

**41ST PARLIAMENT**



## **Report 59**

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

*Overview of Petitions 3 December 2021 to 30 June 2022*

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Presented by  
Hon Peter Foster MLC (Chair)  
October 2022

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

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# 1 Introduction

## History and function of the Committee

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

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

- (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
- (b) any Bill referred by the Council; and
- (c) petitions.

## Petitions

- 1.3 A petition is a formal request for action from individuals or groups. The petitions process, through which the general public can bring issues of concern to the attention of the Parliament, provides a fundamental link between the community and the Parliament.
- 1.4 All conforming petitions<sup>1</sup> tabled in the Legislative Council by a Member, except those raising a matter of privilege, are referred to the Committee. While a petition only needs one signature to be tabled, most petitions contain many.
- 1.5 The Committee's consideration of petitions serves to enhance transparency and to inform the Parliament and public about current issues of concern to the community.
- 1.6 A petition will not always bring about a change of policy by the Government or achieve the specific objectives desired by petitioners. However, the results of the Committee's enquiries may provide petitioners with an explanation for Government decisions or actions.

## Petitions process

- 1.7 The nature and extent of the investigation into each petition will vary depending on the nature of the issues raised. In most cases, the Committee will request a submission from the principal petitioner and the tabling Member. These submissions enable the Committee to better understand the issues involved and the action, if any, already undertaken by the petitioner to resolve the matter.
- 1.8 Once submissions are received, the Committee will usually request a response to the petition from the relevant Government Minister. The Committee may also seek responses from other organisations (such as local governments) and carry out other investigations as required.
- 1.9 In many instances, the Minister's response to the petition will provide an explanation for the policy or action in question, although sometimes the Committee will need more information to clarify the issues to its satisfaction. These enquiries may take the form of further correspondence with the relevant parties or a hearing to obtain more detailed evidence. On occasion, the Committee will resolve to conduct a formal inquiry into the matter.

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

- 1.10 The Committee may decide to limit or conclude its consideration of a petition if:
- there are other ways to address the issues in the petition which have not been pursued
  - the matter has been or is being dealt with by the relevant authority. For example, planning or environmental matters have established decision making and appeal processes over which the Committee has minimal influence
  - the issues raised in the petition will be, or have already recently been considered and/or debated by the Legislative Council
  - the matter is the same or very similar to a petition or petitions the Committee has already considered
  - the petition is the subject of a commercial dispute or legal action
  - other reasons determined on a case-by-case basis.
- 1.11 At the submission stage (paragraph 1.7), it is explained to the principal petitioner that the Committee is not a decision-making body, and only has the power to make recommendations for the Government to consider. It does not have the power to direct, amend or overturn the decisions of other bodies. It cannot make binding decisions to resolve the matters or issues raised in the petition, and only the Government has the power to change policy or take other action to resolve these matters.

### **Introduction of e-petitions**

- 1.12 The Legislative Council has agreed to trial an e-petitions system, which commenced on 1 January 2022 and will end on 31 March 2023.<sup>2</sup> The procedures governing e-petitions are contained in the Legislative Council's [Temporary Order](#) of 9 September 2021. Petitions can be created on the Parliament's [website](#).
- 1.13 The Committee considers e-petitions in the same way as paper petitions once they have been tabled in the Legislative Council.

### **Overview of petitions**

- 1.14 This report provides an overview of petitions finalised by the Committee during the period 3 December 2021 to 30 June 2022 (reporting period).
- 1.15 The Committee concluded its consideration of 15 petitions.
- 1.16 At the end of the reporting period, enquiries into 15 open petitions were continuing.

### **Committee webpage**

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

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<sup>2</sup> Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 9 September 2021, pp 3680-8. This was on the recommendation of the Standing Committee on Procedure and Privileges. See Western Australia, Legislative Council, Standing Committee on Procedure and Privileges, Report 65, *Review of the Standing Orders*, pp 25-7.

## 2 Finalised petitions

### Petition No. 6—Caravan Parks and Camping Grounds Regulations 1997

Date Tabled and Tabled Paper (TP) number	11 May 2021 (TP 175)
Number of signatures	22
Principal petitioner	Karl Stade
Tabling Member	Hon Tjorn Sibma MLC
Date Finalised	23 February 2022

- 2.1 This petition opposed the *Caravan Parks and Camping Grounds Regulations 1997* and called for a new provision for self-contained mobile dwellings (or tiny homes on wheels) to not be defined as 'camping'. It also requested that they be excluded from the three night camping limit on private property.
- 2.2 The principal petitioner submitted that the regulations should be modified to better reflect the standards, technology and features found in self-contained habitable vehicles and trailers, and that limiting their ability to camp on private property to three nights was inappropriate given Western Australia's housing shortage.<sup>3</sup>
- 2.3 The Minister for Housing advised:
- A person may use a caravan for up to three nights on private land with the landowner's approval. The length of stay can be extended to up to three months with local government approval, or for up to a year or longer with the approval of the Minister for Local Government.<sup>4</sup>
- 2.4 The Committee wrote to the following local governments requesting information regarding the number of applications received to camp for longer than three nights:
- City of Wanneroo
  - Shire of Broome
  - City of Kalgoorlie - Boulder
  - City of Albany
  - City of Greater Geraldton
  - City of Armadale
  - City of Busselton
  - Shire of Augusta - Margaret River.
- 2.5 The Committee considered the responses received and noted that the data provided by each local government indicated very low numbers of applications had been made to camp on private property for more than three nights (three or fewer applications per local government over the past five years).
- 2.6 On this basis, the Committee concluded its enquiries into this petition, but resolved to provide a copy of the petition and the principal petitioner's submission to the Estimates and

