



**REPORT OF THE
STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS**

IN RELATION TO THE

**Overview of Petitions
AUGUST 1998 - AUGUST 1999**

Presented by the Hon Murray Nixon JP MLC (Chairman)

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

Date first appointed:

21 December 1989

Terms of Reference:

1. The functions of the committee are to inquire into and report on:
 - (a) the constitutional law, customs and usages of Western Australia;
 - (b) the constitutional or legal relationships between Western Australia and the Commonwealth, the States and Territories,

and any related matter or issue;
 - (c) a bill to which SO 230 (c) applies but subject to SO 230 (d);
 - (d) any petition.

2. A petition stands referred after presentation. The committee may refer a petition to another standing committee where the subject matter of the petition is within the terms of reference of that standing committee. A standing committee to which a petition is referred shall report to the House as it thinks fit.

Members as at the date of this report:

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Hon Ray Halligan MLC

Hon Tom Helm MLC

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1 INTRODUCTION

This Report provides an overview of the petitions considered by the Legislative Council Standing Committee on Constitutional Affairs ("the Committee") during the Second Session of the Thirty-Fifth Parliament of Western Australia from August 1998 to August 1999.

The petitions are first tabled in the Legislative Council and then referred to the Committee. On receipt of the petition, the Committee invites the tabling Member, principal petitioner and relevant Minister(s) to make a submission concerning the issues raised by the petition. The Committee considers these submissions and, if necessary, arranges a public hearing at which discussion occurs on the various issues. Following receipt of all relevant information, it is usual for the Committee to then prepare a final report to be tabled in the Legislative Council.

It should be noted that, as part of the Committee's policy, it may defer consideration of a petition in circumstances where the petition:

- concerns a subject matter which is within the terms of reference of another standing committee;
- raises matters which have received, or require, full debate by the Legislative Council; and
- where a petition concerns a planning and/or environmental matter and the Committee considers that its role should be limited to ensuring that correct procedures are followed by the relevant authority. The principal petitioner is requested to advise the Committee of any breach of such procedures.

The Committee's report contains a *status* comment on each petition in the following terms:

- *finalised* - the Committee considers that the issues raised by the petition have been satisfactorily resolved; and
- *lapsed* - prorogation of Parliament meant that the petition lapsed and further inquiry will only be conducted if the petition is retabled in the next Parliamentary Session.

At prorogation, the principal petitioner is informed that their petition will require retabling in the Legislative Council (with one signature being sufficient) if they wish the Committee to continue the inquiry in the next Parliamentary Session.

2 OVERVIEW OF PETITIONS

2.1 AMENDMENT 74 TO THE MANJIMUP SHIRE TOWN PLANNING SCHEME

On 12 August 1998 Hon Bob Thomas MLC tabled a petition (*TP # 73*) requesting that the Legislative Council reject Amendment 74 to the Manjimup Shire Town Planning Scheme which seeks to rezone the Widdeson Street Bush for urban development.

The petitioners requested that the Legislative Council take into account the heritage and conservation value of the Widdeson Street Bush area. The petitioners also requested that the Government co-operate with the Manjimup Shire Council to identify suitable alternative land within the vicinity which had already been cleared.

The petition was first referred to the Committee during the First Session of the Thirty-Fifth Parliament when Hon Bob Thomas MLC tabled petitions on 12 March 1998 and 1 April 1998. At that time, submissions were sought from:

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

Following retabling of the petition on 12 August 1998, the Committee continued its inquiry which involved seeking additional written submissions from the principal petitioner, Hon Bob Thomas MLC, the Minister for Planning and the Minister for the Environment.

The Committee was advised by the Minister for Planning that he had received a report from the Western Australian Planning Commission ("the WAPC") making recommendations with respect to the amendment. The Minister decided that he required further advice from the WAPC before he could make a final decision on whether to approve the amendment or not. The Committee was advised that, as at 4 August 1999, the Minister was waiting for that further advice from the WAPC.

The principal petitioner was advised that the Committee's role is not to replace existing planning approval or appeal bodies, but is limited to investigating issues concerning the proper conduct of such procedures. The principal petitioner was advised that the Committee was of the opinion that the correct procedures were being followed in this case, and that it had resolved not to inquire further into the matter.

Status - finalised

2.2 EMERGENCY ACCESS FOR THE ROYAL FLYING DOCTOR SERVICE TO NANUTARRA ROADHOUSE

On 12 August 1998 Hon Murray Criddle MLC tabled a petition (*TP # 74*) requesting that the Legislative Council provide for a means of emergency access for the Royal Flying Doctor Service to Nanutarra Roadhouse. The petitioners also requested that an investigation be initiated to identify other areas of isolation in Western Australia without adequate access to emergency medical aid.

Following receipt of the petition, the Committee was informed by the residents at Nanutarra Roadhouse that an emergency landing strip had been constructed on the North West Coastal Highway at Nanutarra. The Committee received confirmation from the Minister for Transport that the emergency landing strip at Nanutarra was opened on 28 June 1998.

Status - finalised

2.3 VOLUNTARY EUTHANASIA

On 12 August 1998 Hon Norm Kelly MLC tabled a petition (*TP # 75*) requesting that the Legislative Council debate the *Voluntary Euthanasia Bill 1997* as a matter of urgency. The petitioners also requested that the House pass a Bill allowing for the strict and properly regulated practice of voluntary euthanasia for individuals with an irreversible illness or condition.

During the Second Session of the Thirty-Fifth Parliament, Hon Tom Stephens MLC tabled four petitions (*TP #s 154, 173, 381 and 677*) requesting that the Legislative Council reject any Bill allowing voluntary euthanasia for the following reasons:

- every act of euthanasia carried out with the approval of the State necessarily involves a judgement by the State that the person killed had a life that no longer mattered;
- inquiries into the legalisation of so-called “strictly regulated voluntary euthanasia” by the *House of Lords Select Committee on Medical Ethics (1994)*, the *New York State Task Force on Life and the Law (1994)*, the *Canadian Special Senate Select Committee on Euthanasia and Assisted Suicide (1995)* and the *Australian Senate Legal and Constitutional Legislation Committee (1996)* each concluded that it is impossible to ensure adequate safeguards for voluntary euthanasia and that therefore legalising euthanasia will always create more victims than beneficiaries; and

- any Bill to legalise euthanasia should be rejected as an attempt to remove the equal protection from intentional killing enjoyed by all Western Australians under existing law.

The Committee advised Hons Norm Kelly and Tom Stephens MsLC and the principal petitioners that in light of the fact that the Committee had tabled a report in relation to *Petitions Regarding Voluntary Euthanasia* (Report No 23) which reviewed a number of previous petitions tabled in the Legislative Council on this matter, it considered that the issues raised by the petitions had received full review by the Legislative Council. Accordingly, the Committee decided not to inquire further into the matter unless any proposed legislation relevant to voluntary euthanasia was referred to the Committee.

Status - finalised

2.4 OPPOSING THE REZONING OF LAND AT TRIGG BEACH

A petition was tabled (*TP # 76*) by Hon Ken Travers MLC on 12 August 1998 opposing proposal 12 in the Metropolitan Regional Scheme North West District Omnibus Amendment (No 3) 987/33 which sought to re-zone land at Trigg Beach.

The petitioners expressed concern that:

- the expenditure of over \$3 million to purchase the properties at current market value cannot be justified;
- the level of expenditure and the vesting of the land in the City of Stirling as a "C" class reserve could result in commercial development of the land as previously proposed by the City of Stirling; and
- the passing of the amendment would set a dangerous precedent and lead to an erosion of the rights of private homeowners.

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

- i) the principal petitioner; and
- ii) Hon Ken Travers MLC.

The proposal to re-zone the land was the subject of a disallowance motion in the House. The motion was defeated.

The Committee decided that as the matter had been dealt with in the House, it would not inquire further into the matter.

Status - finalised

2.5 DELETION OF SECTION 8 FROM THE *POLICE ACT 1892* (WA)

On 12 August 1998, Hon Norm Kelly MLC tabled a petition (*TP # 77*) supporting the deletion of section 8 from the *Police Act 1892* (WA) ("the Act") so that all disciplinary measures could be conducted by the use of section 23 of the Act.

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

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

The Committee received a submission from the WA Police Union of Workers which provided the Committee with information concerning an Administrative Arrangement between WA Police Union of Workers members, the Minister for Police and the Commissioner of Police for the management of Police Officers investigated and processed under section 8 of the Act.

In light of the information provided by the WA Police Union of Workers, the Committee decided that it would make no further inquiries into the matter. Hon Norm Kelly MLC and the WA Police Union of Workers were formally advised of the Committee's decision on 16 November 1998.

Status - finalised

2.6 MIDWIFERY

On 18 August 1998 a petition was tabled (*TP # 90*) by Hon Jim Scott MLC requesting that the Legislative Council ensure that State Health Services include Community-Based Midwifery as a part of Maternity Services and that it make recommendations for appropriate coverage under Medicare.

The petitioners expressed concern that:

- women do not have choices in childbirth, specifically choices as to where and with whom they give birth; and

- recognition is not given to the fact that continuity of midwifery care throughout pregnancy, childbirth and the post natal period makes a vital contribution to the future health of the family and the community.

