the purpose of destructive research.*

*We note that the process called somatic cell nuclear transfer (SCNT) is a technique for cloning and, when carried out using human cells would, if successful, create a human embryo.*

*We submit that a careful consideration of all the scientific evidence indicates that adult stem cells are proving to be more useful than human embryonic stem cells and that cloning is therefore unnecessary.*

*In 2004 the UN General Assembly voted in favour of condemning human cloning. Australia supported that condemnation.*

*Your petitioners therefore respectfully request that the Legislative Council oppose the Human Reproductive Technology Amendment Bill 2007 as it would permit the cloning and destruction of human embryos.<sup>54</sup>*

- 4.57 The Committee received a submission from the tabling member which clearly opposed the proposed legislation.
- 4.58 The Committee noted that the Bill was referred to the Standing Committee on Uniform Legislation and Statutes Review, and that a report was tabled in the Legislative Council on 18 October 2007.<sup>55</sup>
- 4.59 **The Committee finalised this petition on 20 February 2008, because the Bill was being debated in the Legislative Council.**

#### **Petition No 82 – Smoking Ban at Graylands**

- 4.60 On 6 December 2007, Hon Helen Morton MLC tabled a petition in the Legislative Council [TP#3600] containing 44 signatures which was couched in the following terms:

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<sup>54</sup> Hon Helen Morton MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 4 December 2007, p8121.

<sup>55</sup> Western Australia, Legislative Council, Standing Committee on Uniform Legislation and Statutes Review, Report 23, *Human Reproductive Technology Amendment Bill*, 18 October 2007.

*To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled:*

*We the undersigned residents of Western Australia call on the Legislative Council to direct the Minister for Health to reconsider the implementation of the non-smoking policy at Graylands.*

*We note that the new policy allows no smoking anywhere at all at Graylands, including the courtyard, and that this policy is due to be implemented on 1 January 2008. This policy applies to all patients, staff, and visitors at Graylands, including patients who have been involuntarily committed.*

*We note that smoking has been proven to be harmful to one's health, and in no way do we condone or promote smoking. We also note, however, that smoking has been proven to be highly addictive.*

*We submit that a total ban on smoking for an involuntary patient who is addicted to cigarettes is very harsh, particularly at a difficult time in that person's life, placing additional, unnecessary stress on that person.*

*We note with some irony that a similar ban on smoking is NOT in place at Parliament House, where smoking is allowed in the courtyard.*

*Your petitioners therefore respectfully request that the Legislative Council direct the Minister to review this policy and delay its implementation until April 2008, or until such time as the courtyard at Parliament House is also smoke-free.<sup>56</sup>*

- 4.61 The Committee received a submission from Mrs Chris Warnick<sup>57</sup> which called for an immediate end to the smoking ban at Graylands Hospital. A reference was again made to the capacity for people to smoke in the courtyard at Parliament House. The submission continued with the following:

*Upon visiting the hospital, I am harassed a lot more by very desperate people, who cannot fully understand why this has happened. For someone who has been smoking for years, it is part of their self medication to cope with their illness. Those who are not in locked*

<sup>56</sup> Hon Helen Morton MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 6 December 2007, p8247.

<sup>57</sup> Letter from Mrs Chris Warnick, 15 January 2008.

*wards can smoke at times and with a good walk have access to shops that sell cigarettes.*

*The sad feature of the ban is those poor individuals, through no fault of their own, are in a locked ward. Some, who live in locked wards, it is just so hard and I feel really terrible when they quietly beg me for a smoke. I am afraid extra videos and outings do not make up for what they are truly craving. They have nowhere to turn, no one is listening and all they are being told is it is a Health Department directive. They are prisoners, who have committed no crime, except to get sick. These are real people we have forced to quit smoking, many who were high achievers, with high intelligence before they became ill.<sup>58</sup>*

- 4.62 The Committee received a response from Hon Jim McGinty MLA, then Minister for Health,<sup>59</sup> which began by stating the following:

*The Department of Health (DOH) remains committed to continued implementation of the Smokefree Western Australian Health System policy, which came into effect in all health services on 1 January 2008. As the State Government's health policy is to improve the health of all Western Australians, this policy will result in improved health outcomes for consumers, service providers and visitors of health facilities.*

*Statistics reveal that 19,000 Australians die each year from diseases directly related to smoking. A survey by the University of Western Australia (UWA) indicates that 43 per cent of people with a mental illness smoke, while the smoking rate in the wider community is 15 per cent. People with mental illnesses generally have poorer health and significantly reduced life spans than the general population. The UWA survey found that the death rate of people with a mental illness is two and a half times higher than the general population, with smoking the major contributing factor. Strategies that may reduce smoking or support mental health consumers to quit completely, will improve their general health and quality of life.<sup>60</sup>*

- 4.63 The then Minister for Health stated that the issues raised in the petition have been addressed on a number of occasions during the preparation phase for implementation of the smoke free policy in mental health services. The then Minister stated that the

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<sup>58</sup> *Ibid*, p1.

<sup>59</sup> Letter from Hon Jim McGinty MLA, 10 March 2008.

<sup>60</sup> *Ibid*.

issues raised had also been addressed through direct correspondence with the principal petitioner, Mrs Warnick.

- 4.64 **The Committee finalised this petition on 19 March 2008 because the then State Government had clearly made its decision on this issue.**

**Petition No 86 – Real Estate and Business Agents Amendment Bill 2007**

- 4.65 On 12 March 2008, Hon Ray Halligan MLC tabled a petition in the Legislative Council [TP#3756] containing 20 signatures which was couched in the following terms:

*To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We the undersigned residents of Western Australia strongly oppose the Real Estate and Business Agents Amendment Bill 2007. It will allow an unfair advantage to large banking organisations at the expense of small business. There would be no level playing field in business broking as the large financial organisations would not be required to adhere to the regulatory regime that applies to licensed business brokers.*

*The legislation also undermines and threatens consumer protection, as those people who might subsequently use an unlicensed broker would not be protected by the important consumer laws which rightfully apply to the business broking profession and its clients.*

*Your petitioners therefore respectfully request the Legislative Council to oppose this legislation.<sup>61</sup>*

- 4.66 **The Committee finalised this petition on 19 March 2008, because the Real Estate and Business Agents Amendment Bill 2007, will be debated in the Legislative Council upon receipt.**

**Petition No 22 – Utility Consumer Hardship**

- 4.67 On 15 November 2005, Hon Sally Talbot MLC tabled a petition in the Legislative Council [TP#1001] containing 180 signatures requesting the Legislative Council to examine and address utility consumer hardship by:

*1. Assessing the extent, nature, underlying causes and cost of utility hardship in Western Australia, including examining*

<sup>61</sup> Hon Ray Halligan MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 12 March 2008, p697.

*situations where consumers are disconnected or restricted on account of being genuinely unable to afford their utility bills.*

2. *Reviewing recent studies and relevant policies and practices both in Australia and overseas dealing with utility debt.*
3. *Assessing the impact on consumer hardship of the policies and practices of Western Australian Utilities, Government departments and agencies.*
4. *Recommending changes to the policies, programs, regulations and practices of Utilities, the Economic Regulation Authority, the Energy Ombudsman, and Government departments and agencies, to mitigate consumer utility hardship.*<sup>62</sup>

4.68 **The Committee finalised this petition on 2 April 2008 and tabled Report No 13 in the Legislative Council on 10 April 2008.**<sup>63</sup>

#### **Petition No 75 – Legislation to improve Cat Welfare**

4.69 On 20 November 2007, Hon Giz Watson MLC tabled a petition in the Legislative Council [TP#3509] containing 910 signatures which was couched in the following terms:

*To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We, the undersigned residents of Western Australia, support legislative changes to improve the welfare of all cats in Western Australia. We propose a solution, comprised of the following four components:*

- *Government subsidisation of Cat Haven's established and specialist ranger service, and for this service to have a legal status similar to that of other ranger services.*
- *Legislation specifically pertaining to cats that would require compulsory sterilization, micro chipping and registration of all domestic cats (excluding those kept by breeders) that*

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<sup>62</sup> Hon Sally Talbot MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 15 November 2005, p7195.