<sup>3</sup> Submission from Karl Stade, principal petitioner, 30 July 2021, pp 1-2.

<sup>4</sup> Hon John Carey MLA, Minister for Housing, letter, 2 September 2021, p 1.



Financial Operations Committee, which is conducting an inquiry into the financial administration of homelessness services in Western Australia.

### **Petition No. 23—Proposed realignment of the South West freight rail lines**

Date Tabled and Tabled Paper (TP) number	17 August 2021 (TP 462) <sup>5</sup>
Number of signatures	12
Principal petitioner	David Leitch
Tabling Member	Hon Matthew Swinbourn MLC
Date Finalised	16 February 2022

- 2.7 This petition opposed the altered freight rail line realignment south of Mundijong Road in Mardella in favour of the initial plan, or 'Option 0'.
- 2.8 The principal petitioner submitted that the amended realignment would relocate the freight rail line through properties and homes that were built with the understanding that there were no future projects planned for that area.<sup>6</sup>
- 2.9 The Committee sought responses from the Minister for Transport and Planning who advised:
- With regard to the issues that originally ruled out Option 0, the key challenge is around the interface with Mundijong Road, the future Tonkin Highway Extension, and the realigned freight railway. To achieve separation of these infrastructure elements in one location, a three-level grade separated interchange is required, which will have a significant cost, and constructability challenges such as managing ground water during and after construction. This then has an impact on land requirements, environmentally threatened ecological communities, and therefore the overall value for money of this option.<sup>7</sup>
- 2.10 The Minister acknowledged the significant community feedback surrounding this issue and confirmed that, while Option 0 was not the Department of Transport's preferred alignment, it would still be included in the Multi-Criteria Analysis (MCA) to be undertaken as part of the project's planning and development work.<sup>8</sup>
- 2.11 The Minister added that:
- community consultation information sessions had recently been held
  - an online survey was available on the project's website
  - newsletters had been sent to approximately 900 property owners in Mundijong and Mardella to raise awareness of the community engagement program.<sup>9</sup>

<sup>5</sup> This petition was originally tabled in the 40<sup>th</sup> Parliament on 14 October 2020 by Hon Donna Faragher MLC and contained 470 signatures, but it lapsed at prorogation before enquiries finished. The Committee used the submissions and correspondence obtained during the previous Parliament where appropriate.

<sup>6</sup> Submission from David Leitch, principal petitioner, 9 November 2020, p 1.

<sup>7</sup> Hon Rita Saffioti MLA, Minister for Transport and Planning, letter, 22 December 2021, p 1.

<sup>8</sup> *ibid.*

<sup>9</sup> *ibid.*, p 2.



- 2.12 The community consultation and survey results would be taken into account as part of the MCA process, and additional community sessions were planned for early 2022 to consider the survey outputs and MCA assessment.<sup>10</sup>
- 2.13 Based on the response from the Minister, the Committee concluded its consideration of the petition.

### **Petition No. 24—Murder of Stacey Robyn Thorne**

Date Tabled and Tabled Paper (TP) Number	17 August 2021 (TP 463)
Number of signatures	2 123
Principal petitioner	Dr Hannah McGlade
Tabling Member	Hon Rosetta Sahanna MLC
Date Finalised	16 February 2022

- 2.14 This petition called for the Government to:
- release the 2013 Corruption and Crime Commission (CCC) report into Stacey Robyn Thorne's murder
  - acknowledge violence against and murder of First Nations women
  - inquire into the deaths and disappearances of First Nations women in Western Australia
  - investigate the media reporting of First Nations women's' deaths
  - commit to addressing structural and systemic discrimination that disadvantages and impedes First Nations women's access to legal services, victim supports and justice.
- 2.15 The principal petitioner submitted that the CCC report into Ms Thorne's murder is a matter of significant public interest especially following the Supreme Court jury acquittal of Scott Austic in 2020.<sup>11</sup>
- 2.16 The Committee sought responses from the Attorney General, the Minister for Women's Interests and Prevention of Family and Domestic Violence and the CCC.
- 2.17 The CCC advised the Committee that:
- The results of the Commission investigation are contained in a confidential letter sent to Mr Austic's solicitors and other recipients in 2013. The letter is not a report under s 84 of the *Corruption and Crime Misconduct Act 2003* and is not appropriate to be laid before Parliament by the Commission.
  - A copy of the letter from the CCC to Mr Austic's solicitors had been sent to the Joint Standing Committee on the Corruption and Crime Commission.<sup>12</sup>
- 2.18 The Committee noted that the Australian Senate had referred an inquiry into missing and murdered First Nations women and children to its Legal and Constitutional Affairs Committee.
- 2.19 Based on the above, the Committee concluded its consideration of the petition.