The petition was first tabled on 12 November 1996 by Hon Jim Scott MLC, and a similar petition was tabled on 9 May 1997.

On retabling of the petition, the Committee continued with its inquiry which included conducting a hearing on 24 March 1999. The Committee heard evidence from the Project Administrator of the Community Based Midwifery Program, the Convenor of Community Midwifery WA Inc, the Senior Lecturer in Women's Studies at Murdoch University, representatives from the Health Department of Western Australia and a consumer representative from the Birthplace Support Group Inc.

As a result of matters raised at the hearing, the Committee sought further information from the Project Administrator of the Community Based Midwifery Program. The Committee is continuing its inquiries into the matters raised in the petition and, subject to the petition being retabled, the Committee anticipates tabling its report in the Third Session of the Thirty-Fifth Parliament.

Status - lapsed

2.7 DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES

On 18 August 1998, Hon Jim Scott MLC tabled a petition (*TP # 91*) concerning the Department of Family and Children's Services ("the Department").

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

The petition was first tabled in 1995 by Hon Jim Scott MLC during the Third Session of the Thirty-Fourth Parliament, and was retabled on 1 May 1996 and again on 13 March 1997. The principal petitioners expressed continued concern regarding the administration of the Department. The Committee continued with its inquiry which involved requesting further information from the Minister for Family and Children's Services. The Committee was advised by the Department that some of the information requested contained confidential information relating to the Children's Court proceedings and which identified the children as Wards of the Department. As

a result, the Committee is considering the question of confidentiality and whether the Department is required to provide the information.

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

Status - lapsed

2.8 BUNBURY HIGHWAY JUNCTIONS

On 19 August 1998, Hon Simon O'Brien MLC tabled a petition (*TP # 95*) opposing the potential for serious road traffic accidents at the junctions of Bunbury Highway with the approaches to the townships of Singleton, Golden Bay, Madora and Secret Harbour.

The petition requested that the Legislative Council take steps to alleviate the circumstances which had resulted in this hazardous situation.

The petition was first tabled by Hon Simon O'Brien MLC during the First Session of the Thirty-Fifth Parliament at which time submissions were sought from:

- i) the principal petitioner; and
- ii) Hon Simon O'Brien MLC.

In May 1998 Hon Simon O'Brien MLC and Mr Roger Nicholls MLA made a joint submission to the then Minister for Transport, Hon Eric Charlton MLC entitled "The Bunbury Highway. Erasing the Black Spots." The joint submission outlined some of the road traffic problems faced by residents of Secret Harbour, Golden Bay, Singleton and Madora relating to the junction of the Bunbury Highway with approaches to the four townships.

The petitioners included the joint submission as part of their submission to the Committee, and also provided further information relating to the public transport problems in the area.

The Minister for Transport provided the Committee with a letter from the previous Minister for Transport advising that the Government intended to give the matter a high priority. Essentially, the Minister indicated that a driver education campaign would appear to be the most effective course of action and, given the high cost of implementing any solution that would greatly improve the situation and the number of other higher priority locations waiting for improvements, significant upgrading works could not be justified at that time. The Minister advised that the four intersections would be monitored to ensure that a high level of safety was maintained.

The Committee conducted a site visit to Bunbury Highway on 8 March 1999 and inspected the approaches to the townships of Singleton, Golden Bay, Madora and Secret Harbour. The Committee met with the principal petitioner, Hon Simon O'Brien MLC, and members of the local Residents' Group For Road Safety.

Following its site visit, the Committee made further inquiries with the Minister for Transport and on 26 July 1999 the Committee tabled a report (Report No. 40) by presentation to the Clerk of the Legislative Council. Pursuant to Standing Order 337 the report was referred to the Minister for Transport for comment.

Status - finalised

2.9 OCEAN VIEW LODGE

On 19 August 1998, Hon Barbara Scott MLC tabled a petition (*TP # 96*) requesting that the Legislative Council investigate the actions of the City of Fremantle regarding Ocean View Lodge. In particular, the petition requested that the Legislative Council investigate:

- why the City of Fremantle issued approvals under the *Health Act 1911* and why, under its town planning scheme, it allows Ocean View Lodge to operate at 100 Hampton Road, Fremantle; and
- the parking problems and congestion caused by the owners and occupiers of 100 Hampton Road, Fremantle and why the City of Fremantle fails to enforce its parking by-laws.

The petition was first tabled by Hon Barbara Scott MLC on 21 August 1997. At that time, submissions were sought from:

- i) the principal petitioner;
- ii) the Minister for Local Government;
- iii) the City of Fremantle; and
- iv) Hon Barbara Scott MLC.

Following retabling of the petition, the Committee continued with its inquiry which involved, *inter alia*, hearing evidence from the owners of Ocean View Lodge.

The Committee tabled a report (Report No 35) on 26 May 1999 dealing with the issues of the permitted use of Ocean View Lodge and the parking problems experienced at the Lodge and in the surrounding streets.

The Committee's report acknowledged the problems with parking and abandoned vehicles, and made a number of recommendations to overcome these problems.

Status - finalised

2.10 BALLAJURRA COMMUNITY COLLEGE MASTER PLAN

A petition was tabled (*TP # 138*) on 8 September 1998 by Hon Derrick Tomlinson MLC calling on the State Government to honour a commitment made by the Education Department to fund Stage 4 of the Ballajurra Community College Master Plan so that facilities are ready for occupation in the year 2000.

The principal petitioner explained that the Ballajura community had entered into a consultative planning and decision making process with the Education Department to develop a quality education facility for the children of Ballajura. It was claimed in the petition that the Education Department had elected not to recognise the commitments made in the past and had indicated that it wanted to re-negotiate the completion of the previously agreed master plan. The petition stated that the community would not enter into re-negotiations of the master plan and requested that the Legislative Council support the commitment made to the Ballajura community.

The petition was first tabled on 24 June 1998 by Hon Derrick Tomlinson MLC. At that time, the Committee sought submissions from:

- i) the principal petitioner;
- ii) the Minister for Education; and
- iii) Hon Derrick Tomlinson MLC.

The Committee received a letter from the Minister for Education advising that:

- the agreements established in November 1996 between the Education Department and the Ballajura Community College building committee were based on a schematic design for the College, however due to the fact that actual enrolments at the College were considerably lower than was expected and following an assessment of priorities and needs of schools across the State, it was decided that it was necessary to defer the provision of additional facilities;
- further additions at Ballajura Community College would now be funded in 1999/2000;
- a consultant had been appointed to determine the final scope of the project and to develop a budget allocation for inclusion in the 1999/2000 budget, with

tendering for the architect to undertake the project to take place after the announcement of the budget; and

- it was anticipated that builders would start construction early in 2000.

On receipt of the Minister's letter, the Committee wrote to the principal petitioner and the tabling member enclosing a copy of the Minister's letter and advising them that the Committee believed that the Minister had addressed the concerns raised in the petition and that the Committee did not intend to inquire further into the matter.

Status - finalised

2.11 OPPOSING THE USE OF ANIMALS IN CIRCUSES

During the Second Session of the Thirty-Fifth Parliament the Hon Norm Kelly MLC tabled two petitions (*TP #s 139 and 953*) opposing the use of animals in circuses.

The petitioners requested that the Legislative Council urge the Cabinet to accept the recommendations of the Animal Welfare Advisory Committee which stated that "it shall be an offence to import exotic animals into Western Australia as part of a circus troop, whether or not for the purpose of using animals in the circus."

The petitions were first tabled on 18 November 1997 and 23 June 1998 and at that time the Committee sought submissions from:

- i) the principal petitioner;
- ii) Hon Norm Kelly MLC; and
- iii) the Minister for Local Government.

The Minister for Local Government wrote to the Committee advising that the Department of Local Government was developing an Animal Welfare "Green Bill" which was expected to be tabled in Parliament shortly. When it was tabled, the public would be able to obtain copies of both the "Green Bill" and a summary paper which would explain the major aspects of the proposed legislation.

The Minister advised that once the Bill had been considered, an amended Bill would be introduced formally for Parliamentary debate, and the Bill would proceed through the full Parliamentary process.

In light of the above, the Committee decided that the concerns raised in the petition would be dealt with by Parliament when the "Green Bill" was introduced. Accordingly, the Committee decided that it would not inquire any further into the issue.

See also the comments regarding the Animal Welfare "Green Bill" at paragraph 2.47 of this report.

Status - finalised

2.12 ATTENTION HYPERACTIVITY DISORDER

On 8 September 1998, Hon Ray Halligan tabled a petition (*TP # 140*) requesting that the Legislative Council consider making recommendations to the Government concerning Attention Hyperactivity Disorder ("ADD").

The petitioners requested the Legislative Council to:

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

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

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

At that time the Minister for Education advised the Committee that the Department recognised ADD as a neurobehavioural disorder which may affect a percentage of children in Western Australia schools. However, the Department did not treat ADD as a separate learning and behaviour category but had developed a strategy for students at educational risk called *Making the Difference*. The strategy included policies and guidelines for students at educational risk, a framework for successful practice for students at educational risk and teacher resources. The strategy focused on prevention, early identification and intervention to address the needs of the diverse group of students at educational risk, which included students with ADD.