<sup>63</sup> Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 13, *A Petition on Consumer Utility Hardship in Western Australia*, 10 April 2008.

*would replace all existing local government regulation regarding cats.*

- *A working group comprised of interested parties be formed to formulate this Bill.*
- *Changes to the Animal Welfare Act 2002 that would give cats a legal status and clarify related issues, as has been standard for dogs for many years.*

*These elements would need to be used in combination to affect the level of change needed to bring about effective improvement to cat welfare outcomes in WA.*

*Your petitioners therefore respectfully request the Legislative Council to support the introduction of all of the above stated changes.<sup>64</sup>*

- 4.70 The Committee received a submission from the principal petitioner<sup>65</sup> which began by stating that there is a permanent cat welfare crisis in WA, due to an overpopulation of cats; ignorance and wilful neglect by a minority of cat owners; seriously deficient regulation regarding cats; and a lack of proper support for organisations dealing with the problem.
- 4.71 The submission provided information about some of the work that the Cat Welfare Society WA Inc. (Cat Haven) undertakes and stated that they operate with no government support of any kind.
- 4.72 The submission provided information about Cat Haven's ranger service and expanded on the need for legislation by stating that the Animal Welfare Act 2002 has not reduced or changed the nature of WA's cat welfare crisis.
- 4.73 The Committee received a response from Hon Ljiljanna Ravlich MLC, then Minister for Local Government,<sup>66</sup> which began with a reference to the approval of a small grant of up to \$10,000, on a dollar for dollar basis with the Cat Haven. The response stated that the Cat Haven has not yet indicated whether it intended to accept the offer or not.
- 4.74 The response from the then Minister for Local Government referred to State Government policy on cat legislation with the following:

<sup>64</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 20 November 2007, p7314.

<sup>65</sup> Letter from Ms Liddell Williams, Committee member of Cat Welfare Society, 26 December 2007.

<sup>66</sup> Letter from Hon Ljiljanna Ravlich MLC, Minister for Local Government, 11 January 2008.

*State Government policy on matters relating to cat legislation, including issues relating to compulsory sterilisation, microchipping and registration, is for local governments to adopt local laws for the control of cats that take into account local circumstances. This approach is facilitated by the Local Government Act 1995, which provides for local governments to make local laws for the good governance of people living in the district.*<sup>67</sup>

4.75 The response from the then Minister concluded by stating that all animals, including cats, are provided for under the *Animal Welfare Act 2002*.<sup>68</sup>

4.76 **The Committee finalised this petition on 2 April 2008 because the Committee formed the view that the petition had been taken as far as possible at the time.**

#### **Petition No 81 – Teacher Supply and Salaries and Allowances**

4.77 On 5 December 2007, Hon Matthew Benson-Lidholm MLC tabled a petition in the Legislative Council [TP#3589] containing 3387 signatures which was couched in the following terms:

*To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We the undersigned residents of Western Australia respectfully request that the Parliament of Western Australia give serious and due consideration to the current teacher shortage crisis in Western Australian public schools. Without the identification and implementation of attraction and retention measures for teacher and administrators the crisis will deepen.*

*Your petitioners therefore respectfully request that the Legislative Council support the necessary growth in the 2008 State Budget to allow for:*

- *Significant increases in salaries for teachers and administrators*
- *Substantial increases in allowances to meet the high costs of living in country and remote areas*
- *Career structures that reward teachers for remaining in classrooms*

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<sup>67</sup> *Ibid*, p1.

<sup>68</sup> Act No 33 of 2002.

- *The adequate supply of appropriate GROH [Government Regional Officers Housing] housing in country and remote areas.*<sup>69</sup>

- 4.78 The Committee received a submission from the principal petitioner<sup>70</sup> which raised four main issues affecting teachers in public schools. These were housing, salaries, career structures and allowances.
- 4.79 The Committee received a response from Hon Mark McGowan MLA, then Minister for Education, which focused primarily on the salary negotiations between the State Government and the State School Teachers Union of WA.<sup>71</sup>
- 4.80 **The Committee finalised this petition on 2 April 2008 because the issues raised in the petition were essentially an industrial relations matter, which were being considered as part of ongoing negotiations in that process.**

#### **Petition No 88 – Prostitution Amendment Bill 2007 - Oppose**

- 4.81 On 19 March 2008, Hon Helen Morton MLC tabled a petition in the Legislative Council [TP#3792] containing 283 signatures which was couched in the following terms

*To the Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We the undersigned Electors of the City of Belmont request that the Legislative Council votes against the Prostitution Amendment Bill 2007 because it will expand the brothel industry and be harmful for families and increase the abuse and trafficking of women in the City of Belmont.*<sup>72</sup>

- 4.82 **The Committee finalised this petition on 7 May 2008, because the Prostitution Amendment Bill had passed through the Legislative Council on 1 April 2008, and received assent on 14 April 2008.**<sup>73</sup>

<sup>69</sup> Hon Matthew Benson-Lidholm MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 5 December 2007, p8182.

<sup>70</sup> Letter from Ms Anne Gisborne, President, State School Teachers Union of Western Australia Inc 10 January 2008.

<sup>71</sup> Letter from Hon Mark McGowan MLA, Minister for Education and Training, 17 March 2008.

<sup>72</sup> Hon Helen Morton MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 19 March 2008, p1143.

<sup>73</sup> *Government Gazette*, No 60, Perth, 18 April 2008, p1492.

**Petition No 73 – Allenswood and East Greenwood Primary Schools Proposed Amalgamation**

- 4.83 On 20 November 2007, Hon Ray Halligan MLC tabled a petition in the Legislative Council [TP#3507] containing 95 signatures which was couched in the following terms:

*To the Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We, the undersigned residents of Western Australia, recognising the State's role in promoting the welfare, health and safety of our children, respectfully ask the Legislative Council to call on the government to:*

- 1. Realise the full potential of the Allenswood Primary School site for the future by retaining the total area.*
- 2. Rebuild the new proposed school on the original Allenswood Primary School site footprint.*
- 3. Retain the existing school oval. (This would give security for the primary school children and have on hand facilities for physical programs to overcome obesity problems being experienced by children today.)*
- 4. Ensure no new road is constructed through the school site. (This is detrimental to the children's safety and general amenity of the residents.)*
- 5. Protect flora and fauna surrounding the Allenswood School, by retaining the existing site's bush land.*
- 6. Prevent the East Greenwood School site being sold for housing and ensure community consultation as to the ultimate use of this site.<sup>74</sup>*

- 4.84 The Committee received a submission from the principal petitioner<sup>75</sup> which began by stating that the petitioners want the full potential of Allenswood Primary School to be realised for the future by retaining the total area because:

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<sup>74</sup> Hon Ray Halligan MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 20 November 2007, p7313.

<sup>75</sup> Letter from Mr Edmund Burton, President, Kingsley and Greenwood Residents' Association, 11 December 2007.

- *The changing demographics have not been taken into consideration bearing in mind that there are things in place such as the baby bonus, 60% infill policy and also there is currently 1,000+ women of child bearing age residing in the Greenwood catchment area.*
- *Reduction of current Allenswood School site will be detrimental to current and future generations and inhibit future expansion when demographics change.*
- *To achieve the full potential we must have the proposed new school built on the current Allenswood Primary School site as this will result in reduced building costs, retention of the school oval and current bushland being retained. With careful planning, future expansion of the school can be enhanced.*
- *We don't want demountable classrooms appearing on the new school site immediately after completion due to lack of foresight by the Government.<sup>76</sup>*

4.85 The submission expressed concerns with the proposed shared use arrangement for the public reserve by highlighting the lack of security for children who could encounter 'stranger danger', syringes and dogs. The submission also stated that obesity is a major problem and that recreational areas must be available at all recesses and after school to maximise children's activities.

4.86 The submission highlighted the importance of retaining bushland to help reverse climate change and for the pleasant amenity of the suburb. The submission continued with the following:

*Trees which were planted in memory of loved ones by the original parents when the school first opened must be saved. The parents who purchased and planted these trees view this site as a 'sacred site'. Also Tuarts are our national treasures, which as everyone is aware are declining too quickly on our coastal plain.<sup>77</sup>*

4.87 The submission concluded with reference to the lack of consultation and the desire for the petitioners to put a community view to and through the committee.