<sup>10</sup> *ibid.*

<sup>11</sup> Submission from Dr Hannah McGlade, principal petitioner, 30 August 2021, p 1.

<sup>12</sup> John McKechnie QC, Commissioner, Corruption and Crime Commission, letter, 21 October 2021.

## Petition No. 25—Preserving the Gnarabup coastline

Date Tabled and Tabled Paper (TP) Number	18 August 2021 (TP 470) <sup>13</sup>
Number of signatures	233
Principal petitioner	Astrid Serventy
Tabling Member	Hon Jackie Jarvis MLC
Date Finalised	23 February 2022

- 2.20 This petition opposed the development of a hotel, short stay villas, apartments and permanent residential dwellings along the Gnarabup coastline, and called for the area to be rezoned from 'Tourism' to 'Parks and Recreation' in order to preserve it.
- 2.21 The petitioners raised many concerns, including the following:
- Gnarabup is Margaret River's only protected swimming and recreation beach and is heavily used
  - the loss of native vegetation and fauna habitat and its impact on the ecology of this biodiversity hot spot
  - development on these lots has never been assessed by the Environmental Protection Authority (EPA)
  - the presence of a significant Aboriginal heritage place on one of the lots and the long standing opposition to development by the Traditional Owners
  - high levels of heavy metals in the ground and ocean from the nearby Gnarabup Waste Water Treatment Plant
  - the high fire risk of further development in an area listed as an 'extreme' bushfire risk zone
  - the impact to the character and amenity of the locality.<sup>14</sup>
- 2.22 The Committee wrote to the Minister for State Development, the Minister for Emergency Services, the Minister for Planning and the Shire of Augusta - Margaret River, requesting responses to the petition.
- 2.23 The Committee was advised by the Minister for State Development that the development application was ongoing and was currently before the EPA and the Department of Planning, Lands and Heritage, as well as the Water Corporation.<sup>15</sup> It was noted that there would be opportunities for public consultation during the ongoing statutory processes.
- 2.24 On this basis, the Committee finalised the petition.

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<sup>13</sup> This petition was originally tabled in the 40<sup>th</sup> Parliament on 24 November 2020 by Hon Diane Evers MLC and contained 992 signatures, but it lapsed at prorogation before enquiries finished. The Committee used the submissions and correspondence obtained during the previous Parliament where appropriate.

<sup>14</sup> Submission from Astrid Serventy, principal petitioner, 23 August 2021, p 2.

<sup>15</sup> Hon Roger Cook MLA, Minister for State Development, letter, 14 February 2022, p 1.

## Petition No. 30—Asbestos contamination Wittenoom, Eastern Gorge and Yampire.

Date Tabled and Tabled Paper (TP) Number	12 October 2021 (TP 750)
Number of signatures	192
Principal petitioner	Maitland Parker
Tabling Member	Hon Dr Brad Pettitt MLC
Date Finalised	15 June 2022

- 2.25 The petitioners asked the Legislative Council to identify the responsible parties or owners of the tailings within a number of sites in and around what was the town of Wittenoom, and to seek clarification of plans for the clean-up of the sites.
- 2.26 The area in question was classified as *contaminated - remediation required* under the *Contaminated Sites Act 2003* in January 2008, in consultation with the Department of Health. This classification was conferred due to the presence of free Crocidolite (blue asbestos) fibres in soils on the site that continue to present an unacceptable risk of harm to human health.<sup>16</sup>
- 2.27 As part of its preliminary enquiries into the terms of the petition, the Committee wrote to:
- Minister for Environment
  - Minister for Lands
  - Minister for Health
  - Minister for Aboriginal Affairs
  - Minister for Environment
  - Minister for Transport
  - Shire of Ashburton.
- 2.28 The (then) Minister for Environment advised in December 2021 that the Department of Planning, Lands and Heritage is leading a coordinated State Government approach to manage the asbestos around Wittenoom and, in this context, chairs the Wittenoom Steering Committee, which provides advice to Government.<sup>17</sup> She also noted that the Department of Water and Environmental Regulation (DWER) has advised that there are significant technological and practical challenges in removing the asbestos fibre contamination, and it is unlikely to be possible to restore the site to the state it was in before the contamination occurred.<sup>18</sup>
- 2.29 The Minister for Lands noted that the emphasis of the State in recent years has been to acquire the last remaining privately owned properties within the Wittenoom townsite, which was necessary before any major remediation or management works within the gorges could occur, because the townsite is downstream of those gorges. He advised that he is looking to determine liability and responsibility for the tailings and contamination at Wittenoom, and will be seeking advice from the State Solicitor's Office and DWER.<sup>19</sup>

<sup>16</sup> Hon Amber Jade Sanderson MLA, Minister for Environment, letter, 16 December 2021, p 1.