The Department said that it agreed, in principle, to a program of public and professional education provided that it did not cut across the existing policies and guidelines. However, the Department did not support the establishment of a professional advisory board, but supported the effective utilisation of existing support agencies such as the Learning and Attentional Disorders Society of Western Australia.

Following retabling of the petition and in response to its previous request, the Committee received a letter from the Minister for Health stating that there was a considerable body of research evidence regarding ADD and that it was a recognised condition with defined criteria. The Minister advised the Committee that, in order to understand the condition and its impact in Western Australia, he had asked Professor George Lipton, General Manager of the Health Department's Mental Health Division to establish a small panel of internationally recognised psychiatric experts on ADD to provide advice on the best practice options to provide strategic solutions to address ADD in children and adults.

The international panel met in Perth towards the end of 1998. The Committee obtained a copy of the experts report, *Report Of the International Panel On Attention Deficit Hyperactivity Disorder*, as well as the National Health and Medical Research Council report on ADHD (December 1996) and the Report of the Technical Working Party on ADD to the Cabinet Sub-Committee (April 1997).

The Committee is continuing with its inquiries into the matters raised in the petition and, subject to the petition being retabled, the Committee anticipates tabling its report in the third session of the Thirty-Fifth Parliament.

Status - lapsed

2.13 PROTECTION OF D'ENTRECASTEAUX NATIONAL PARK

On 9 September 1998, Hon Christine Sharp MLC tabled a petition (*TP # 147*) requesting the Parliament to reconsider its decision to allow land to be excised from the D'Entrecasteaux National Park.

The petition was first tabled during the First Session of the Thirty-Fifth Parliament during which time three petitions were tabled by Hon Jim Scott MLC. At that time submissions were sought from:

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

During the course of its inquiry, the Committee was advised that the Government was considering a proposal from Cable Sands Pty Ltd which had located a valuable ore body inside the boundary of the D'Entrecasteaux National Park. Subsequent inquiries carried out by the Committee indicated that the proposal by Cable Sands Pty Ltd would be subject to review by the Environmental Protection Authority ("the EPA").

The Committee's policy is that its inquiries in relation to these matters should be restricted to ensuring proper compliance with environmental procedures. The Committee therefore proposed to monitor the EPA Review and to liaise with the principal petitioner to ensure satisfactory compliance with procedures.

Following retabling of the petition the Committee received additional information from the principal petitioner on the D'Entrecasteaux National Park and the environmental impacts of the proposed mineral sand mine.

The Committee made further inquiries with the EPA on the status of the review, and was advised that as part of the review the public would be invited to make submissions on any environmental aspect of the proposal.

The Committee wrote to the principal petitioner advising that it considered that it would be appropriate for the principal petitioner to make a submission to the EPA concerning the environmental impact of the excision of the land on the D'Entrecasteaux National Park. The Committee reiterated its previous advice that it considers its role is not to replace the existing planning appeal bodies but is limited to inquiring into breaches of proper planning and environmental procedures.

Status - finalised

2.14 DEEPWATER PORT AND HEAVY INDUSTRIAL ESTATE AT OAKAJEE

On 9 September 1998, Hon Giz Watson MLC tabled a petition (*TP # 149*) requesting that the Legislative Council investigate the proposed deepwater port and heavy industrial estate at Oakajee.

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

- i) the principal petitioner;
- ii) Hon Giz Watson MLC; and
- iii) the Minister for Resources Development; Energy.

At that time the Committee received two reports from Hon Giz Watson MLC relevant to the petition. The reports were Seagrass Meadows and the Marine Environment at the Oakajee Deepwater Port Development Area - a review prepared by Dr JN Dunlop for Industry Inland (Geraldton) and Report on Marine Survey of Proposed Deep-Water Harbour Development Site at Oakajee by Michael van Keulen, Helen Astill, Karen Wheeler and Barbara Green. The reports revealed, *inter alia*, the presence of a rich and complex marine ecosystem within the Oakajee development site. It was stated in the reports that the major coastal engineering associated with the construction of the Deepwater Port would have a "significant in situ, up-drift and down-drift impact on the inshore seagrass meadows."

The Committee noted the submissions received in relation to the petition. However as the Committee considers its role is restricted to ensuring proper compliance with environmental procedures, it proposed to monitor the Environmental Protection Review and to liaise with the principal petitioners to ensure compliance with these procedures.

Following retabling of the petition, the Committee received an additional written submission from the principal petitioner which raised a number of concerns in relation to the processes involved in the development of the Oakajee project. The Committee sought comment from the Minister for the Environment in relation to the matters raised by the principal petitioner.

The Committee received a detailed response from the Minister for the Environment addressing the issues raised by the principal petitioner. Essentially, the Minister for the Environment maintained that the proper planning and environmental procedures had been followed regarding the proposal for a deepwater port and industrial estate at Oakajee. The Committee sent a copy of the Minister's letter to the principal petitioner and requested that he advise the Committee of any specific concerns the petitioners had regarding the proposal. The Committee reiterated its previous comments that it considers that its role is not to replace the existing planning appeal bodies but is limited to inquiring into breaches of the proper planning and environmental procedures.

During its investigations the Committee received a request for permission to release to the public certain correspondence relating to the Committee's inquiry. The Committee refused the request on the grounds that the correspondence was obtained by the Committee in response to a specific

request to assist it in its inquiries and the Committee had not resolved to make the information public.

Status - finalised

2.15 URANIUM MINING

Five petitions were tabled (*TP #s 150, 829, 950, 1028 and 1182*) by Hon Giz Watson MLC during the Second Session of the Thirty-Fifth Parliament requesting that the Legislative Council investigate and evaluate the acceptability of a uranium industry in Western Australia and its associated health impacts on members of the community.

The Committee was aware that the Legislative Council's Standing Committee on Ecologically Sustainable Development was continuing its inquiry into uranium mining in Western Australia and in accordance with its decision in the last parliamentary session, referred the five petitions to that Committee.

Status - finalised

2.16 LOCAL GOVERNMENT COMPENSATION FOR MEAT INSPECTION LOSS

On 9 September 1998, Hon Bruce Donaldson MLC tabled a petition (*TP # 151*) requesting that the Legislative Council call upon the Government to reverse the decision not to compensate financially disadvantaged Local Governments. In particular, the petition opposed the:

- decision of the Government not to recognise the financial plight of Local Governments in respect to meat inspection services supplied to failed abattoir operations under the *Health Act 1911* prior to its amendment on 22 July 1996;
- failure of the Government to recognise that such financial losses sustained by Local Governments prior to 22 July 1996 are directly attributable to the flawed legislation contained within the *Health Act 1911*; and
- decision of the Government to not compensate Local Governments which have been adversely affected by the flawed legislation particularly where all legal process for recovery of expenses has been exhausted.

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

- i) the principal petitioner;

- ii) Hon Bruce Donaldson MLC;
- iii) the Minister for Local Government;
- iv) the Minister for Finance; and
- v) the Office of the Premier.

The Office of the Premier informed the Committee that, *inter alia*, the Government's consistent position had been that Local Governments should not be compensated for their losses, that in the case of the petition it was unclear as to what extent the unpaid fees were due to the Local Government's reluctance to collect or pursue legal avenues, and that if the Government were to provide compensation it could act as a precedent for Local Governments to attempt to transfer the cost of many legitimate responsibilities onto the State Government.

The Committee requested the Shire of Kojonup to provide detailed information regarding their management of the debt owed by the Kojonup Abattoir for unpaid meat inspection service fees. In response, the Shire provided the Committee with copies of relevant minutes, legal correspondence, the debtor's ledger and other relevant documents.

Following retabling of the petition, the Committee continued with its inquiry which involved seeking further information from the Shire of Kojonup regarding what action was taken by the Shire to manage the outstanding fees and what efforts were made to obtain an explanation from the Kojonup Abattoir as to why the payments received from the Abattoir differed from the specific invoices debited against the Abattoir's account.

On 18 December 1998, the Committee tabled a report (Report No 31) addressing the issues raised in the petition and recommending that the Shire of Kojonup be granted an *ex gratia* payment in relation to the loss suffered as a result of the failure of the *Health Act 1911* to protect the Shire and its ratepayers. In accordance with Standing Order 337, the Report was forwarded to the responsible Minister, the Minister for Health, seeking a response to the recommendation.

On 18 March 1999, the Committee received a letter from the Minister for Health noting the Committee's recommendation but disagreeing that such a payment should be made. The Minister's letter stated that:

- the Shire of Kojonup had lost money previously providing the required meat inspection service with the full support of Council;
- the Shire of Kojonup was endeavouring to retain the industry in the district instead of running its meat inspection service on a cost recovery basis with no support from ratepayer funds;

- the level of debt owing only became an issue when it was clearly evident the debt could not be recovered;
- the debt incurred by the Shire of Kojonup as a result of the liquidation of Kojonup Abattoir Pty Ltd occurred because of decisions made at a local level and not flawed legislation as claimed by the Shire; and
- other options were available to the Shire of Kojonup to recover the outstanding debt which were not pursued.

The Committee responded to the matters raised in the Minister's letter and reiterated its recommendation that an *ex gratia* payment be made to the Shire of Kojonup.