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<sup>76</sup> *Ibid*, p1.

<sup>77</sup> *Ibid*, p2.

4.88 The Committee received a response from Hon Mark McGowan MLA, then Minister for Education,<sup>78</sup> which began by stating that the proposed site for the new Greenwood Primary School will accommodate future growth if required and the school will be built to current Department of Education and Training standards.

4.89 On the issues of land use and physical activity the then Minister stated the following:

*With regard to the retention of the school oval, a significant area of 2679 sq metres will be provided within the school boundary for physical activity. Junior and senior playing areas, complete with associated equipment will also be provided. In addition, the covered assembly area and two hard courts on site will provide further facilities for physical activity. The new school abuts the 11.4 ha Penistone Reserve and provides an opportunity for a shared use arrangement with the City of Joondalup. Since 1990 it has been Government policy to optimise joint development opportunities between Government and Local Authorities as part of the Better Government Agreement. It is proposed that the school will have use of 1 ha of the reserve during school hours.<sup>79</sup>*

4.90 The then Minister for Education maintained that there is no requirement for a road through the site for the proposed new school development and then continued:

*With regard to any future development on the Allenswood site, the new owner/developer of any surplus land may propose additional roads when making application for rezoning to the Western Australian Planning Commission.<sup>80</sup>*

4.91 The then Minister stated that it is necessary to fund the new school from the sale of the East Greenwood Primary School site. The plan for the new school proposes to retain the majority of native bushland.

4.92 The then Minister for Education provided the following rationale for the school amalgamation.

- *Both primary schools have had declining numbers from 1986 to 2007.*
- *The schools are in close proximity to each other.*

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<sup>78</sup> Letter from Hon Mark McGowan MLA, Minister for Education, 14 December 2007.

<sup>79</sup> *Ibid*, p1.

<sup>80</sup> *Ibid*.

- *The new school will have greater access to resources and an increased ability to deliver a broader curriculum to students.*
- *The public primary student per house ratio in the locality of Greenwood has declined from 1996 to 2001, and is expected to decline further in future years.*
- *Western Australian Planning Commission population projections for the City of Joondalup from 2006 to 2021 have indicated the number of children of primary school age in the City will decline over this period.<sup>81</sup>*

4.93 In response to the Committee's request for the number of children presently involved in the two schools the then Minister stated the following:

*Current Kindergarten to year 7 enrolments at Allenswood Primary School are 192 and 96 at East Greenwood Primary School. It is anticipated the new Greenwood Primary School will commence with 270 students.<sup>82</sup>*

4.94 The Committee received another response from Hon Mark McGowan MLA, then Minister for Education. The response was in relation to the Committee's additional queries about land use, public open space and the proposed shared use of Penistone Reserve. The then Minister stated the following:

*I am pleased to advise that Alan Carpenter MLA, Premier of Western Australia, recently announced that no land at the Allenswood Primary School site will be sold. The portion of land not required for the new school will be retained as open space and as a consequence, the size of the existing site will not change.*

*However, the Department of Education and Training remains in discussions with the City of Joondalup regarding the proposed shared use of Penistone Reserve, and it is understood the issue will be determined at the Council's March meeting.*

*An audit of existing mature trees on the site is being undertaken. The project architect for the new school is currently working with landscape and civil works consultants to ensure the maximum number of trees are retained. These consultants will also be requested to investigate the extent of remediation required to the surplus land.*

<sup>81</sup> *Ibid*, p2.

<sup>82</sup> *Ibid*.

*Documentation of the new school was put on hold pending the decision regarding the planning options for the site. While the architect and consultants have now been advised to proceed with the project, detailed plans are not available at this stage.*<sup>83</sup>

- 4.95 **The Committee finalised this petition on 9 April 2008 because of the then State Government's commitment to retaining all of the land on the Allenswood Primary School site.**

**Petition No 90 – Assaults Against Public Officers - Mandatory Imprisonment**

- 4.96 On 3 April 2008, Hon Donna Faragher MLC tabled a petition in the Legislative Council [TP#3863] containing 4709 signatures which was couched in the following terms:

*To the Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We the undersigned residents of Western Australia support the introduction of mandatory gaol terms on people who use violence against public officers such as police officers, nursing staff and teachers.*

*Your petitioners therefore respectfully request the Legislative Council to recommend that the Government introduce such legislation into the Parliament.*<sup>84</sup>

- 4.97 **The Committee finalised this petition on 9 April 2008, because the matters raised in the petition were under consideration in the Parliament, with the introduction of the Acts Amendment (Assaults on Police Officers) Bill 2008.**

**Petition No 69 – Development of Foreshore Land in Busselton**

- 4.98 On 19 September 2007, Hon Giz Watson MLC tabled a petition in the Legislative Council [TP#3139] containing 9 signatures which was couched in the following terms:

*We the undersigned residents of Western Australia are opposed to the State Government's proposed development of foreshore land in Busselton for the following reasons:*

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<sup>83</sup> Letter from Hon Mark McGowan MLA, Minister for Education and Training, 2 April 2008, p1.

<sup>84</sup> Hon Donna Faragher MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 3 April 2008, p1742.

*Busselton Shire Council is being asked to sign a document by the State Government that has the potential to cause significant financial damage to the ratepayers of the Busselton Shire. The Council has been asked by the State Government to cover any shortfall in funding, and this has the potential to be many more millions than is expected.*

*Some of the proposed buildings will fall outside the stated setback guidelines of the State Government's own Coastal Planning Policy, this puts them within an erosion risk zone. This is acknowledged in Worley Parsons report presented by the State Government to the Busselton Shire Council.*

*The removal of, or disturbance to, mature habitat of the Western Ringtail Possum*

*The translocation of a large number of the possums, which are an endangered species. Translocation has yet to be proven to be a viable option.*

*This development will lead to the loss of significant tracts of public open space for local residents and tourists alike.*

*"Healthy Parks, Healthy People" is a DEC document stating how important public open space is to the social and economic health of the community. To develop this public open space for housing contradicts this document.*

*Your petitioners therefore respectfully request the Legislative Council to recommend that the Environment and Public Affairs Committee investigate the State Government's redevelopment proposal for Busselton.<sup>85</sup>*

- 4.99 The Committee received a submission from the principal petitioner Ms Jackie Emery which began with the following:

*The original estimate for the Busselton jetty rebuild was \$18million. The original funding sought for this State tourism icon was \$6million from the Busselton Shire, (the ratepayers), \$6million from the State Government, and \$6million from the Federal Government. The latest rebuild estimate is \$24million, this was not known at the time of submitting the petition.<sup>86</sup>*

<sup>85</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 19 September 2007, p5243.

<sup>86</sup> Submission from Ms Jackie Emery, 17 October 2007, p1.

- 4.100 The submission provided some extracts from the Busselton Shire Council agenda for 26 September 2007, which included the following statement:

*The final amount required for the rebuild would not be known until the project has been tendered and, in reality, the project was completed and the new asset handed over.*<sup>87</sup>

- 4.101 The submission expressed concerns about the potential financial burden to the ratepayers, which they claim could amount to millions. The submission referred to one of the State Government's conditions for funding the jetty rebuild stating it was point number 14 on the Shire agenda:

*The Shire accepts responsibility for any funding gaps in the Jetty refurbishment, including any shortfall that may result from a lack of Commonwealth commitment to the project. (Note: This will require the State Government to reassess the risk and viability of the project).*<sup>88</sup>

- 4.102 The submission raised additional matters including coastal erosion; the removal of trees; the presence of the Western Ringtail Possum in the area; public open space; and A class reserves.

- 4.103 The Committee received a response from Hon Alannah MacTiernan MLA, then Minister for Planning and Infrastructure,<sup>89</sup> which began by stating that Cabinet approved a submission for funding to refurbish the Busselton Jetty. The response stated that Cabinet's allocation of \$6 million was based on several conditions imposed on the Shire of Busselton which included the requirements for the Shire to:

*relinquish control over the land earmarked for development and initiate and finalise the rezoning in a timely manner;*

*be responsible for negotiations with affected groups;*

*sign a project agreement with the State;*

*acknowledge its ongoing responsibility under the 1988 jetty licence agreement;*

*endorse a jetty maintenance plan to the satisfaction of the Working Group;*

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<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> Letter from Hon Alannah MacTiernan MLA, Minister for Planning and Infrastructure, 19 December 2007, p1.