<sup>17</sup> *ibid.*

<sup>18</sup> *ibid.*, p 2.

<sup>19</sup> Hon Dr Tony Buti MLA, Minister for Lands, letter, 17 December 2021, p 2.

- 2.30 The current Minister for Environment advised the Committee that a primary objective identified in previous work is to stabilise or remove the source of asbestos fibres at the deposits of tailings/overburden material in the gorges. That material includes overburden impacted by asbestos-containing rock layers and waste material from the processing mill. Whilst those tailings remain exposed, clean-up of the gorges cannot practically commence. He advised that a number of remedial strategies had been considered in the past 20 years, but noted that a single remedial action plan would not be feasible or practical due to the nature and scale of contamination and complexity of the issues.<sup>20</sup>
- 2.31 The Minister further advised that it is the preference of the Government to work with the various parties who have had a role in the mining, milling and use of asbestos in Wittenoom to reach an agreed outcome as to liabilities and obligations going forward. However, it is not possible to definitively estimate how long discussions with impacted parties might take to reach agreement on liabilities and management obligations.<sup>21</sup>
- 2.32 The effects of the asbestos contamination around Wittenoom on the Traditional Custodians and Native Title Holders, the Banjima People, were acknowledged by Government Ministers, who remain committed to working with the Banjima People to ensure they are included in the decision-making processes going forward.<sup>22</sup>
- 2.33 The Minister for Environment added:
- The Department of Planning, Lands and Heritage (the Department) has conducted engagement with the Banjima People concerning Wittenoom, particularly since 2015 via the Banjima Native Title Aboriginal Corporation (BNTAC) and its legal representative, Roe Legal. This has included written updates via email and meetings between BNTAC and the Department.
- The Department also consulted extensively with the Banjima people through previous work to collate important local and cultural knowledge and important ethnographic information related to significant sites surrounding Wittenoom.
- The State intends to reconvene the Wittenoom Steering Committee and invite representatives of the Banjima people to attend.<sup>23</sup>
- 2.34 Following consideration of the responses from various Ministers and the Shire of Ashburton, the Committee decided to finalise its consideration of the petition, noting that determination of liability is subject to legal processes outside the Committee's control. Moreover, due to the scale of the contamination, options for remediation and determining the cost of such remediation requires significant further technical investigation.

### **Petition No. 32—R.A.A.F Memorial in Kings Park**

Date Tabled and Tabled Paper (TP) Number	13 October 2021 (TP 778)
Number of signatures	542
Principal petitioner	Justine Warren
Tabling Member	Hon Dr Brian Walker MLC
Date Finalised	16 February 2022

<sup>20</sup> Hon Reece Whitby MLA, Minister for Environment, letter, 4 April 2022, pp 2-3.

<sup>21</sup> *ibid.*, p 5.

<sup>22</sup> Hon Stephen Dawson MLC, Minister for Aboriginal Affairs, letter, 17 December 2021.

<sup>23</sup> Hon Reece Whitby MLA, Minister for Environment, letter, 4 April 2022, p 5.

- 2.35 This petition called for a memorial at Kings Park specifically dedicated to the Royal Australian Air Force (RAAF) and its fellow commonwealth air services.
- 2.36 The petitioners noted that none of the 53 memorials at Kings Park were dedicated to the RAAF and, on the 100<sup>th</sup> anniversary of the creation of the RAAF, wanted to recognise all RAAF service men and women who served for Australia, and to remind the general public of their sacrifices.<sup>24</sup>
- 2.37 The Committee wrote to the Minister for Culture and the Arts, the Minister for Defence Industry and the Minister for Environment, who oversees the Botanic Gardens and Parks Authority (BGPA), which is responsible for Kings Park.
- 2.38 The Minister for Environment advised the Committee that the position of the BGPA is that:
- Kings Park does not have a separate dedicated memorial for the Army or the Navy. Service personnel from all services fought as one force, died side by side and are remembered collectively and individually as Western Australians.
  - Separate memorials to each service in Kings Park would potentially compete with each other for position, profile and grandeur.
  - The State War Memorial located in Kings Park and Botanic Garden is the pre-eminent place of remembrance for all Western Australian Servicemen.
  - The RAAF badge features predominantly at the South-Western Corner of the Cenotaph. The battles and theatres of war represented around the Court of Contemplation include those in which the RAAF and other commonwealth air services played an important role.
  - The BGPA considers the Bull Creek Museum or Pearce Airbase to be more appropriate locations for a RAAF specific memorial.<sup>25</sup>
- 2.39 Following consideration of the Minister's response, the Committee resolved not to carry out any further enquiries into the petition.