Status - finalised

2.17 COMMITMENT TO A MULTICULTURAL SOCIETY

A petition was tabled (*TP # 152*) on 9 September 1998 by Hon Ljiljanna Ravlich MLC requesting that Parliament reaffirms its commitment to a multicultural society and condemn the recent racist comments of One Nation Party members towards the Lebanese and Iranian communities.

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

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

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

Status - lapsed

2.18 CLOSURE OF SKILLSHARE COOLBELLUP

On 16 September 1998, Hon Simon O'Brien MLC tabled a petition (*TP # 168*) opposing the proposed closure of Skillshare, Coolbellup.

The petitioners opposed the projected closure of Skillshare, Coolbellup in view of its importance to the community, its success in training the unemployed into new skills and its social advantages to the disadvantaged community.

The petition was first tabled on 31 March 1998 by Hon Simon O'Brien MLC at which time the Committee sought submissions from:

- i) the principal petitioner;
- ii) Hon Simon O'Brien MLC; and
- iii) the Federal Minister for Schools, Vocational Education and Training.

Following the retabling of the petition, the Committee received a letter from the Federal Minister for Schools, Vocational Education and Training. The Committee resolved that it would not make any further inquiries into the matter as it was a Federal policy issue which was out of the jurisdiction of the Committee. All relevant parties were notified of the decision and the principal petitioner was advised to petition Federal Parliament in relation to the matter.

Status - finalised

2.19 HIGH SPEED CAR CHASES

A petition was tabled (*TP # 169*) on 16 September 1998 by Hon Jim Scott MLC opposing the continued use of high speed police car chases.

The petition was first tabled during the Fourth Session of the Thirty-Fourth Parliament and was retabled during the First Session of the Thirty-Fifth Parliament. At the time the petition was first tabled submissions were sought from:

- i) the principal petitioner;
- ii) the Minister for Police; and
- iii) Hon Jim Scott MLC.

The Committee continued with its inquiry which involved seeking further submissions from the principal petitioner and Hon Jim Scott MLC.

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

Status - lapsed

2.20 COOLBELLUP

A petition was tabled (*TP # 170*) on 16 September 1998 by Hon Jim Scott MLC opposing the use of remnant bushland near Coolbellup for urban development.

The petition was first tabled by Hon Jim Scott MLC during the Third Session of the Thirty-Fourth Parliament. At that time the Committee sought submissions from:

- i) the principal petitioner;
- ii) the Minister for Planning; and
- iii) Hon Jim Scott MLC.

The petition was retabled by Hon Jim Scott MLC during the Fourth Session of the Thirty-Fourth Parliament and again during the First Session of the Thirty-Fifth Parliament.

The Committee continued with its inquiries which involved requesting further submissions from the principal petitioner and Hon Jim Scott MLC. The Committee was advised by the principal petitioner that the Coolbellup Community Association Inc had applied to the State Government for the bushland, the subject of the petition, to be retained by the State Government under its Bushland 2000 Plan.

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

Status - lapsed

2.21 LANDFILLING IN MUNDIJONG

On 16 September 1998, Hon Jim Scott MLC tabled a petition (*TP # 171*) objecting to the practise of landfilling with demolition waste in the area of Bird and Jackson Roads, Mundijong.

The petitioners expressed concern that landfilling with demolition waste was contaminating the local wetlands, environment and drinking water. In this regard, the petitioners were concerned with the health risks to local residents and businesses.

The petition was first tabled on 30 June 1998 by Hon Jim Scott MLC, however the Committee was unable to conduct further enquiries due to the prorogation of Parliament on 6 August 1998. Following retabling of the petition the Committee sought submissions from:

- i) the principal petitioner;
- ii) the Minister for Planning;
- iii) the Minister for the Environment; and
- iv) Hon Jim Scott MLC.

The Committee received a submission from the Minister for Planning advising that the landfill at Lot 12 Bird Road, Mundijong, was the subject of an appeal to him under the provisions of the

Shire of Serpentine-Jarrahdale Town Planning Scheme and the *Town Planning and Development Act 1928*. The Minister advised the Committee that the Shire had approved the use of the site for landfill but subject to conditions, one of which restricted the type of material which could be used as landfill. The proponent had appealed against this restriction. The Committee was subsequently advised that on 6 April 1999 the appeal had been upheld.

The Committee also received a submission from the Minister for the Environment, in which the Minister stated that the Department of Environmental Protection was of the view that there were no technical environmental reasons why the two licensed landfilling operations should be prevented from continuing. Furthermore, the conditions on the two licensed landfilling operations were considered appropriate to achieve sound environmental management.

The Minister for the Environment also stated that the control measures in place meant that it was highly unlikely that the landfilling would contaminate the local wetlands, environment and drinking water. The Minister noted that the main health concern appeared to be related to the asbestos-cement projects dumped at the sites, and in this regard the Minister advised that the total amount of asbestos-cement buried in the area was of little significance. Testing for airborne asbestos fibres had been conducted and revealed no need for concern.

In relation to the fear of ground water contamination, the Minister said that testing had been conducted which showed that the water quality was better than the Australian standards for drinking water. The Minister was also unable to accept the petitioners claims that landfilling could reduce property prices and commented that some of the property owners actually believed that the landfilling would increase their property values.

On 1 July 1999 the Committee tabled a report (Report No 37) addressing the issues raised in the petition. Essentially, the Committee concluded that the matter was being dealt with by the Department of Environmental Protection according to proper procedures. The Committee recommended that the Department continue to monitor the sites.

Status - finalised

2.22 RACISM

On 15 October 1998, Hon Ljiljanna Ravlich MLC tabled a petition (*TP # 264*) expressing concern at the recent surge of racism in Australia. The petitioners stated that they represented Australian women advocating an Australia free of racism to ensure a future for children in a multicultural and harmonious society.

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

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

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

Status - lapsed

2.23 DELETION OF THE FREMANTLE EASTERN BYPASS FROM THE METROPOLITAN REGION SCHEME

On 15 October 1998, Hon Barbara Scott MLC tabled a petition (*TP # 265*) requesting that the Legislative Council recommend that the Fremantle Eastern Bypass be deleted from the Metropolitan Region Scheme and alternative solutions to the bypass be implemented.

The petition expressed concern that the Fremantle Eastern Bypass would:

- fragment and dislocate the communities of White Gum Valley and Beaconsfield;
- increase vehicle emissions, affecting air quality and pollution levels;
- result in increased run-off of petrochemicals, heavy metals and solvents into stormwater run-off, and ultimately into local waterways;
- remove the school oval and green areas of White Gum Valley primary school;
- threaten the safety of school children and all pedestrians and road users due to increased traffic levels in the surrounds;
- create increased traffic in feeder roads, adversely affecting residents; and
- destroy remnant urban bushland at Clontarf Hill.

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

- i) the principal petitioner;
- ii) Hon Jim Scott MLC; and
- iii) the Minister for Transport.

Following retabling of the petition, the Committee wrote to the principal petitioner and Hon Barbara Scott MLC advising that the Committee had decided to monitor the petition according to its planning policy. The Committee advised that it considered that its role was not to replace existing planning approval or appeal bodies but that it was prepared to investigate issues concerning the proper conduct of such procedures. The petitioners were invited to make further submissions to the Committee if they had concerns involving the conduct of planning procedures.

Status - finalised

2.24 SWANBOURNE VILLAGE

A petition was tabled (*TP # 288*) on 21 October 1998 by Hon Jim Scott MLC to preserve Swanbourne Village by opposing the Metropolitan Region Scheme Amendment No. 982/33 Regional Roads (Part 3).

The petition was first tabled during the First Session of the Thirty-Fifth Parliament by Hon Jim Scott MLC. At that time submissions were sought from:

- i) the principal petitioner;
- ii) Hon Jim Scott MLC; and
- iii) the Minister for Planning.

The Committee continued to monitor the issues raised in the petition, however noted that its role was restricted to ensuring proper compliance with planning procedures.

Following retabling of the petition, the Committee was advised by the Town of Cottesloe that it considered that there had been a breach of procedure by the Ministry for Planning. It was claimed that the Town of Cottesloe did not receive formal notification of the relevant planning proposal at the time it was made available for public comment.

In response to the claim by the Town of Cottesloe, the Ministry for Planning advised the Committee that:

- it did not write directly to the Town of Cottesloe in respect of Amendment No.982/33 but there was no legal or procedural requirement for it to do so;
- the Town of Cottesloe was aware of the amendment and made a submission and was not disadvantaged; and

- there is no basis for suggesting that the Western Australian Planning Commission acted incorrectly or that procedure had not been followed in the conduct of MRS Amendment No. 982/33.

On 22 June 1999 the Committee tabled a report (Report No 36) addressing the matters raised in the petition. The Committee concluded that the statutory requirements and the established procedures for administering amendments to the MRS were met. The Committee also concluded that, contrary to the petitioners' concerns that a "Western Suburbs Highway" may be constructed through the Swanbourne Village, there is no proposal to that effect at the present time.

Status - finalised

2.25 THE PLANS FOR THE UPGRADING AND RE-ALIGNING OF COCKBURN ROAD BE ABANDONED AND OTHER OPTIONS INCLUDING RAIL BE EXPLORED

On 21 October 1998, Hon Jim Scott MLC tabled a petition (*TP # 287*) requesting that plans for upgrading and re-aligning Cockburn Road be abandoned and other options including rail be explored.