*agree to dedicate the ground lease income; four new sites and two existing worth approximately \$400,000 per annum (reviewed periodically) to jetty maintenance in perpetuity;*

*commit \$6 million to the refurbishment; and*

*secure \$6 million from the Commonwealth Government for the jetty refurbishment.<sup>90</sup>*

- 4.104 The response from the then Minister for Planning and Infrastructure stated that the newly elected Busselton Council passed a motion to reject the State's offer of \$6 million on 26 October 2007. The response continued:

*Consequently, the Council rejected the land development proposals initiated to revitalise the foreshore and secure the income needed for the Jetty's maintenance in perpetuity.<sup>91</sup>*

- 4.105 The then Minister stated that on 7 November 2007 the Federal Government committed \$6 million to the Busselton Jetty if re-elected. The response addressed the issues raised in the petition and the Committee noted the following comment from the then Minister for Planning and Infrastructure:

*There was no potential funding shortfall.*

*The Busselton Jetty Working Group commissioned business models to ensure the long-term sustainability of the Jetty by considering the fifty-year annual maintenance plan and the development of a tourism business plan.*

*It was decided that four State owned freehold sites on the foreshore worth approximately \$5 million would not be sold and the lots were to be vested with the Shire. The annual ground lease income (currently worth \$450,000 per annum) was to be dedicated in perpetuity to the Jetty's maintenance fund. These measures were designed to ensure that the residents of Busselton would not be burdened with the problem of saving the Jetty again.<sup>92</sup>*

- 4.106 The Committee received a response from Hon David Templeman MLA, then Minister for the Environment which stated that:

<sup>90</sup> *Ibid*, pp1–2.

<sup>91</sup> *Ibid*.

<sup>92</sup> *Ibid*, pp3–4.

*Within the Environment portfolio there are requirements relating to the Wildlife Conservation Act 1950 and the Environmental Protection Act 1986 that will have to be given further consideration by the project developer and be met before this project could proceed.*<sup>93</sup>

4.107 The then Minister for the Environment stated that the requirements of the *Wildlife Conservation Act 1950* mainly relate to the potential impacts of proposed development on the Western Ringtail possum (*Pseudocheirus occidentalis*) and, in particular, the need to retain important areas of mature peppermint trees (*Agonis flexuosa*) as habitat for the possums.

4.108 The then Minister continued:

*In relation to the Environmental Protection Act, the current zoning for the foreshore area does not permit the proposed type of development and an amendment to the Shire of Busselton Town Planning Scheme would be necessary. All scheme amendments are required to be referred to the Environmental Protection Authority (EPA) for a decision as to whether there are significant environmental impacts warranting assessment. This has yet to occur. The Chairman of the EPA will give careful consideration to the environmental issues raised by the amendment and the management proposed. DEC will also provide advice on the amendment to inform this decision.*<sup>94</sup>

4.109 The then Minister for the Environment concluded by stated that the significance of the environmental impacts will be judged in terms of satisfying the requirements of the *Wildlife Conservation Act 1950*<sup>95</sup> and the *Environmental Protection Act 1986*<sup>96</sup> once a development proposal is finalised.

4.110 The Committee wrote to the Shire of Busselton for comment on the terms of the petition and the submission and related matters on 25 October 2007 but did not receive a response.

4.111 The Committee received a response from Hon Alannah MacTiernan MLA, then Minister for Planning and Infrastructure to its request for an update on her previous response.<sup>97</sup> The then Minister stated the following:

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<sup>93</sup> Letter from Hon David Templeman MLA, Minister for the Environment, 11 February 2008, p2.

<sup>94</sup> *Ibid.*

<sup>95</sup> Act No 77 of 1950.

<sup>96</sup> Act No 87 of 1986.

<sup>97</sup> Letter from Hon Alannah MacTiernan MLA, Minister for Planning and Infrastructure, 12 May 2008.

*I can confirm the Shire of Busselton has conditionally accepted the State Government's offer and agreements between the State and the Shire covering the proposed foreshore redevelopment and a new jetty licence are currently being progressed.*

*Officers from the Department for Planning and Infrastructure and the Shire are currently working on the agreements which will include final funding arrangements relating to initial jetty refurbishment works and ongoing maintenance. The Shire is seeking to incorporate a range of items into the project agreement. These include requirements which would result in the relocation of affected parties from land required for development and the re-instatement of facilities under a 'like for like principle'.<sup>98</sup>*

- 4.112 The then Minister for Planning and Infrastructure stated that the Shire publicly announced that they have been advised by the Commonwealth Government that the Commonwealth will not be providing any funding to the jetty refurbishment.
- 4.113 **The Committee (by a majority comprising Hons Sheila Mills, Bruce Donaldson, Kate Doust and Robyn McSweeney MLCs), finalised this petition on 14 May 2008, because the Shire of Busselton had conditionally accepted an agreement with the State Government for the foreshore redevelopment and the new jetty licence.**
- 4.114 Hon Paul Llewellyn MLC dissented from the decision to finalise the petition for a number of reasons including:
- a) The public interest and environmental matters raised by the petitioners had not been adequately addressed in this report.
  - b) The Committee decided to travel to Busselton to hear from stakeholders but the Busselton Shire cancelled appointments, and according to Hon Paul Llewellyn, failed to cooperate with the Committee. Hon Paul Llewellyn is of the view that by refusing to meet in a timely way the Busselton Shire not only frustrated the efforts of the Committee to meet with them on the foreshore development, but the Shire also failed to respond to the Committee's request for comment on the petition and other related queries.
  - c) The Busselton Shire's response to the Committee remains outstanding after several months and several reminders.
  - d) Cross-funding the Busselton jetty with proceeds of the foreshore development, is not widely supported by the Busselton community who want

<sup>98</sup> *Ibid.*

to see the two decisions uncoupled. Submissions suggest that the jetty has a stand-alone business case, and the foreshore refurbishment is self-funding. The Committee report does not address these matters.

- e) The Committee was aware that Commonwealth Government funding for the project has fallen through, leaving the Busselton Shire at a greater disadvantage in its negotiations with the State Government and LandCorp. The financial arrangements were one of the primary risk factors identified by petitioners.
- f) The Committee's decision to finalise the petition on the strength of a letter from the then Minister for Planning and Infrastructure, dated 12 May 2008, referring to 'conditional' acceptance of the State Government's offer by the Busselton Shire is premature.
- g) The Committees report does not, according to Hon Paul Llewellyn, adequately address the other key elements of the petition including, breaches of setback guidelines in State Government Planning Policy, the impact on the Western Ringtail Possum, and the loss of public open space.

#### **Petition No 72 – Siting of a New Busselton Hospital**

4.115 On 24 October 2007, Hon Robyn McSweeney MLC tabled a petition in the Legislative Council [TP#3434] containing 342 signatures which was couched in the following terms:

*To the President and Members of the Legislative Council of the Parliament of Western Australia*

*We the undersigned residents of Western Australia request that the Legislative Council review the Departmental and Government processes used in determining the site for the proposed new Busselton Hospital.*

*Your petitioners, therefore, respectfully request that the Legislative Council:*

- 1. Consider the community actions in support of development on the existing site.*
- 2. Consider the findings and recommendations of the independent reports commissioned by the Department of Health with regard to the Busselton Hospital.*

3. *In consideration of the above determine the rationale behind the decision to relocate the proposed new Hospital from its present site.*
4. *Take whatever actions are within the power of the Members to reverse the decision made should this be their finding.*<sup>99</sup>

4.116 The Committee received a submission from the principal petitioner,<sup>100</sup> which began by stating that there is a need to ensure that adequate and proper consideration has been given to Busselton ratepayers' concerns, and government independent reports in the site selection of the proposed new Busselton Hospital. The submission continued:

*... there is a deep felt concern that a review of the Minister's decision to relocate to Vasse Newtown is necessary as it is in no doubt that the decision is based on poorly researched advice from his Department.*<sup>101</sup>

4.117 The submission provided information about the 70 per cent community support for the new hospital to be built on the existing site; made reference to its proximity to the main population centres; and outlined the services presently available from the existing hospital site.