### Petition No. 33—Release the Coroner's Court recommendation

Date Tabled and Tabled Paper (TP) Number	14 October 2021 (TP 792)
Number of signatures	2 262
Principal petitioner	Henry Hamelink
Tabling Member	Hon Nick Goiran MLC
Date Finalised	18 May 2022

- 2.40 This petition called for the Legislative Council to inquire into the Attorney General's refusal to release the recommendation made by the Coroner's Court in January 2020 to amend the *Health (Miscellaneous Provisions) Act 2011*. This concerned a number of cases of the live birth of children as a result of abortion procedures.
- 2.41 The tabling Member wrote to the Committee in support of the petition, advising that:
- there has been significant concern that Western Australian babies have been born alive but then not provided the same standard of health care (or indeed any health

<sup>24</sup> Submission from Justine Warren, principal petitioner, 4 November 2021, p 1.

<sup>25</sup> Hon Amber-Jade Sanderson MLA, Minister for Environment, letter, 13 December 2021, p 2.

care) that a baby of the same gestational age would ordinarily receive. This concern has been heightened in light of the non-reporting of these child deaths.<sup>26</sup>

2.42 The tabling Member went on:

On 18 September 2018, it was confirmed by the Government in Parliament, that advice from the State Solicitor's Office stated that these deaths were reportable deaths but that, as at that date, they had not been reported to the State Coroner.<sup>27</sup>

2.43 The Committee wrote to the Attorney General and to the Minister for Health seeking comment on the petition.

2.44 In response, the Attorney General wrote:

the State Coroner's recommendation to amend the *Health (Miscellaneous Provisions) Act 2011* (WA) was prepared for the ultimate deliberation of Cabinet. Because this Cabinet deliberation is yet to take place, the Government has not been in a position to make the recommendation public to date. Relevantly, as I have previously advised the Legislative Council, the issue needs to be handled with the utmost sensitivity given the trauma suffered by women who have undergone late term abortions after receiving medical advice. Having said the above, I can confirm that the recommendation is subject to active law reform, and I anticipate that the Parliament will have the opportunity to scrutinise this matter in due course.<sup>28</sup>

2.45 Following consideration of the response from the Attorney General, the Committee resolved to finalise its consideration of the petition.

### Petition No. 35—East Subiaco A-Class Reserve

Date Tabled and Tabled Paper (TP) Number	17 November 2021 (TP 886)
Number of signatures	2 134
Principal petitioner	Paul Clements
Tabling Member	Hon Neil Thomson MLC
Date Finalised	6 April 2022

2.46 This petition called for the Legislative Council to support and recommend the classification of the East Subiaco Reserve (the Subiaco Oval site) as a Class A Reserve. The petitioners strongly opposed any plan to sell the land reserve to property developers 'at the expense of the community's health, wellbeing and recreation'. The principal petitioner advised the Committee that the petitioners opposed the likely outcomes of development proposals on the following grounds:

- Continued erosion of historical public sporting grounds in the face of unjustified imposed increased population density.
- Student and resident wellbeing compromised as a consequence.

<sup>26</sup> Hon Nick Goiran MLC, letter, 15 November 2021, p 1.

<sup>27</sup> *ibid.*

<sup>28</sup> Hon John Quigley MLA, Attorney General, letter, 5 May 2022.

- Rejection of the City of Subiaco's orderly planning by Development WA's ad-hoc decision-making contrary to State Departmental planning policies.<sup>29</sup>
- 2.47 The Committee wrote to the Minister for Planning, the Minister for Lands and the City of Subiaco, seeking comments on the petition.
- 2.48 The Minister for Planning advised that part of the Reserve in question is still designated a Class A Reserve, and that the Subiaco East Master Plan was approved and became operational in 2020 after an extensive two-year consultation period. The Minister added:
- The retention of the heritage listed Subiaco Oval for use by the community, local football organisations and the students of the Bob Hawke College is a key aspect of the Subi East Master Plan, and forms part of the 4.6 hectares of new public open space that the project will deliver.<sup>30</sup>
- 2.49 The City of Subiaco advised that it is pursuing Class A classification for the Subiaco Oval site. However, the playing surface is afforded extra protection by being listed on the State Register of Heritage Places, and its current use is consistent with the nature of the State Heritage listing.<sup>31</sup>
- 2.50 Following consideration of the responses from the Minister for Planning and the City of Subiaco, the Committee decided to finalise its consideration of the petition.

### **Petition No. 36—Mandatory Vaccinations**

Date Tabled and Tabled Paper (TP) Number	18 November 2021 (TP 894)
Number of signatures	118
Principal petitioner	Amber Pasco
Tabling Member	Hon James Hayward MLC
Date Finalised	6 April 2022

- 2.51 This petition called for the Legislative Council to support the petitioners' opposition to the Premier's proposals to 'force mandatory vaccinations' against the Covid-19 coronavirus, which it was said would threaten livelihoods and cause grievous anxiety and fears. Moreover, the petition raised doubts about the viability of a 'foreign experimental vaccine', and further opposed the proposal to punish businesses that did not enforce the vaccination mandate.
- 2.52 As part of its preliminary enquiries into the terms of the petition, the Committee wrote to the Minister for Health.
- 2.53 The Minister informed the Committee that the vaccine mandate, part of the Worker Access Directions, was made under health advice given to the Government. She explained that:

A mandatory COVID-19 vaccination policy for a majority of occupations and workforces in Western Australia (WA) was introduced following existing mandates in place for workers in high-risk industries. This includes workers interacting with people at an increased risk of being infected with COVID-19, or people who are

<sup>29</sup> Submission from Paul Clements, principal petitioner, 21 January 2022, p 1.