The petition was first tabled on 19 November 1997 by Hon Jim Scott MLC at which time submissions were sought from:

- i) the principal petitioner;
- ii) Hon Jim Scott MLC; and
- iii) the Minister for Transport.

At that time the Minister for Transport advised that the Cockburn Road Project was proceeding through a formal Public Environmental Review ("PER") assessment process required by the Environmental Authority and Department of Environmental Protection for the Industrial Infrastructure and Harbour Development, Jervoise Bay. The PER was open to public comment until 9 February 1998. The realignment of Cockburn Road was required to meet the project's needs and the PER covered most of the issues raised in the petition.

Following retabling of the petition, the Committee wrote to the principal petitioner and the tabling member advising them that as the petition involved a planning issue, the Committee had decided to monitor the petition according to its planning policy. The Committee stated that it considered its role was not to replace existing planning approval or appeal bodies, but that it was prepared to investigate issues concerning the proper conduct of such procedures.

The petitioners were invited to make further submissions to the Committee if they had concerns involving the conduct of planning procedures.

Status - finalised

2.26 NAVAL BASE

A petition was tabled (*TP # 286*) by Hon Jim Scott MLC on 21 October 1998 opposing any moves to establish a new port at Naval Base.

The petition requested the Legislative Council to:

- oppose any moves to establish a new port at Naval Base;
- reject any proposals to rezone the Kwinana Industrial Area's buffer zone for industry; and
- dismiss the Steering Committee for the Fremantle-Rockingham Industrial Area Regional Study and replace it with people more representative of the area.

The petition was first tabled by Hons Jim Scott and Barbara Scott MsLC during the First Session of the Thirty-Fifth Parliament at which time submissions were sought from:

- i) the principal petitioners;
- ii) Hon Jim Scott MLC;
- iii) Hon Barbara Scott MLC;
- iv) the City of Fremantle; and
- v) the City of Cockburn.

Following retabling of the petition, the Committee wrote to the principal petitioners and Hon Jim Scott MLC advising that as the petition involved a planning issue, the Committee had decided to monitor the petition according to its planning policy. The Committee advised that it considered that its role was not to replace existing planning approval or appeal bodies, but that it was prepared to investigate issues concerning the proper conduct of such procedures. The petitioners were invited to make further submissions to the Committee if they had concerns involving the conduct of planning procedures.

Status - finalised

2.27 WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL 1997

A petition was tabled (*TP # 314*) by Hon Jim Scott MLC on 27 October 1998 opposing the closure of the second gateway under the *Workers' Compensation and Rehabilitation Amendment Bill 1997*.

The matter raised in the petition was referred to a Standing Committee on Legislation in the last Parliamentary session. The Committee provided the principal petitioner with a copy of that committee's report.

The principal petitioner and the tabling member were advised by the Committee that the *Workers' Compensation and Rehabilitation Amendment Bill 1997* was due to be debated in the Legislative Council in the near future and that the Committee had therefore decided that as the Bill would be dealt with by the House, the Committee would not continue with a review of the petition.

Status - finalised

2.28 JERVOISE BAY

On 28 October 1998, Hon Jim Scott MLC tabled a petition (*TP # 324*) opposing the proposed industrial infrastructure development for the Jervoise Bay Southern Harbour and the re-alignment of Cockburn Road. The petitioners expressed concern that the proposed Industrial Infrastructure development for the Jervoise Bay Southern Harbour would:

- cause human induced degradation of marine habitat;
- degrade the Brownman Swamps;
- cut off access to the coast for recreational activities;
- increase the probability of seafood contamination;
- threaten the integrity of Mt Brown and the Beeliar Regional Park; and
- reduce the amenity of residential areas.

The petitioners requested that the plans for the infrastructure including the re-alignment of Cockburn Road be abandoned.

The principal petitioner and the tabling member were advised that the Committee had decided to monitor the petition according to its planning policy. The Committee advised that it considered that its role was not to replace existing planning approval or appeal bodies, but that it was prepared to investigate issues concerning the proper conduct of such procedures. The petitioners were invited to make further submissions to the Committee if they had concerns involving the conduct of planning procedures.

Status - finalised

2.29 REGIONAL PARK SOUTH OF GUILDERTON

Two petitions were tabled (*TP #s 382 and 487*) during the Second Session of the Thirty-Fifth Parliament by Hons Tom Stephens and Jim Scott MSLC requesting the establishment of a regional park immediately south of Guilderton. The establishment of the park was sought to protect the mouth and lower reaches of the Moore River and the significant dunes and coastal heath lands south of the mouth of the Moore River.

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

- i) the principal petitioner;
- ii) Hon Tom Stephens MLC;
- iii) Hon Jim Scott MLC;
- iv) the Minister for Planning; and
- v) the Minister for the Environment.

The petition was retabled during the Fourth Session of the Thirty-Fourth Parliament and again during the First Session of the Thirty-Fifth Parliament, during which periods the Committee received further written submissions from the Legislative Council Members who tabled the petitions and the Shire of Gingin.

During the Second Session of the Thirty-Fifth Parliament the Committee advised the principal petitioner and the tabling members that the Committee had decided to monitor the petition according to its planning policy. The Committee advised that it considered that its role was not to replace existing planning approval or appeal bodies, but that it was prepared to investigate issues concerning the proper conduct of such procedures. The petitioners were invited to make further submissions to the Committee if they had concerns involving the conduct of planning procedures.

Status - finalised

2.30 OPPOSING THE BATTERY CAGE SYSTEM OF EGG PRODUCTION

A petition was tabled (*TP # 518*) by Hon Jim Scott MLC on 1 December 1998 opposing the battery cage system of egg production. In particular, the petition urged the Legislative Council to support the following recommendations:

- that the battery cage system of egg production is inherently cruel;
- that the citizens of any jurisdiction have the right to demand a standard of animal welfare consistent with their collective conscience; and
- that the *ACT Animal Welfare Amendment Act 1997* and the *ACT Food Amendment Act 1997* are consistent with High Court precedents relating to section 92 of the Australian Constitution and other exemptions under the *Mutual Recognition Act 1992* (Cth). Inclusion of subsection 24A (1) and 24B of the *ACT Food Amendment Act 1997* in the Schedules to the *Mutual Recognition Act 1992* (Cth) will allow for the commencement of the phasing out of both battery cages and the sale of battery eggs to the citizens of the ACT, as agreed by the ACT's elected Parliament.

The petitioners requested that the Legislative Council agree to the inclusion of subsection 24A (1) and 24B of the *Food Amendment Act 1997* (ACT) in the Schedules to the *Mutual Recognition Act 1992* (Cth).

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

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

The Committee received a submission from Animals Australia, the Australian arm of The Australian and New Zealand Federation of Animal Societies Inc. The submission claimed that:

- the intensive caging of layer hens in the battery system has been the subject of widespread criticism in recent years for its inherent inability to provide for even the most basic behavioural needs of hens;
- the battery system denies hens' basic instinctual urges which often results in frustration and leads to self mutilation;
- the close confinement of up to six hens in a single cage often results in injuries to the hens;

- the RSPCA had stated that there has been such strong consumer demand for RSPCA accredited barn laid eggs in Western Australia that demand has outstripped supply, despite the higher price of barn laid eggs; and
- the demand for free-range eggs also regularly outstrips supply, however the additional costs associated with this system mean that it is unlikely to be favoured over the barn laid system.

The submission also stated that in September 1997 the ACT Legislative Assembly passed legislation to phase out, over six years, the sale and production in the ACT of eggs produced by hens housed in battery cages. The legislation also required the labelling of egg cartons in the ACT to indicate the production system. The submission stated that for the legislation to be implemented an exemption needed to be granted under the *Mutual Recognition Act 1992* for amendments to the ACT *Animal Welfare Act* and the *Food Act*, and that all heads of Government in the Commonwealth must agree to the exemption.

The submission called upon the Government to agree to the exemptions requested by the ACT under the *Mutual Recognition Act 1992* to help pave the way for the ACT legislation to be implemented.

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

Status - lapsed

2.31 SECESSION

On 2 December 1998, Hon Ray Halligan MLC tabled a petition (*TP # 532*) requesting that the result of the referendum, held on the eighth day of April 1933, asking the people of Western Australia if they were in favour of the State of Western Australia withdrawing from the Federal Commonwealth, be given due reconsideration and taken to a final conclusion.

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

- i) the principal petitioner; and
- ii) Hon Ray Halligan MLC.

The Committee received a submission from the principal petitioner, the President of the Western Australian Secession 2001 Association Inc. The submission stated that the will of the people in 1933 was ignored and that the result of the referendum was set aside for what would seem to have

been political expediency. The submission also stated that it was possible that the result of Western Australia's 1933 referendum has remained valid to this day.

The Committee noted that it received a similar, although not identical, petition during the Fourth Session of the Thirty Fourth Parliament. That petition, tabled by the then Hon Ross Lightfoot MLC, asked that a referendum be held to determine whether it is the wish of the people of Western Australia that the State of Western Australia become totally self governing by withdrawing from the Federal Government of Australia. The only method to achieve this would be to hold a Federal referendum. This can only be called by the Federal Parliament. To be successful it would then require that a majority of people in a majority of States agree with the proposal. As it is a Federal responsibility the Committee decided not to proceed with further inquiries into the petition.