4.118 The submission stated that the community is most concerned that the hospice at the existing site will be made redundant. It stated that the hospice was built by public subscription and is staffed mainly by volunteers who live in the vicinity. The submission referred to the consultant's reports with the following:

*All consultant reports commissioned by the Department of Health (DOH) ranked the current Busselton hospital site higher than the proposal at Vasse. These reports appear to have been ignored by the DOH in formulating their recommendation to the Minister. Vasse only had a slight advantage if it is co-located with another private hospital. No private hospital has shown an interest in co-location. Aged persons facilities, which have indicated a willingness to establish in the area, are not compatible with hospitals for shared facilities.*<sup>102</sup>

<sup>99</sup> Hon Robyn McSweeney MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 24 October 2007, p6637.

<sup>100</sup> Submission from Mr Keith Rose, President, Busselton Hospital Community Committee, 28 November 2007.

<sup>101</sup> *Ibid*, p1.

<sup>102</sup> *Ibid*, p2.

- 4.119 The submission claimed that the existing site is more cost effective and has no appreciable development problems. It then stated that the Vasse site has been identified as requiring extensive works to ensure 1:100 year flood protection.
- 4.120 The submission concluded by reiterating the call for a review of the decision and claimed that the explanations and recommendation given to the then Minister for Health for approval were fundamentally flawed.
- 4.121 The Committee received a submission from the tabling Member, Hon Robyn McSweeney MLC,<sup>103</sup> which began by stating that there has been much controversy over the Government's proposal to build a new hospital in Vasse on a new site instead of on the site that the Busselton hospital is currently situated. The submission continued with the following:

*A referendum has been held and 70% of residents want the current site retained. Three public meetings have been held and each was well attended. A petition was presented to the local council that had 5,000 signatures.*

*The Busselton Shire Council has now written to the Premier outlining their concerns about the proposal to locate the hospital to Vasse.*<sup>104</sup>

- 4.122 The Committee received a response from Hon Jim McGinty MLA, then Minister for Health,<sup>105</sup> which began by stating that in October 2005, he announced that \$65 million would be provided to replace Busselton Hospital.
- 4.123 The then Minister's letter outlined the main events which were the public consultation process undertaken by Estill and Associates; the detailed technical assessment by independent consultant Sinclair Knight Merz and the financial analysis undertaken by PriceWaterhouseCoopers.
- 4.124 The then Minister for Health stated that the following was included in the public consultation process undertaken by Estill and Associates from December 2005 to April 2006:

*1. A desktop study involving a review of all documentation referring to or discussing the new Busselton Hospital development;*

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<sup>103</sup> Letter from Hon Robyn McSweeney MLC, 11 December 2007.

<sup>104</sup> *Ibid*, p2.

<sup>105</sup> Letter from Hon Jim McGinty MLA, Minister for Health, 18 January 2008.

2. *A series of public consultations and focus groups to inform the community and key stakeholders of the proposed new hospital; and*
3. *Analysis of public submissions - 978 were received with 656 being in favour of retaining the new hospital on the current site.*<sup>106</sup>

4.125 The response from the then Minister for Health continued:

*The primary consultation finding was the need to achieve the best health outcome for the community. Community members were willing to make several trade-offs including travelling extra distance and losing the beachside location in order to obtain a facility that is new, improved and offers a larger range of services.*

*The proposed facility and site selection needed to demonstrate:*

*an improved facility with additional services;*

*a health care model that is based on best practice and has a demonstrated rationale;*

*a regionally compatible and complementary facility; and*

*positive site characteristics including accessibility, centrality, local and environment.*<sup>107</sup>

4.126 The response from the then Minister for Health listed the criteria that the technical assessment and financial analysis were assessed against and then stated the following:

*The potential for private sector involvement was a critical factor in determining how much public sector investment will be necessary to provide the required services to the local community.*

*A proposal was received from a private operator (St Ives Group) with an Australian Government approved licence to provide 95 residential aged care beds in the Busselton area. St Ives indicated that the only acceptable site for this service is at Vasse Newtown desirably co-located with the public hospital.*<sup>108</sup>

<sup>106</sup> *Ibid*, p1.

<sup>107</sup> *Ibid*, pp1–2.

<sup>108</sup> *Ibid*, p3.

4.127 The then Minister for Health stated, that in September 2006, following the release of the assessment process reports, he announced that the then State Government would build the new public hospital in Vasse Newtown.

4.128 The response from the then Minister for Health provided the following information about the referendum held on 28 June 2007:

*Given the level of community interest in the siting for the new hospital, the Busselton Shire decided to engage the services of the Australian Electoral Commission to conduct a Referendum on the preferred site. Every eligible voting member of the community received a postal voting form with voting closing on the 28 June 2007.*

*60 per cent of eligible voters took part in the Referendum with the outcome being:*

- *70 per cent (7798) voted to retain the current hospital site.*
- *30 per cent (3342) voted for the proposed Vasse Newton site.*

4.129 The then Minister for Health continued:

*When giving consideration to the total eligible voter population of 18,566 persons the outcome of the referendum is as follows:*

- *42 per cent of the voting population voted to retain the current hospital site.*
- *18 per cent of the voting population voted for the proposed Vasse Newtown site*
- *40 per cent did not respond.*<sup>109</sup>

4.130 The then Minister for Health concluded with the following:

*While I acknowledge the outcome of the referendum, the process failed to identify any additional information that would convince me to reconsider the original decision, which was based on the extensive consultation and technical and financial evaluation of site options.*<sup>110</sup>

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<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*

4.131 The Committee received a response from Mr Andrew Macnish, Chief Executive Officer of the Shire of Busselton<sup>111</sup> which began with the following comments on the terms of the petition:

1. *Community Action – Attached are minutes of a Special Meeting of Electors held on 26 November 2006 in regard to the proposed location of the New Busselton Hospital as well as Council Resolutions pursuant to community meeting outcomes.*
2. *Independent Reports commissioned by the Department of Health – As the Department of Health did not forward a copy of these to the Shire of Busselton, it is assumed that the Department will provide you with the Reports that were commissioned.*
3. *It is noted that this item is slightly misleading in that there is no proposal to relocate the new hospital (from the existing site) only to locate the proposed new hospital at a particular site (chosen on its merit at Vasse).*
4. *The Shire understands the Minister for Health has made a decision based on a process and information commissioned by the Department of Health, and has subsequently satisfied himself of the correctness of that decision given local questioning.<sup>112</sup>*

4.132 Mr Macnish provided comment on a range of issues that were raised in the principal petitioner's submission including that some 57 per cent of eligible voters did not indicate support for the current site in the June 2007 referendum. Mr Macnish concluded with the following:

*In summary, I for one am very excited to think the sub-region will gain a new hospital (which as indicated would be nestled in a low impact, well buffered health precinct with synergistically located related facilities). My view is that those in the community who continue to not accept the Hon Minister's decision should present hard factual new data themselves (as the Hon Minister has indicated) rather than ask the Legislative Council to utilise valuable public*

<sup>111</sup> Letter from Mr Andrew Macnish, Chief Executive Officer, Shire of Busselton, 13 March 2008.

<sup>112</sup> *Ibid.*, p1.