<sup>30</sup> Hon Rita Saffioti MLA, Minister for Planning, letter, 28 March 2022, p 1.

<sup>31</sup> Colin Cameron, Chief Executive Officer, City of Subiaco, letter, 17 March 2022, p 2.



vulnerable to the impacts of COVID-19, or where they are necessary to avoid catastrophic risk to the safety of the community.<sup>32</sup>

2.54 The Minister continued:

In relation to the assertion that COVID-19 vaccines are experimental, in Australia any COVID-19 vaccine is required to undergo rigorous assessment and approval by the Therapeutic Goods Administration (TGA) to ensure compliance with Australia's strict standards on safety and effectiveness. All vaccines approved by the TGA for use in Australia have been proven to be safe and effective in protecting against COVID-19.

Safe, effective COVID-19 vaccines have been developed faster than other vaccines. Reasons for this include a level of funding and commitment not seen before, the use of innovative technologies, and researchers and manufacturers around the world working together to respond to the pandemic. Further to this, some steps of the clinical development and assessment processes were undertaken concurrently, instead of one after the other, as is usually the case. This allowed large clinical trials of the vaccines to progress as quickly as possible.<sup>33</sup>

2.55 In light of the Minister's response, the Committee concluded its consideration of the petition.

### **Petition No. 37—Public Health Emergency and Vaccine Mandates**

Date Tabled and Tabled Paper (TP) Number	30 November 2021 (TP 935)
Number of signatures	3 843
Principal petitioner	Jason Nunn
Tabling Member	Hon Sophia Moermond MLC
Date Finalised	11 May 2022

2.56 This petition called for the Legislative Council to recommend the repeal of the state of emergency declared under the *Public Health Act 2016* and the *Emergency Management Act 2005* and all mandates enacted under those powers. The reasons cited for this request were:

- Since 2020, Australia's mortality rate from the Covid-19 coronavirus had reduced.
- Deaths were lower than pre-pandemic seasonal influenza deaths.
- The World Health Organisation had advised that most people recovered with no treatment.
- The vaccine does not work, but was a serious threat to health, killing at least 634 Australians.

2.57 As part of its preliminary enquiries about the terms of the petition, the Committee wrote to the Minister for Health.

2.58 In response, the Minister stated:

please be advised the stated claim that COVID-19 vaccines are ineffective has no basis in scientific fact or reason. All four vaccines approved for use in Australia

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<sup>32</sup> Hon Amber-Jade Sanderson MLA, Minister for Health, letter, 30 March 2022, p 1.

<sup>33</sup> *ibid.*, pp 1-2.

have been proven to be safe and effective at reducing serious illness, hospitalisation and death from COVID-19.<sup>34</sup>

- 2.59 The Minister opined that the benefits of COVID-19 vaccination significantly outweigh the risks.<sup>35</sup>
- 2.60 Following consideration of the response from the Minister, the Committee decided not to undertake any further enquiries and to finalise its consideration of the petition. In doing so, the Committee noted that restrictions such as proof of vaccine to enter businesses and venues, and the wearing of masks, were being lifted and would then only apply to high-risk settings.
- 2.61 Further, the Committee noted that the Legislative Council would imminently be considering and voting on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022.
- 2.62 The Committee does not consider matters which are currently before, or shortly due to be before, the Legislative Council.

### **Petition No. 39—Robinson Road, Bellevue**

Date Tabled and Tabled Paper (TP) Number	2 and 7 December 2021 (TP 952 and TP 973)
Number of signatures	4 642 and 186
Principal petitioner	Mark Richards
Tabling Member	Hon Donna Faragher MLC
Date Finalised	15 June 2022

- 2.63 This petition was first tabled on 2 December 2021. A further petition, couched in the same terms, was tabled on 7 December 2021. They were treated as one petition by the Committee, which called upon the Legislative Council to recommend to the Government that Robinson Road, Bellevue, remain open to through traffic. It was said that the effects of the removal of the level crossing on that road included:
- an adverse effect on local businesses, thereby costing jobs
  - increasing the risk for local residents by forcing traffic through residential streets that are not equipped to cope with the increased load
  - removing access to the Roe Highway north of the Great Eastern Highway from Clayton Street
  - resulting traffic congestion and intensified risk
  - exacerbating commuting times for motorists.
- 2.64 The petitioners called for the development of an integrated transport plan for the area involving input from all stakeholders, including local government authorities, local businesses and affected residents.
- 2.65 As part of its preliminary enquiries into the terms of the petition, the Committee wrote to the Minister for Transport.