The Committee noted its decision with respect to that previously tabled petition, however was unable to conduct further enquiries due to the prorogation of Parliament on 6 August 1999.

Status - lapsed

2.32 THE ESTABLISHMENT OF A TIDAL POWER PROJECT IN DOCTOR'S CREEK AT DERBY

A petition was tabled (*TP # 577*) by Hon Greg Smith MLC on 9 December 1998, requesting that "the state government take whatever steps necessary to ensure the successful establishment of a tidal power project in Doctor's Creek at Derby."

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

- i) the principal petitioner;
- ii) Hon Greg Smith MLC;
- iii) the President of the Shire of Derby/West Kimberley;
- iv) the Minister for Regional Development;
- v) the Minister for Energy; and
- vi) the Minister for the Environment.

The Committee received a submission from the principal petitioner and the Shire of Derby/West Kimberley setting out the advantages to the town of Derby, the surrounding areas and the State of Western Australia of establishing a tidal power project in Doctor's Creek at Derby. Those advantages included:

- the supply of a continuous, renewable, clean source of energy providing power to the Kimberley area;

- increased employment opportunities for people currently living in the area and incentives for people to relocate to the area. The petitioners predicted that approximately 170 new jobs would be created if the project were to go ahead;
- increased capital expenditure in the region. The petitioners predicted that the capital expenditure of the project would be in the order of \$200 million and that \$150 million of that initial sum would be spent within Australia and the greater portion within the State;
- environmental benefits in helping Australia to reduce its total greenhouse gas emissions. No greenhouse gases would be produced at the tidal power station and it was estimated that the carbon monoxide avoidance during the lifetime of the project (120 years) would be 25 million tonnes;
- an increased knowledge and understanding of mangrove ecology, tidal marine systems and tropical deltaic systems;
- scientific benefits such as the expertise gained through the design and construction of the project which could be applied at other locations throughout the world; and
- social benefits such as a reduction in the noise and air pollution which is generated from diesel powered stations, the creation of a permanent lake on the outskirts of the town creating greater opportunities for recreational fishing, swimming and other water sports, development of a sense of community pride in the project and increased tourism in the region.

The Committee was aware that on 25 June 1998, the State Government announced a new policy for electricity supply in regional areas of Western Australia to encourage the introduction of private generation and to bring more competition into the market. A competitive tender process was set up for bulk power supply by private companies to be distributed by Western Power on a commercial basis to its customers in non-interconnected systems.

Ten bidders were invited to submit detailed tenders for the provision of power to Western Power in the West Kimberley. One of the ten tenders selected proposed the supply of power through means of hydro power generated by a tidal action process unique to Australia.

The Committee tabled a report on 13 May 1999 (Report No 33) dealing with the matters raised in the petition. The report outlined the submissions received concerning the advantages of the proposed tidal power station, however the Committee concluded that in light of the fact that the

proposal was subject to a tender process, the Committee considered that it was inappropriate for it to comment on the submissions or become involved in the tender process.

Status - finalised

2.33 GERALDTON BOUNDARIES

A petition was tabled (*TP # 643*) by Hon Dexter Davies on 16 December 1998 opposing the excision of that portion of the Shire of Chapman Valley recommended by the Local Government Advisory Board for inclusion within the proposed new boundaries of a greater Geraldton-Greenough City Council.

The petitioners asked that the Legislative Council support their request to enable the residents affected by this recommendation to remain residents of the Shire of Chapman Valley within the existing local government boundary.

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

- i) the principal petitioner; and
- ii) Hon Dexter Davies MLC.

The principal petitioner's submissions referred to the recommendation of the WA Local Government Advisory Board "to amalgamate the City of Geraldton and the Shire of Greenough in their entirety and excise that portion of the Shire of Chapman Valley west of the North West Coastal Highway and include it the new Local Government" and outlined what the Shire of Chapman Valley Council saw as flaws in the reasons behind the recommendation.

The submission stated that the greatest concern to the people of the Shire of Chapman Valley was that the recommendation did not take into account the long term viability of the Shire of Chapman Valley.

The Committee became aware that the matters raised in the petition would be the subject of a referendum conducted in accordance with the *Local Government Act (WA) 1995*. In these circumstances, the Committee considered that it was not appropriate to inquire further into the petition unless there was evidence of a breach of the proper procedures. The principal petitioner and Hon Dexter Davies MLC were advised of the Committee's decision.

Status - finalised

2.34 CLOSURE OF THE SWIMMING POOL AT YANCHEP NATIONAL PARK

On 17 December 1998, Hon Ken Travers MLC tabled a petition (*TP # 650*) opposing the closure of the swimming pool at Yanchep National Park. The petition stated that the pool was important to:

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

and called on the Government to urgently repair the pool to enable it to open during the summer of 1998/99.

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

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

At that time, the Committee was advised that a report by the Department of Conservation and Land Management commissioned by the Minister for the Environment estimated that the cost of repairs to the pool was approximately \$170 000.

Following the release of the report, the Minister for the Environment met with representatives from the Yanchep District High School and Parents and Citizens Association to discuss the option of a purpose built community/high school pool. This option was agreeable to the meeting and it was resolved that Mr Ian MacLean MLA would liaise with the various community organisations and chair a community based working group to consider options for the funding, development and operation of the community/high school pool.

Following retabling of the petition the Committee continued with its inquiries which involved, *inter alia*, ascertaining the status of negotiations for a new swimming pool. The Committee was advised by Hon Ken Travers MLC that the negotiations between the Government, Yanchep residents and the City of Wanneroo had lapsed. In particular, the City of Wanneroo was not willing to provide funding for the pool and the Government had also declined to assist.

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

Status - lapsed

2.35 MINDARIE/TAMALA PARK

On 17 December 1998, a petition was tabled (*TP # 652*) by Hon Ken Travers MLC requesting the Legislative Council to enquire into the City of Perth's ownership of Lot 17 Mindarie/Tamala Park.

The petition was signed by residents of the Towns of Cambridge, Victoria Park and Vincent which comprised parts of the former City of Perth prior to its restructuring. The petitioners stated their belief that each of these new Towns should have received a quarter share of the City of Perth's ownership of Lot 17 Mindarie/Tamala Park.

The petitioners claimed that following the restructure of the former City of Perth, the City retained full ownership of the asset without an equitable share being returned to the three new Towns and their ratepayers and residents. The petitioners called upon the Legislative Council to enquire into why this decision was made and how the situation could be rectified to return to the three new Towns a quarter share each of the City of Perth's ownership of Lot 17 Mindarie/Tamala Park.

Following tabling of the petition, the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Ken Travers MLC.

The Committee received a submission from the Chief Executive Officer of the Town of Cambridge which stated that:

- the *City of Perth Restructuring Act 1993* determined the process for dividing the former City of Perth into four municipalities including the three new Towns of Cambridge, Victoria Park and Vincent, but did not provide for the manner in which assets outside the former City of Perth boundaries should be distributed;
- assets owned by the former City of Perth outside its boundaries include a one-third share in Lot 17 Mindarie/Tamala Park and Roberts Street Depot;

- the value of the land at Lot 17 Mindarie/Tamala could be in the vicinity of \$200 million and the City of Perth's equity in the land could therefore be approximately \$67 million;
- as a result of the restructuring of the former City of Perth, the ratepayers of the three new Towns did not receive a share of the City of Perth's ownership of Lot 17 Mindarie/Tamala Park with 100% equity remaining with the City of Perth; and
- as a consequence, a majority of the ratepayers (75 000 transferred to the new Towns) of the former City of Perth population (80 000) have been disenfranchised from an equitable share of the value of the asset at Lot 17 Mindarie/Tamala Park, estimated to be approximately \$16.5 million for each of the four Councils.

The submission also stated that to achieve a quarter-share would not require any payments to be made by the City of Perth to the Towns, but that the matter could be resolved by altering the Certificate of Title of Lot 17 Mindarie/Tamala Park to reflect an equal share of the former City of Perth's ownership for the four new municipalities created as a result of the restructuring of the City of Perth.

On 26 July 1999 the Committee tabled a report (Report No 39) by presentation to the Clerk of the Legislative Council which concluded that for the petitioners' claim to succeed, amendments would need to be made to the *City of Perth Restructuring Act 1993*. The Committee concluded that this matter should be brought to the attention of the Minister for Local Government.

Status - finalised

2.36 EXTENSION OF THE JOONDALUP RAILWAY LINE TO HESTER AVENUE

On 17 December 1998, Hon Ken Travers MLC tabled a petition (*TP # 653*) calling on the Government to urgently fund the extension of the Joondalup Railway line to Hester Avenue. The petitioners submitted that:

- the lack of access to the railway for people living in Clarkson, Quinns Rock, Merriwa and Mindarie is totally unacceptable;
- the use of rail transport provides environmental benefits for everyone; and
- young people, families and seniors are often dependent on an effective and affordable public transport system.

The petitioners called upon the Government to use some of the \$1.4 billion gained from the sale of the gas pipeline to urgently fund the extension of the Joondalup railway line to Hester Avenue.

Following retabling of the petition, the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Ken Travers MLC.