*funds on a review/fishing exercise and risk the delay of a new hospital.*<sup>113</sup>

4.133 **The Committee (by a majority comprising Hons Sheila Mills, Bruce Donaldson, and Kate Doust MLCs), finalised this petition on 14 May 2008, because the then State Government had clearly made its decision on this issue.**

4.134 Hons Paul Llewellyn and Robyn Mc Sweeney MLCs dissented from the decision to finalise the petition.

4.135 The Committee received a letter from Cr Tom Tuffin on 30 May 2008, which stated that:

*The letter from Mr Macnish certainly does not reflect the view of the Council which on 28<sup>th</sup> November 2007 passed a resolution CO711/310 stating that its preferred site for a hospital was the Busselton (current) site.*<sup>114</sup>

4.136 Cr Tuffin referred to the Referendum and the 70 per cent community support for the current site. Cr Tuffin then stated:

*While Mr Macnish's statement is correct when he says in the letter to you that some 57 per cent of the local community with eligibility to vote did not indicate support for the current site. However, using precisely the same reasoning it is also true to say that some 82 per cent of the same community did not indicate support for the Vasse site.*<sup>115</sup>

4.137 Cr Tuffin provided a copy of a letter that was sent to the principal petitioner by Hon Alannah McTiernan MLA, then Minister for Planning and Infrastructure, which referred to information about the planning process for the Vasse site.

4.138 The Committee received a related petition No 96 – Busselton Hospital Site Recommendation in June 2008, but that petition lapsed upon prorogation of the Parliament on 7 August 2008.

#### **Petition No 94 – Shenton Park Bushland - University of Western Australia Proposal**

4.139 On 27 May 2008, Hon Giz Watson MLC tabled a petition in the Legislative Council [TP#4004] containing 6832 signatures which was couched in the following terms:

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<sup>113</sup> *Ibid*, p4.

<sup>114</sup> Letter from Cr Tom Tuffin, Shire of Busselton Councillor, 30 May 2008, p1.

<sup>115</sup> *Ibid*.

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*To the President and Members of the Legislative Council of the Parliament of Western Australia assembled.*

*We the undersigned residents of Western Australia are totally opposed to the proposal by the University of Western Australia to subdivide and destroy 22 hectares of bushland in Underwood Avenue Shenton Park.*

*Your petitioners therefore, humbly pray that the Legislative Council will consider the health and welfare of present and future residents of Western Australia and social, economic and environmental impacts to be of more importance than the short-term profits to be made from the destruction of this bushland. And your petitioners as in duty bound, will ever pray.*<sup>116</sup>

- 4.140 **The Committee finalised this petition on 4 June 2008 because Underwood Avenue bushland is owned and managed by the University of Western Australia and the Committee previously considered this matter as part of petition No 19 (see: Report No 5 ‘Overview of Petitions’, which was tabled on 24 August 2006).**<sup>117</sup>

#### **Petition No 71 – Regarding Alcoa’s Compensation Arrangements**

- 4.141 On 23 October 2007, Hon Giz Watson MLC tabled a petition in the Legislative Council [TP#3421] containing 20 signatures which was couched in the following terms:

*To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We the undersigned residents of Western Australia call for the State Government to inquire into the fairness and just terms of Alcoa’s compensation arrangements, including the Supplementary Property Purchase Program (SPPP) with particular reference to the financial impacts and hardship experienced by the affected landholders.*<sup>118</sup>

- 4.142 The Committee had previously received a similar but non-conforming petition, which was finalised on 24 October 2007.

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<sup>116</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 27 May 2008, p3235.

<sup>117</sup> Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 5, *Overview of Petitions*, 24 August 2006, pp19–23.

<sup>118</sup> Hon Giz Watson MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 23 October 2007, p6495.

4.143 The Committee received a submission from the principal petitioner<sup>119</sup> that began by referring to then Premier Carpenter's ministerial statement which summarised the six point package developed to address environmental, economic and social concerns in the Yarloop area in relation to the Wagerup expansion.

4.144 The submission highlighted the second point of Mr Carpenter's statement which was:

*expanded and enhanced land purchase and relocation programs to be funded by Alcoa.*

4.145 The submission claimed that there had been no enhancement of land purchase and relocation programs as promised by Mr Carpenter.

4.146 The submission stated in the following ten points that the scheme has deteriorated in the following ways:

- *Alcoa's proposal in 2002 for the A area covered the operating life of the refinery, offering unaffected value plus 35%, with two valuations paid for by Alcoa, and relocation costs.*
- *Area B was offered unaffected value until 31-12-11, with two valuations as in Area A. After that date, as long as the refinery is in operation, Alcoa will purchase the property after it has first been unsuccessfully marketed for six months.*
- *Businesses in Areas A and B are dealt with on a case by case basis.*
- *The SPPP program of 2006 gave residents 7 months to register, 3 months to accept the offer, and 4 months to settle. They were offered determined value, with one valuation paid for by Alcoa. Businesses were not included, though we possess a legal document that states businesses in the area are suffering economically. Farms were included in this scheme but do not receive compensation for the business aspect of their farm. There is supposed to be an equalisation payment made on top of the value of the farm, however Alcoa will only offer 20% as opposed to Mr Cowan's recommended payment of 50% on top of base value. Consequently, at least two farmers have already lost out on finding a suitable farm because negotiations with Alcoa broke down.*

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<sup>119</sup> Letter from Mr Vincenzo A Puccio, 5 December 2007.

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- *There was a much greater interest in farm sales than Alcoa or the government had anticipated, putting pressure on the value of surrounding farmland.*
  - *The latest program is a ‘take it or leave it’ scheme. Residents feel bullied by Alcoa into accepting low valuations, fearing the negative effect on the future value of their property if it is proven to be contaminated. (Refer to clause in a valuation which states: we are aware the Cookernup township is currently the subject of possible contamination from the nearby Alcoa Alumina Refinery. Contamination of the Cookernup township and the subject property has not yet been proven, with this valuation assuming the property to be unaffected by any forms of contamination. Should further investigation reveal this not to be the case the matter should be referred back to us and we reserve the right to review this valuation.*
  - *Residents feel bullied by the time restrictions placed on acceptance of this scheme, which does not allow sufficient time to find another affordable home or find funds to cover the costs of relocation, taxes and stamp duty. Many of these people are in ill-health; this pressure to quickly uproot their lives is unacceptable.*
  - *Some residents have been forced to accept SPPP valuations less than the independent valuations owners had on their properties 12 months before.*
  - *Those who have purchased homes from Alcoa, after being told by the real estate agents that there are no health problems here, should be allowed to sell back to Alcoa so they can get out of harm’s way. At this time they are not.*
  - *No resident should be out of pocket for any expenses related to relocation, as very few, if any, residents would be moving out of this area if it weren’t for Alcoa. Moving costs, stamp duty, capital gains taxes, and disruption of life are not compensated under the current scheme.<sup>120</sup>*

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<sup>120</sup> *Ibid*, pp1–2.

4.147 The Committee received a response from Hon Hendy Cowan, SPPP Administrator, on 14 March 2008.<sup>121</sup> The response referred to the fairness and just terms of the compensation arrangements with the following:

*The Deed of Undertaking - Expansion Of Wagerup Alumina Refinery makes provision for two payments to be made to eligible property owners who participate in the Supplementary Property Purchase Program (SPPP). If an eligible property has been valued by a licensed valuer using the current market value method and the owner accepts the price contained in the valuation report, Alcoa is obliged to purchase the property for that price. (Ref Schedule 3 section 2.4)*

*Where the owner of an eligible farm property wishes to relocate their farming business away from the vicinity of the Wagerup refinery, the owner may be entitled to receive an equalisation payment to assist in moving to a new “like for like” property. (Ref Schedule 3. sections 3.2 and 3.3)*

*While there is no reference in the Deed of Undertaking to compensation, if this question can be interpreted in a way that relates to the fairness and just terms of those provisions in the Deed of Undertaking that govern payments to eligible property owners, several matters stand out.*

- 1. The current market value method (Ref Schedule 3. section 2.4) used by licensed valuers in assessing the value of an eligible property delivers what is known as ‘affected market value’. When properties are valued using this method it is usual for property owners in the vicinity of the refinery to claim their property has been undervalued and that a Fair Market Price has not been reached.*
- 2. With regard to an equalisation payment, with two exceptions, those property owners who exercised the Farm Business Continuation Option (FBCO) in their SPPP application have been unable to move to a new “like for like” property because of a dispute between the Administrator and Alcoa over the methodology that may be applied to determine the eligibility for and amount of any equalisation payment. Until the dispute is resolved all SPPP applications in which the eligible property owner exercised FBCO have been suspended.*

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<sup>121</sup> Letter from Hon Hendy Cowan, 14 March 2008.

3. *The number of eligible SPPP applicants has been greater than anticipated and it has not been possible to comply with the timelines contained in the Deed. There have been incidences where the provisions of section 6.2 of the Deed have been invoked by Alcoa and eligible properties have not been purchased.*<sup>122</sup>

4.148 Hon Hendy Cowan stated that there were two main obstacles preventing the implementation of the SPPP and provided the following explanation:

1. *More than 200 property owners submitted an expression of interest in participating in the SPPP. Of those 188 were deemed to be eligible and between them they owned more than 400 properties. At the commencement of the Program the Government provided the names of two licensed valuers, Valuation Partners and Alan Morecombe and Associates, to prepare the valuation reports on eligible properties. The Government and Alcoa were notified in April 2007 that the work required to conduct more than 400 valuation reports would extend the Program beyond the 30 June 2007 cut-off date. A third valuation company, Christie Whyte Moore and Associates was added to the list of approved valuers, but it has not prevented some eligible property owners receiving their valuation well after 30 June 2007. At that time Alcoa did indicate that provided property owners registered before the due date (3 April 2007) and were deemed eligible to participate in the Program, every endeavour should be made to complete their application according to the terms of the Deed.*
2. *The suspension on 1 June 2007 of that part of the Program that relates to those property owners who exercised FBCO in their SPPP application. During the early stages of the Program when applying the provisions contained in Schedule 3. sections 3.1, 3.2 and 3.3 to determine an equalisation payment that may be paid to an eligible farm property owner who wished to move to a “like for like” property, the amount of such a payment, when calculated usually represented more than 50% of the value of the farming components of the eligible farm property. Alcoa has objected to my determinations and refused to pay all but two of the equalisation payments. All SPPP applicants who exercised*

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<sup>122</sup> *Ibid.*

*FBCO have had their application suspended until there is agreement between the Government and Alcoa about how the equalisation payment may be satisfactorily determined.*<sup>123</sup>

- 4.149 In relation to the number of property owners that have availed of the SPPP and the number of property owners remaining without a settlement, Hon Hendy Cowan provided the following:

*203 property owners applied to participate in the SPPP. 188 were deemed eligible and their properties have been or are to be valued. I am not aware of the number of eligible property owners who have accepted their valuation (the “offer” by the company) and are yet to reach settlement. However, there are 34 property owners who have either not received their valuation or have not conveyed to me their acceptance of the ‘offer’ by the company.*

- 4.150 Hon Hendy Cowan stated that he was not party to any recent or proposed negotiations between Alcoa and the remaining property owners and continued:

*As Administrator it is my task to determine those property owners eligible to participate in the Program. If they are eligible then their properties are valued according to the provisions in the Deed. When the property owner receives the valuation report and agrees to sell the property, Alcoa is informed and the company assumes responsibility for completing the purchase.*<sup>124</sup>

- 4.151 The Committee maintained a watchful brief over this petition for many months and became aware that Alcoa and Hon Hendy Cowan, as Administrator, had made significant progress on implementing the SPPP.

- 4.152 A motion titled *Alcoa – Supplementary Property Purchase Plan* was placed on the Legislative Council Notice Paper by Hon Robyn McSweeney MLC on 19 June 2007.<sup>125</sup> The intent of the motion was to expedite a resolution of the outstanding matters. The motion was debated, and withdrawn on 14 May 2008, because the majority of outstanding issues had been resolved.<sup>126</sup>

- 4.153 **The Committee finalised this petition on 18 June 2008 because the matters raised in the petition were essentially resolved.**

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<sup>123</sup> *Ibid.*

<sup>124</sup> *Ibid.*

<sup>125</sup> Western Australia, Legislative Council, *Daily Notice Paper No 143*, 20 June 2007, p5.

<sup>126</sup> Hon Robyn McSweeney MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 14 May 2008, p2914.

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**Petition No 77 – Relocation of Governor Stirling Senior High School**

4.154 On 24 November 2007, Hon Donna Faragher MLC tabled a petition in the Legislative Council [TP#3545] containing 144 signatures which was couched in the following terms:

*To the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.*

*We the undersigned residents of Western Australia respectfully request that the State Government make an urgent decision on the future of Governor Stirling Senior High School as it is in an appalling and unsafe condition.*

*Some of the items needing to be addressed urgently include:*

- *Science rooms with rotting desks and sinks with unsafe Bunsen burners*
- *Rusted and buckled, unusable lockers needing to be replaced or removed*
- *Desks and chairs are dilapidated and broken - some too small for high school students*
- *Full size whiteboards needed as most rooms still use blackboards*
- *Class rooms need appropriate and safe heating and cooling*
- *Rotting gutters with weeds growing in them and mould on the downpipes*
- *Asbestos Awnings - corroding and filthy*
- *Ventilation in the Arts room and provision of storage & display areas*
- *Music, Piano and Drum rooms to be upgraded and centralised for teacher*
- *Interview rooms for teacher with parents and students*
- *Provision of a modern and practical performing arts room*
- *Provision of Football/Sports oval*

- *Classrooms with hole free carpets, clean windows and blinds and painted.*

*Your petitioners, therefore humbly pray that the Legislative Council will urge the State Government to make a decision on relocating the Governor Stirling Senior High School and to provide urgent funding to fix all of the maintenance and safety issues of which some are listed above.*<sup>127</sup>

- 4.155 The Committee received a submission from the principal petitioner<sup>128</sup> which began by stating that the relocation of Governor Stirling Senior High School (**GSSHS**) had been circulating in the local community for nearly ten years. The expectation had been that the GSSHS was to be relocated to a new site near the Midland Workshops area – but that site has subsequently been allocated to the new Swan Health Campus.
- 4.156 The submission referred to some of the specialist courses that GSSHS runs, stated how important the school was, and that no decision had been made despite the fact that several Ministers for Education and Training had visited the school.
- 4.157 The submission listed 5 planned maintenance programs that had been completed and then stated that the maintenance program only addressed the tip of the iceberg with regard to the condition of GSSHS. The submission stated that they had since requested the Minister to address the following 16 items along with the items in the petition:

1. *The height of the balustrade around the stair wells, where there is a three storey drop to the concrete below.*
2. *Staff are expected to work in cramped, unsafe, store rooms – now used as offices.*
3. *Shelving with heavy materials above the door to one such store room office, fixed in such a fashion that appears would not be able to support the shelves safely.*
4. *Offices of the ante rooms to both the girls and boys toilets.*
5. *The Arts rooms are cramped, with no storage and the staff office is used as a storeroom for paints/chemicals etc.*

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<sup>127</sup> Hon Donna Faragher MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 27 November 2007, p7715.

<sup>128</sup> Letter from Ms Lucy Stokes, principal petitioner, 2 January 2008.

6. *Lack of adequate disability access - sick and injured students must be carried upstairs by friends or spend weeks in the library and out of the regular learning environment.*
7. *Old and defective heating.*
8. *No air- conditioning (even in the administration area).*
9. *Concrete ceilings held in place by timber battens.*
10. *Ancient and defective science equipment.*
11. *Lack of storage facilities exposing students to wood dust and chemical fumes and necessitating the use of ladders to retrieve work.*
12. *Termite infestation exposing students and teachers to dangerous timber areas and extermination chemicals.*
13. *Asbestos awnings.*
14. *Exposed electrical wiring.*
15. *Lack of hygiene supplies and privacy in toilets.*
16. *Lack of adequate, functioning drinking water sources.*<sup>129</sup>

4.158 The submission continued with the following:

*Subsequently the Minister met with P & C members and interested parents on the 4 of December 2007, where we were able to further discuss the issues regarding the current condition and the relocation and the renovating of the school. The Minister expressed that he was not happy with the current condition of the school, which was why an immediate maintenance program was commenced. However, we were advised that it was not possible to quickly respond to our requirements to see a decision made on the future of GSSHS and that there was nothing more we could do or be involved any further, just to wait and see what gets announced in the 2008 budget. The overriding concern seemed to be how to make any decision financially neutral — rather than the issue of providing an education*

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<sup>129</sup> *Ibid*, pp1–2.