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<sup>34</sup> Hon Amber-Jade Sanderson MLA, Minister for Health, letter, 8 April 2022.

<sup>35</sup> *ibid.*

- 2.66 The Minister advised that the Government is committed to constructing the new Bellevue Railcar Depot for the manufacture of Metronet railcars and as a maintenance facility in the longer term. This necessitated the construction of railcar tracks through the area, which in turn necessitated the closure of Robinson Road. The Minister added that the tracks through the area had been proposed since the first concept design was developed six years previously.<sup>36</sup>
- 2.67 Traffic monitoring had been carried out, and in September 2021, Main Roads WA, the Public Transport Authority and representatives from the Minister's office met with representatives of the local community (being the Bellevue Residents and Ratepayers Association) to discuss the findings of the Main Roads Traffic Modelling Report.<sup>37</sup>
- 2.68 The Minister informed the Committee that the Government is continuing wider traffic modelling, planning and stakeholder engagement to develop a longer-term transport strategy for the Midland area.<sup>38</sup>
- 2.69 Following consideration of the response from the Minister for Transport, the Committee decided to finalise its consideration of the petition.

### **Petition No. 40—Caledonian Ave, Maylands**

Date Tabled and Tabled Paper (TP) Number	8 December 2021 (TP 976)
Number of signatures	254
Principal petitioner	Shannon Leigh
Tabling Member	Hon Donna Faragher MLC
Date Finalised	6 April 2022

- 2.70 This petition opposed the Government plan to permanently block access for pedestrians and cyclists across the rail line at Caledonian Avenue, Maylands. The principal petitioner informed the Committee, by way of submission, that the Government was planning to close the Caledonian Avenue level crossing as part of its Metronet project. The results of this would be to:
- sever the local community, reduce amenity and hurt local businesses
  - create barriers to pedestrians and cyclists, resulting in long detours for those who do walk or cycle
  - promote more driving, thus increasing congestion and car parking pressure
  - increase road danger
  - increase social inequity and unfairly restrict low income earners and people who live car-free.<sup>39</sup>
- 2.71 The tabling Member wrote to the Committee in support of the petition. She submitted that, whilst the removal of the level crossing was supported by many in the community, the petitioners were concerned that no provision had been made for pedestrians, cyclists or

<sup>36</sup> Hon Rita Saffioti MLA, Minister for Transport, letter, 28 March 2022, p 1.

<sup>37</sup> *ibid.*

<sup>38</sup> *ibid.*, p 2.

<sup>39</sup> Submission from Shannon Leigh, principal petitioner, 11 January 2022, p 1.

those who require the use of a wheelchair or pram. The Member advised that the preference of the petitioners was the construction of a well-lit and safe underpass.<sup>40</sup>

2.72 The Committee wrote to the Minister for Transport seeking comments on the petition.

2.73 The Minister informed the Committee that the decision to close the level crossing had been taken on safety grounds. She explained:

Once METRONET is complete, there will be a significant increase in train services on the Midland Line as a result of the new Forrestfield-Airport Link (FAL) and Morley-Ellenbrook Line (MEL) services, which share the same track infrastructure between Bayswater and Perth. This will increase pedestrian wait times at the crossing by 43 per cent, and see the pedestrian gates closed for nearly four hours per day, including for a significant duration in peak periods. Increased wait times often result in an increase in risk-taking behaviour, where people may ignore the closed gates and other warning devices, jeopardising their safety.<sup>41</sup>

2.74 The Minister told the Committee that options to keep the Caledonian Avenue crossing open were investigated, such as raising or lowering the rail line to create an underpass or the construction of a new road bridge. However, the impact of these options on nearby infrastructure and residential homes was considered to be too disruptive. The underpass at the nearby train station at Maylands, or the overpass and level crossing at Meltham Train Station, were considered to be more appropriate options for cyclist or pedestrian crossings.<sup>42</sup>

2.75 The Minister also advised that Main Roads had established a Community Reference Group to help identify what is important in the development of the Maylands town centre.<sup>43</sup>

2.76 Following consideration of the response from the Minister for Transport, the Committee decided not to carry out any further enquiries and to finalise its consideration of the petition.

### **Petition No. 41—Southern Link Road Stage 3**

Date Tabled and Tabled Paper (TP) Number	14 December 2021 (TP 985)
Number of signatures	146
Principal petitioner	Josephine Stone
Tabling Member	Hon Dr Brad Pettitt MLC
Date Finalised	6 April 2022

2.77 This petition opposed the construction of the Southern Link Road Stage 3, on the grounds that it would threaten the Cannington Claypan, a conservation category wetland hosting a threatened ecological community in the City of Canning.

2.78 As part of its preliminary enquiries into the terms of the petition, the Committee wrote to the Minister for Planning, the Minister for Environment and the City of Canning.

2.79 The Committee was advised:

- The Environmental Protection Authority had determined that the environmental impacts of the Southern Link Road works were not so significant as to warrant formal assessment

<sup>40</sup> Hon Donna Faragher MLC, letter, 17 December 2021, pp 1-2.

<sup>41</sup> Hon Rita Saffioti MLA, Minister for Transport, letter, 30 March 2022, p 1.

<sup>42</sup> *ibid*, pp 1-2.

<sup>43</sup> *ibid*, p 2.

and that the management and mitigation of potential impacts could be achieved via a clearing permit.<sup>44</sup>

- As a result of extensive consultation with the community, the alignment and design of the Southern Link Road had been modified to only traverse mostly degraded vegetation.<sup>45</sup>

2.80 Following consideration of the responses from the Minister for Planning, the Minister for Environment and the City of Canning, the Committee decided to finalise its consideration of the petition.

### **Petition No. 42—Department of Communities Housing in Karawara**

Date Tabled and Tabled Paper (TP) Number	15 December 2021 (TP 994)
Number of signatures	115
Principal petitioner	Debra Moran
Tabling Member	Hon Stephen Pratt MLC
Date Finalised	18 May 2022

2.81 The petition called for Legislative Council support for a reduction in the Department of Communities housing numbers in Karawara, currently standing at 24%.

2.82 On 10 March 2022, the Committee resolved to finalise its consideration of the petition, because it had not received a submission from the principal petitioner or the tabling Member within the stipulated timeframe. However, a submission was subsequently received from the principal petitioner and the Committee resolved to re-open its deliberations.

2.83 As part of its preliminary enquiries into the terms of the petition, the Committee wrote to the Minister for Housing.

2.84 The Minister advised that Policy Advisors from his office had met with the principal petitioner and the Karawara Community Group to discuss their concerns. The Minister noted:

- The State Government will be investing \$2.1 billion into social housing over the next four years.
- Western Australia is currently experiencing significant demand for housing, and the Government is mindful that properties should not be unnecessarily demolished or sold at such a time of need.
- As the landlord, the Department of Communities must thoroughly investigate all complaints to determine whether a tenant has breached their tenancy agreement before any formal action can be taken against that tenant. The decision to terminate a tenancy agreement sits with the Magistrate hearing the application, who will only grant an order for vacant possession if satisfied that there has been a breach of the tenancy agreement, that the tenant has been given every opportunity to rectify the breach and that the tenant has failed to do so.
- The majority of public housing tenants abide by their tenancy agreement with no complaints or concerns reported.

<sup>44</sup> Hon Reece Whitby MLA, Minister for Environment, letter, 17 March 2022, p 1.

<sup>45</sup> Graham Bide, Director Canning Development, City of Canning, letter, undated, p 2.

- A suite of practical measures to alleviate concerns of disruptive behaviour, particularly in Bunderra Close, have been considered by the Department of Communities. This has included the recent temporary installation of a CCTV camera to manage disruptive behaviour and vandalism at properties.<sup>46</sup>

2.85 Following consideration of the response from the Minister for Housing, the Committee decided to finalise its consideration of the petition.

### **Petition No. 46—Oppose mandatory masks for children years 3 to 7**

Date Tabled and Tabled Paper (TP) Number	23 March 2022 (TP 1160)
Number of signatures	189
Principal petitioner	Lauren Rogers
Tabling Member	Hon Dr Brian Walker MLC
Date Finalised	11 May 2022

2.86 This petition opposed the Government directive for children from year 3 to year 7 to wear masks in any setting.

2.87 At its meeting on 11 May 2022, the Committee noted that, as of 29 April 2022, children in years 3 to 7 were not required to wear masks.

2.88 The Committee therefore resolved to finalise the petition.

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<sup>46</sup> Hon John Carey MLA, Minister for Housing, letter, 16 May 2022, pp 1-2.

### 3 On-going petitions

#### Petitions subject to ongoing enquiries

3.1 At the end of the reporting period, the Committee was continuing its enquiries into the following petitions:

- Petition No. 14—Moratorium on subdivision in bushfire prone areas
- Petition No. 16—Fiona Stanley Hospital
- Petition No. 20—Dog Act 1976
- Petition No. 29—Independent review of DCBA prescribing burning practices
- Petition No. 43—Save the Black Cockatoos
- Petition No. 44—Flood mitigation in Carnarvon
- Petition No. 45—Regional Electricity Network
- Petition No. 47—Crime and anti-social behaviour across the Kimberley
- Petition No. 48—Manning Park in Beeliar Regional Park
- Petition No. 49—State of Emergency Declarations
- Petition No. 50—Minimum penalties for animal abuse
- Petition No. 51—Marine fish kill in Jurien Bay Marina
- Petition No. 52—Native logging ban
- Petition No. 53—Home Indemnity Insurance
- Petition No. 54—Mining Act 1978.



Hon Peter Foster MLC  
**Chair**



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

### **Date first appointed:**

23 May 2017

### **Terms of Reference:**

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

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

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



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