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

Status - lapsed

2.37 OPPOSING THE LOGGING OF OLD GROWTH FORESTS IN THE SOUTH-WEST REGIONS OF WESTERN AUSTRALIA

A petition was tabled (*TP # 830*) by Hon Max Evans MLC on 9 March 1999 opposing the logging of old-growth forests in the South-West regions of Western Australia.

Following receipt of the petition, the Committee was advised that the Ecologically Sustainable Development Committee was inquiring into forest management in Western Australia. In accordance with its Terms of Reference No. 4, the Committee referred the petition to the Ecologically Sustainable Development Committee.

Status - finalised

2.38 OPPOSING LOGGING IN THE HESTER STATE FOREST

A petition was tabled (*TP # 831*) by Hon Jim Scott MLC on 9 March 1999 opposing the logging of the Hester State Forest and calling on the Department of Conservation and Land Management to manage the Hester State Forest in accordance with the wishes of the Bridgetown-Greenbushes Shire Community.

Following receipt of the petition, the Committee was advised that the Ecologically Sustainable Development Committee was inquiring into forest management in Western Australia. In accordance with the Standing Orders, the Committee decided to refer the petition to the Ecologically Sustainable Development Committee.

Status - finalised

2.39 RENEWABLE ENERGY

A petition was tabled (*TP # 866*) by Hon Giz Watson MLC on 11 March 1999 requesting the Legislative Council to investigate further the use of renewable energy. The petitioners requested that the Legislative Council:

- investigate the current level of usage of renewable energy in Western Australia; and
- make recommendations to further the use of renewable energy in Western Australia, by such means as a subsidy for solar hot water and the opportunity to pay off these systems over time, a subsidy and time payment scheme for grid-connected photovoltaic power systems for 100 Perth householders, a five-fold increase in funding to the Alternative Energy Development Board of WA, a ten-fold increase in funding to the Remote Area Power Scheme and the early adoption of a green power scheme for all West Australians.

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

- i) the principal petitioner; and
- ii) Hon Giz Watson MLC.

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

Status - lapsed

2.40 NO SIX LANE HIGHWAY THROUGH WANNEROO

On 23 March 1999 Hon Ed Dermer MLC tabled a petition (*TP # 905*) calling on the Government to amend plans for a six lane highway through Wanneroo to Burns Beach. The petitioners requested that the Legislative Council urge the Government to develop and implement a road plan which would divert heavy traffic away from Wanneroo Road, Wanneroo townsite and local neighbouring streets.

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

- i) the principal petitioner;
- ii) Main Roads WA; and
- iii) Hon Ed Dermer MLC.

Main Roads WA advised the Committee that there were no plans to widen Wanneroo Road to six lanes.

Main Roads also advised the Committee that the Wanneroo Road reserve is generally 40 metres wide and thus provides the opportunity for future transport improvements along this route should that be required in the long term to cater for future growth in east Wanneroo. These future transport improvements could take the form of an additional traffic lane in each direction, or more likely the provision of higher standard, dedicated public transport facilities.

In light of the above, the Committee decided not to inquire into the petition any further. On 6 May 1999, Hon Ed Dermer MLC and the principal petitioner were formally advised that the Committee had resolved to discontinue its inquiry into the petition.

Status - finalised

2.41 REQUESTING THE CONSTRUCTION OF A NOISE BUND BETWEEN REDLANDS STREET AND TONKIN HIGHWAY, BAYSWATER

On 24 March 1999, Hon Nick Griffiths MLC tabled a petition (*TP # 907*) requesting the construction of a noise bund between Redlands Street and Tonkin Highway, Bayswater.

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

- i) the principal petitioner;
- ii) Main Roads WA; and
- iii) Hon Nick Griffiths MLC.

The principal petitioner wrote to the Committee setting out a number of matters pertinent to the request. These included:

- a comparison between their neighbourhood and others that run parallel to Tonkin Highway. The principal petitioner stated that where Tonkin Highway runs through Beechboro and parts of Morley a noise bund is provided to protect local residents from excessive noise, and she failed to see why it was appropriate to protect some residents from high traffic noise levels and not others;
- advice that Redlands Street residents have been endeavouring to have Main Roads construct a noise bund for some considerable time; and
- dispute with the criteria used by Main Roads for determining the threshold for providing noise bunds and barriers.

The Committee also received a letter from Main Roads WA advising that:

- noise levels were tested at two residences in Redlands Street in March 1998 and the noise levels were 63dB(A) and 61dB(A);
- the noise level objective for new roads constructed by Main Roads is 63 dB(A). Before new projects commence a noise assessment is carried out and where noise levels are expected to be above 63dB(A), noise control features are created at the time the highway is constructed. This policy was introduced after the construction of Tonkin Highway in the vicinity of Redlands Way. Main Roads does not have a program to retro-fit existing roads with noise reduction features;
- the construction of a noise bund as suggested by the residents would reduce the noise levels by approximately 3dB(A). This represents only a five percent reduction in noise and would make little difference to the residents;
- Main Roads has engaged a consultant to monitor noise levels along the entire length of Tonkin Highway with results due in July 1999; and
- in July 1999 Main Roads will be undertaking a planting program to fill in the spaces where previous plantings have not survived. The plantings will be within the highway road reserve in the Redlands Street area. Main Roads has asked the City of Bayswater to consider similar plantings.

The Committee considered that it was worth waiting for the results of the tests that were to be carried out along the entire length of Tonkin Highway as it would then be in a position to compare the noise at Redlands Street with that in neighbouring areas. The Committee therefore resolved to take no further action in this matter until those tests were completed. The principal petitioner was formally advised of the Committee's decision by letter dated 27 May 1999.

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

Status - lapsed

2.42 WORLD HERITAGE LISTING FOR THE NORTH WEST CAPE

Two petitions were tabled (*TP #s 910 and 1073*) by Hon Giz Watson MLC on 25 March 1999 and 25 May 1999 asking for World Heritage Listing for the North West Cape.

The petitions:

- recommended that the Government apply for World Heritage Listing for the whole North West Cape area including Commonwealth and State Sea territories and the terrestrial and estuary ecosystems to safeguard the precious environment for future generations;
- requested the Legislative Council to reject any proposal which could harm the fragile ecosystem of the North West Cape including any further development on the West Coast; and
- requested the Legislative Council to support increased funding to CALM and other agencies to upgrade and maintain management resources for the North West Cape.

The petition was first tabled by Hon Giz Watson MLC during the First Session of the Thirty-Fifth Parliament. At that time the Committee sought submissions from:

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

The Committee obtained copies of three reports relevant to the petitions:

- the Environmental Protection Authority's *Preliminary Position Statement No. 1 - Environmental Protection of Cape Range Province* (March 1998);
- the *Karst Management Considerations for the Cape Range Karst Province Western Australia*, prepared for the WA Department of Environmental Protection (March 1998); and
- the *First Report of the Legislative Council Select Committee on Cape Range National Park and Ningaloo Marine Park* (December 1995).

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

Status - lapsed

2.43 LEIGHTON SHORES JOINT VENTURE TENDER PROCESS

On 20 April 1999, Hon Jim Scott MLC tabled a petition (*TP # 951*) requesting the Legislative Council to investigate the Leighton Shores Joint Venture Tender Process.

The petitioners expressed concern about the redevelopment of the Leighton Marshalling yards, and specifically that the public were not given the opportunity to express their needs in the planning process. Furthermore, there were grave community concerns regarding beach access and the loss of views. The petitioners stated that the area presents a once-only opportunity to create parklands which would complement the safe swimming beaches in the South Metropolitan region.

The petitioners requested that the Legislative Council investigate the community concerns and make recommendations to the Premier and Cabinet to ensure that:

- the Leighton Shores Joint Venture tender process is immediately suspended so that the Government can facilitate an open and interactive planning process to develop a sustainable vision for the Port and Leighton beach coastal zones and the Leighton marshalling yards in keeping with current best practice coastal management policies; and
- no land be sold off or developed until the community has developed a shared vision.

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

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

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

Status - lapsed

2.44 OPPOSING THE PANGEA PROPOSAL TO LOCATE A HIGH LEVEL NUCLEAR WASTE DUMP IN WESTERN AUSTRALIA

Six petitions were tabled by Hon Giz Watson MLC (*TP #s 952, 1003, 1029, 1074, 1145 and 1183*) during the Second Session of the Thirty-Fifth Parliament opposing the Pangea proposal to locate a high level nuclear waste dump in Western Australia.

The petitioners requested that the Legislative Council "consider the health and welfare of the present and future residents of Western Australia and environmental impacts to be more important than profits from a high level nuclear waste dump that will present problems of a large magnitude for generations to come."

Following receipt of the petitions, the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Giz Watson MLC.

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

Status - lapsed

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

A petition was tabled (*TP # 1004*) by Hon Giz Watson MLC requesting the Government establish a renewable energy powered ecotourist discovery centre for the purposes of education and recreation within the proposed Guilderton Regional Park south of the Moore River.

The petitioners requested that the Government take the opportunity to both protect the estuary and coastal heathland and also to build a unique showplace which will serve local and international communities into the future.

Following receipt of the petitions, the Committee sought submissions from:

- i) the principal petitioner; and
- ii) Hon Giz Watson MLC.