*environment for our children and their teachers that was up to today's standards.*<sup>130</sup>

- 4.159 The Committee received a submission from the tabling member Hon Donna Faragher MLC<sup>131</sup> which began by stating that the petition raised significant concerns regarding the current state of repair of GSSHS in Woodbridge.
- 4.160 The submission stated that the Draft Local Area Education Plan for Midland which was completed in 2004, included possible relocation options for the school, yet the then State Government had still not made a decision on the plan.
- 4.161 Hon Donna Faragher provided a copy of a speech that she had made in the Legislative Council on 27 September 2007 for the Committee's consideration.<sup>132</sup>
- 4.162 Hon Donna Faragher requested the Committee to investigate the serious concerns and suggested that the Committee visit the school to see first-hand the problems for themselves.
- 4.163 The Committee received a brief response from Hon Mark McGowan MLA, then Minister for Education and Training,<sup>133</sup> which began by acknowledging the need to improve the facilities for students and staff at the school.
- 4.164 The then Minister for Education stated that \$420,000 had been spent on maintenance work during the recent Christmas holiday period. The Minister concluded by listing the work that had occurred with the following:
1. *the cleaning of windows and external walls, where required;*
  2. *the provision of new window treatments in approximately sixty classrooms;*
  3. *the internal painting of some sixty-five classrooms;*
  4. *the replacement of carpets in 29 classrooms and the replacement of vinyl floor coverings in seven science laboratories; and*
  5. *the removal of lockers which were not required by the school.*<sup>134</sup>

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<sup>130</sup> *Ibid*, p2.

<sup>131</sup> Letter from Hon Donna Faragher MLC, 20 December 2007.

<sup>132</sup> Hon Donna Faragher MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 27 September 2007, p5920.

<sup>133</sup> Letter from Hon Mark McGowan MLA, Minister for Education and Training, 17 March, 2008.

- 4.165 The Committee received another response from Hon Mark McGowan MLA,<sup>135</sup> then Minister for Education, following its request for more information. The response contained a four page attachment addressing a range of maintenance issues.
- 4.166 The Committee noted the then State Government's decision to construct a new school on the existing site and that funding was provided for the redevelopment in the 2008/09 Budget. The May 2008 budget papers stated that:

*Planning will also commence on the \$63 million redevelopment of Governor Stirling Senior High School on its existing site. Work on this major project is expected to commence in December 2009 and be completed by December 2012.*<sup>136</sup>

- 4.167 The Committee visited the School and conducted an informal hearing on Monday 12 May 2008.
- 4.168 The Committee wrote to Hon Mark McGowan MLA, then Minister for Education,<sup>137</sup> expressing its concerns with the location of an office and a costume change room 'virtually' inside the boys and girls toilets at the School. The Committee also raised its concerns about the poor condition of the fire hydrants. The Committee requested that these matters be addressed immediately. The Committee sent a copy of that letter to Ms Sharyn O' Neill, Director General of the Department of Education and Training.
- 4.169 The Committee received a response from Hon Mark McGowan MLA, then Minister for Education<sup>138</sup> which provided the following information about the offices and costume change areas:

*I have been advised that a representative from the Department of Education and Training's Capital Programs Branch has visited the school and will make arrangements for an alternative access to the offices and costume storage to be constructed. This will enable access directly from the main veranda and will resolve the issues associated with their proximity to the students' toilets.*<sup>139</sup>

- 4.170 The then Minister provided the following information about the fire hydrants:

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<sup>134</sup> *Ibid.*

<sup>135</sup> Letter from Hon Mark McGowan MLA, Minister for Education and Training, 2 May 2008.

<sup>136</sup> Government of Western Australia, *2008-09 Budget Statements, Budget Paper No 2, Volume 3, Parts 10-16*, John A Strijk, Government Printer, Perth, May 2008, p862.

<sup>137</sup> Letter from Hon Sheila Mills MLC (Chair), 15 May 2008.

<sup>138</sup> Letter from Hon Mark McGowan MLA, Minister for Education and Training, 6 June 2008.

<sup>139</sup> *Ibid.*, p1.

*There are 12 fire hydrants within the main three storey building. These are all classified as hydrants, as opposed to fire hose reels, and as such, do not have hoses attached. In the event of fire, the fire brigade brings its own hoses.*

*I have been advised that the fire hydrants at the school are serviced twice a year by Wormald's Fire Service. The fire hydrants are within locked cabinets to prevent mischievous tampering. The locks are keyed to the standard industry key to allow access to service personnel and the Fire and Emergency Services Authority. The school has a copy of this key for emergency use.<sup>140</sup>*

4.171 **The Committee finalised this petition on 18 June 2008 because the then State Government had committed to building a new school.**

**5 PETITIONS THAT LAPSED UPON PROROGATION OF THE PARLIAMENT ON 7 AUGUST 2008**

5.1 The following petitions were the subject of ongoing inquiries by the Committee which lapsed when the Parliament was prorogued on 7 August 2008:

Petition No 47 – Proposed High Voltage Transmission Lines - Muja to Wellstead. Petition tabled by Hon Giz Watson MLC on 20 March 2007 [TP#2382].

Petition No 59 – Regional Resource Recovery Centre in Canning Vale. Petition tabled by Hon Simon O'Brien MLC on 26 June 2007 [TP#2835].

Petition No 63 – The Rezoning of A Class Reserve in Claremont. Petition tabled by Hon Peter Collier MLC on 28 August 2007 [TP#3023].

Petition No 64 – Western Power Transmission Lines - Narrikup. Petition tabled by Hon Robyn McSweeney MLC on 28 August 2007 [TP#3024].

Petition No 76 – West Coast Demersal Scalefish Management Plan Metropolitan Fishing Zone. Petition tabled by Hon Bruce Donaldson MLC on 20 November 2007 [TP#3510].

Petition No 80 – Western Power Eastern Terminal Substation. Petition tabled by Hon Helen Morton MLC on 4 December 2007 [TP#3574].

Petition No 83 – Lead Exports Through Port of Fremantle. Petition tabled by Hon Simon O'Brien MLC on 19 February 2008 [TP#3640].

Petition No 84 – Dalyellup Beach Estate - Remnant Bushland. Petition tabled by Hon Sally Talbot MLC on 26 February 2008 [TP#3694].

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<sup>140</sup> *Ibid.*

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- Petition No 85 – Yalgorup National Park - Extension and Consolidation. Petition tabled by Hon Giz Watson MLC on 17 June 2008 [TP#4073].
- Petition No 87 – Construction of Showrooms on Ewen Street, Woodlands. Petition tabled by Hon George Cash MLC on 19 March 2008 [TP#3791].
- Petition No 89 – Shire of Augusta-Margaret River - District Planning Scheme. Petition tabled by Hon Giz Watson MLC on 1 April 2008 [TP#3832].
- Petition No 91 – Meat Industry - Shortage of Abattoir Capacity in WA. Petition tabled by Hon Brian Ellis MLC on 9 April 2008 [TP#3879].
- Petition No 92 – Subiaco China Green Site Development. Petition tabled by Hon Simon O’Brien MLC on 10 April 2008 [TP#3902].
- Petition No 93 – Design Scenarios for the Fremantle Harbours Policy. Petition tabled by Hon Paul Llewellyn MLC on 13 May 2008 [TP#3975].
- Petition No 95 – Emu Point Albany - Redevelopment. Petition tabled by Hon Giz Watson MLC on 17 June 2008 [TP#4071].
- Petition No 96 – Busselton Hospital Site Recommendation. Petition tabled by Hon Robyn McSweeney MLC on 19 June 2008 [TP#4106].
- Petition No 97 – Proposed Upgrade of Millinup Road - Shire of Plantagenet. Petition tabled by Hon Matthew Benson-Lidholm MLC on 26 June 2008 [TP#4167].
- Petition No 98 – Proposed Dam on the Spots Brook Tributary of the Ferguson River. Petition tabled by Hon Paul Llewellyn MLC on 26 June 2008 [TP#4168].
- Petition No 99 – Requesting Increased Funding to the Social and Community Service Organisations. Petition tabled by Hon Sue Ellery MLC on 26 June 2008 [TP#4165].



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**Hon Sheila Mills MLC**  
**Chair**

**4 December 2008**