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

Status - lapsed

2.46 OPPOSING THE PROPOSAL TO RESTRICT LIQUORLAND (AUSTRALIA) PTY LTD'S GROWTH

A petition was tabled (*TP # 1005*) by Hon Derrick Tomlinson MLC on 4 May 1999 opposing the proposal currently before Parliament which will restrict Liquorland (Australia) Pty Ltd's capacity to grow by placing a restriction on the number of liquor stores that any licensee may own in Western Australia.

The petitioners requested that the Legislative Council reject the Liquor Licensing Amendment Bill 1998 (No 2).

The Committee noted that the matters raised in the petition were to be dealt with by Parliament. The principal petitioner and the tabling member were advised that the Committee would therefore not inquire any further into the matter.

Status - finalised

2.47 OPPOSING EXEMPTIONS IN ANIMAL WELFARE LEGISLATION WHICH WOULD PREVENT AN ANIMAL FROM EXPRESSING BEHAVIOURAL NEEDS

A petition was tabled (*TP # 1006*) by Hon Jim Scott MLC on 4 May 1999 opposing exemptions in animal welfare legislation which would prevent an animal from expressing behavioural needs.

The petitioners expressed particular concern at the inclusion in the new Animal Welfare Act of exemptions and/or provisions in codes of practice which would allow for intensive farming practices, which by their nature prevent animals from expressing behavioural needs. The petitioners gave as examples of such practices the intensive confinement of animals such as the caging of hens and the tethering and confinement of sows.

The Committee noted that the Animal Welfare "Green Bill" was tabled in Parliament towards the end of 1998 and that the period for public submissions on the Bill closed at the end of April 1999. In May 1999 the Committee was advised by the Department for Local Government that it was assessing the submissions received and that it would advise the Minister for Local Government of the amendments, if any, which should be made to the Bill. The Department for Local Government anticipated that the amended Bill would be introduced into Parliament during the Spring Session at which time the Bill would be debated in the House.

In light of the above, the Committee decided that the concerns raised in the petition would be dealt with by Parliament when the Bill was introduced. Accordingly, the Committee decided not

to inquire any further into the petition. The principal petitioner and tabling member were formally advised of this decision in a letter dated 14 May 1999.

See also the comments regarding the Animal Welfare "Green Bill" at paragraph 2.11 of this report.

Status - finalised

2.48 NATIONAL PARK IN WELLINGTON DAM CATCHMENT AREA

A petition was tabled (*TP # 1044*) by Hon Christine Sharp MLC on 13 May 1999 requesting the State Government to immediately implement a 30 000 hectare National Park in the Wellington Dam catchment.

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

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

The Committee also made enquiries with the Office of the Minister for the Environment. The Committee was advised that the Wellington National Park was one of 12 new national parks created by the Regional Forest Agreement ("the RFA"), and that the allocation for the Wellington Dam National Park under the RFA was 4 300 hectares.

The Committee was aware that the Standing Committee on Ecologically Sustainable Development was inquiring into forestry management in Western Australia. In accordance with the its Terms of Reference No. 4, the Committee decided to refer the petition to that Committee. The tabling member and principal petitioner were advised accordingly.

Status - finalised

2.49 REQUESTING A COMMITTEE OF PARLIAMENT EXAMINE ISSUES OF COMMUNITY CONCERN IN REGARD TO THE CITY OF ALBANY

Two petitions were tabled by Hon Norm Kelly MLC on 26 May 1999 (*TP # 1080*) and 15 June 1999 (*TP # 1118*) requesting a Committee of Parliament to examine the following issues of community concern in regard to the City of Albany:

- Albany Foreshore Development;
- Rainbow Coast Waste Management Services;

- Disposal of Used Tyre Dump;
- Administration of Councils Town Planning Schemes;
- Minutes and Records of Meetings;
- Valuations for Leases and Rating of Council and Private Property;
- Engagement of Consultants; and
- Regional Saleyard Development.

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

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

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

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

Status - lapsed

2.50 EDUCATION/CHILDCARE EXCLUSION POLICY

A petition was tabled (*TP # 1131*) by Hon Jim Scott MLC on 16 June 1999 opposing any attempts to enforce the Education Department's and Child Care Exclusion Policy on "non-immune" children.

The petitioners submitted that "this policy discriminates against parent's rights to choose their children's health care based on medical, conscientious, religious, or naturally acquired immunity from disease." The petitioners also submitted that this policy can cause families financial and emotional distress.

The petitioners requested that the Legislative Council investigate the impacts of this policy in regard to:

- the educational disruption to students and staff;
- emotional and economic impact imposed on children/students and their families;
- what health risks non-immune children pose to the school and childcare communities; and
- discrimination in respect to Equal Opportunities and Human Rights.

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

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

The Committee was aware that the Select Committee on Immunisation and Vaccination Rates in Children was inquiring into, among other things, the current rates of vaccination in children, the effectiveness of vaccines and the incidence of risk, and the costs of vaccines, vaccination and cost-recovery. The Select Committee report was tabled on 24 July 1999. The Committee sent a copy of the report to the principal petitioner.

The Committee believed that the concerns expressed by the petitioners were addressed in the Select Committee report and advised the petitioners that it had therefore resolved to inquire no further into the matter.

Status - finalised

2.51 SAFEGUARDS POLICY

Two petitions were tabled by Hon Ljiljanna Ravlich MLC on 22 June 1999 (*TP # 1146*) and 29 June 1999 (*TP # 1185*) requesting that Parliament reverse the decision to introduce the "Safeguards Policy" from 1 July 1999 which will compulsorily impose fees for Home And Community Care Services.

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

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

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

Status - lapsed

2.52 SCHOOL EDUCATION BILL

A petition was tabled on 23 June 1999 (*TP # 1152*) by Hon John Cowdell MLC requesting that the Legislative Council maintain the principle of free, compulsory and secular education in Western Australian schools.

The petitioners requested that the Legislative Council amend the School Education Bill to prevent the Government from introducing compulsory and enforceable fees of \$60 per annum for each primary school student, and \$235 per annum for each secondary school student or any higher amount. The petitioners expressed the belief that compulsory fees would be an unwarranted charge on struggling families and lead to increasing reliance on compulsory fees to fund state schools. The petitioners requested that the current system of voluntary school amenities fees, with payment for special events and services be maintained.

The Committee considered the issues raised in the petition and concluded that as the matter involved a Bill which was being considered by the House at the time, the matter would be dealt with during debate in the House. Accordingly, the Committee resolved not to consider the matter any further.

The principal petitioner and the tabling member were advised accordingly.

Status - finalised

2.53 PROPOSED SOUTHERN LINK ROAD FOR JARRAHDAL

A petition was tabled (*TP # 1184*) by Hon Ljiljana Ravlich MLC on 29 June 1999 calling on the Government to heed the community's concerns regarding the proposed Southern Link Road for Jarrahdale and for the Serpentine-Jarrahdale Shire.

The petitioners expressed their concern that the proposal would be injurious to the lifestyle, industry and wellbeing of local residents and called upon the Government to take heed of the community's needs and concerns. The petitioners requested the Government to urgently examine the proposal before it is implemented and to evaluate other alternatives deemed to be more beneficial to the whole Western Australian community.

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

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

The Committee was aware that the Standing Committee on Public Administration ("the PAC") was conducting an inquiry into the Government proposal for the sale or lease of Westrail Freight Operations.

The Committee obtained a copy of a letter submitted to the PAC by Mr Colin Wright, a representative of the Jarrahdale Southern Link Road Action Group, known as Linkbusters. Linkbusters expressed their opposition to the construction of the Southern Link Heavy Haulage Road through the vicinity of Jarrahdale. Linkbusters' opposition was based on a number of issues, but "culminating in the actual need for a heavy haulage highway through this location when there is already a freight rail line in existence. (The Alcoa, Jarrahdale to Kwinana line)."

Linkbusters' submission to the PAC stated that the viability of rail freight should be considered as an alternative to the haulage highway. A new privatised freight rail network could make enormous dents on the current level of heavy road truck haulage across the southern half of Western Australia, and could solve the "Jarrahdale Link" issue completely.

It was also submitted that this would allow for the protection of the National Trust "Historic Town" (one of only seven in Western Australia) and the heritage precincts that surround the townsite. Linkbusters recommended that the Department of Transport impose a three year moratorium on the construction of the Southern Link Road from the time of the sale of Westrail Freight Business, after which the need for the road can then be reassessed.

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

Status - lapsed

2.54 SAFE PEDESTRIAN ACCESS TO MANDURAH FORUM

A petition was tabled (*TP # 1195*) by Hon John Cowdell MLC on 30 June 1999 calling for the provision of safe pedestrian access from the southern side of Pinjarra Road to the Mandurah Forum.

The petitioners submitted that the current pedestrian access between the suburbs of Greenfields and Coodanup in Mandurah, to the Mandurah Forum shopping centre is hazardous and poses potential risk to residents.

The petitioners requested that the Legislative Council urge the Minister for Transport to provide a walkover or underpass from Greenfields to the Mandurah Forum.

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

- i) the principal petitioner; and
- ii) Hon John Cowdell MLC.

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

Status - lapsed

Hon Murray Nixon JP MLC

Date: