

40TH PARLIAMENT



Report 53

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Overview of Petitions 1 July 2018 to 31 December 2018

Presented by
Hon Matthew Swinbourn MLC (Chairman)
August 2020

Standing Committee on Environment and Public Affairs

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EXECUTIVE SUMMARY

- 1 The Standing Committee on Environment and Public Affairs (Committee) is pleased to present this overview of the petitions finalised between 1 July and 31 December 2018.
- 2 Petitions remain a popular method of informing Members of Parliament about issues that affect the community and the Committee's enquiries enhance transparency of government policy and decisions.
- 3 This Committee of the Legislative Council is unique in Australia in considering all petitions tabled. The nature and extent of enquiries relating to each petition will vary depending on the issues raised.
- 4 A petition will not always achieve the specific objectives desired by petitioners however the Committee's enquiries may provide petitioners with an explanation for government decisions or actions.
- 5 During the reporting period, 29 petitions were tabled in the Legislative Council and the Committee concluded its enquiries in relation to 30 petitions.
- 6 The Committee's webpage at www.parliament.wa.gov.au/env contains copies of public documents including the terms of each petition, submissions, government responses and transcripts of evidence.

CHAPTER 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 of 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 tabled in the Legislative Council by a Member of the Legislative Council, 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 signatures.
- 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 Committee's enquiries may provide petitioners with an explanation for government decisions or actions. The petitions process facilitates communication between Parliament and the community.

Petitions process

- 1.7 The nature and extent of enquiries relating to 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 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.

Overview of petitions

- 1.10 This report provides an overview of the petitions considered and finalised by the Committee from 1 July to 31 December 2018 (reporting period).
- 1.11 Twenty nine new petitions were tabled in the Legislative Council between July and December 2018 and the Committee concluded its enquiries into 30 petitions, some of which were tabled prior to the current reporting period.

Committee webpage

- 1.12 The Committee's webpage at 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.

CHAPTER 2

Finalised petitions: July–December 2018

Petition No 21—Shenton Park hospital redevelopment

Number of signatures:	1289 (total)
Dates tabled and Tabled Paper (TP) number:	12 September 2017 (TP 483) 10 October 2017 (TP 710)
Date finalised:	7 November 2018
Principal petitioners:	Heidi Hardisty and Lynette Jennings
Tabling Member:	Hon Alison Xamon MLC

- 2.1 The petition opposes the planned clearing of approximately half of the bushland at the former Royal Perth Rehabilitation Hospital site in Shenton Park.
- 2.2 The principal petitioners submit that the bushland will be cleared against advice from scientific experts and contrary to key government planning policies. The bushland on Lemnos Street forms part of a regionally significant ecological linkage between Kings Park and Bold Park, providing habitat for endangered cockatoos and other fauna. The area also contains banksia woodland classified as a 'Threatened Ecological Community'.¹ In addition, it is contended that the draft Shenton Park Hospital Redevelopment Improvement Scheme (Improvement Scheme) relies upon outdated bushfire management policy and guidelines.²
- 2.3 According to principal petitioner Heidi Hardisty:
- This petition is not just about an isolated case. This petition highlights a systemic problem in Perth involving poor planning regulation and decision making, which often favours the short term monetary gain (for developers and the government) at the expense of the community and the environment. It also highlights Ministers' sweeping discretionary powers to make development decisions, without having to be transparent or accountable.³
- 2.4 The Committee's enquiries with the local government and relevant government ministers extended over several months, a summary of which is outlined below.

Application of relevant planning policies

- 2.5 The Minister for Planning, Hon Rita Saffioti MLA, advised that due regard was given to all State planning policies.⁴ As of late June 2018, no planning applications had been determined regarding the Woodland Precinct (Stage 2 subdivision) and the Western Australian Planning Commission (WAPC) was seeking additional information in regard to the ecological corridor and the rationale for the approval of Improvement Plan No 43.⁵

¹ Submission from Heidi Hardisty, 12 October 2017, p 1 and submission from Lynette Jennings, 16 October 2017, p 1.

² Submission from Lynette Jennings, 16 October 2017, p 1.

³ Submission from Heidi Hardisty, 12 October 2017, p 1.

⁴ Hon Rita Saffioti MLA, Minister for Planning, letter, 5 December 2017, p 2.

⁵ Hon Rita Saffioti MLA, Minister for Planning, letter, 28 June 2018, p 2. Improvement Plan No 43 preceded and informed development of the Improvement Scheme. See <https://www.dplh.wa.gov.au/getmedia/2eb71c82-0f0e-4c37-90c5-a9e13f206c18/IMP-Improvement Plan No 43 - Shenton Park Rehabilitation Hospital>.

Cumulative effect of clearing

- 2.6 The Improvement Scheme and Structure Plan were assessed for the purposes of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and by Western Australia's Environmental Protection Authority (EPA).⁶
- 2.7 The Planning Minister explained that there is no specific planning process to monitor the effects of vegetation clearing. Broader regional planning policies deal with environmental issues and the cumulative impacts of clearing. A guideline to support retention of urban tree canopy and vegetation data management is being drafted.⁷
- 2.8 The *Environmental Protection Act 1986* (EP Act) requires the clearing of native vegetation to be authorised by a clearing permit, the assessment of which will consider the cumulative impact of the clearing. A clearing permit is not required in every case and exemptions apply in certain circumstances, for instance when a planning scheme is assessed by the EPA.⁸
- 2.9 The Environment Minister advised that he is examining ways to improve clearing provisions.⁹

Bushfire management

- 2.10 The Minister for Planning advised that retention of vegetation and bushfire management plans prepared for the site were being considered by the WAPC.¹⁰

Banksia woodland

- 2.11 When the redevelopment proposal was referred to the Commonwealth Department of Environment in accordance with the EPBC Act in 2015, the Banksia Woodland was not listed as a Threatened Ecological Community (TEC). It was determined that the development was not a controlled action under the EPBC Act and a re-referral is not required following a new TEC listing.¹¹

Preservation of all of the bushland

- 2.12 The Minister for Planning explained that the site is zoned urban in the Metropolitan Region Scheme (MRS):

Acknowledging this urban zoning, while the improvement scheme may not retain and rehabilitate the full extent of bushland in the Woodland Precinct as requested by the community, the bushland to be retained and rehabilitated is intended to be managed and accessible for residents and the wider community to enjoy. Further, the bushland that is required to be retained by the scheme is intended to allow its linkage function to continue.¹²

Determination by the WAPC

- 2.13 The Committee regularly liaised with the WAPC regarding the progress of the subdivision application, consideration of which included, among other factors, vegetation retention and bush fire hazard reduction.

⁶ Hon Rita Saffioti MLA, Minister for Planning, letter, 5 December 2017, p 2.

⁷ Hon Rita Saffioti MLA, Minister for Planning, letter, 28 June 2018, p 2.

⁸ Hon Stephen Dawson MLC, Minister for Environment, letter, 9 May 2018, pp 1-3.

⁹ *ibid.*, pp 3.

¹⁰ Hon Rita Saffioti MLA, Minister for Planning, letter, 28 June 2018, p 3.

¹¹ *ibid.*, p 4.

¹² *ibid.*, p 4.

- 2.14 An update from the Minister for Planning on 25 October 2018, advised that the WAPC had deferred its determination in order to make further enquiries and to consult with environmental groups:

I am advised that the Woodland Precinct subdivision as originally proposed aligned with the Improvement Scheme and associated Structure Plan. Nevertheless, in response to the deputations made by the environmental groups, the Statutory Planning Committee (SPC) of the WAPC resolved to defer the application to obtain additional information in regard to the ecological corridor and the original decisions and rationale in the approval of the Improvement Plan 43 and Improvement Scheme.

It is understood that the WAPC has undertaken further investigations regarding the advice received from the environmental agencies which led to the original decisions on the Improvement Plan and Improvement Scheme.¹³

- 2.15 The Committee was advised that the Chairman of the WAPC had met with the Urban Bushland Council and other community representatives and that environmental groups had been invited to make further written submissions.
- 2.16 The Committee was pleased to note that alternative options for an amended subdivision concept plan had been developed and would be considered at a special meeting of the WAPC where the applicant and environmental groups would have the opportunity to make a deputation prior to a determination being made.

Petition No 24—Oppose logging in Nannup

Number of signatures:	3048
Date tabled and Tabled Paper (TP) number:	14 September 2017 (TP 564)
Date finalised:	12 September 2018
Principal petitioners:	Martin & Ellie Mckie
Tabling Member:	Hon Diane Evers MLC

- 2.17 This petition calls on the Legislative Council to oppose the logging of Barrabup 03 Coupe in Nannup and declare Barrabup as a formal conservation reserve.
- 2.18 In their submission, the principal petitioners argue that the forest's minimal logging history makes it a high conservation value forest containing areas of old growth. The forest also forms part of the South West biodiversity hotspot which is globally significant due to its diversity of plants, animals and habitats.¹⁴

The majority of the Barrabup forest is made up of ancient Jarrah and Marri trees. Due to the age of these old trees this forest has become a safe haven, a feeding ground and a breeding area for many of our native fauna species, some of which are on the endangered list. The Chuditch, Phascogale, Quokka, Pygmy Possum, Woylie, Forest Red-Tail, Baudin and Carnaby Black Cockatoos are some of those known about. These native species are fast diminishing due to habitat loss caused by logging, wildfires, prescribed burning, clearing and climate change.¹⁵

¹³ Hon Rita Saffioti MLA, Minister for Planning, letter, 25 October 2018, p 2.

¹⁴ Submission from Martin and Ellie Mckie, undated, received 9 October 2017, pp 1-2.

¹⁵ *ibid.*, p 1.

- 2.19 The petitioners point out that the area is also important for tourism and recreational activities and contains significant Aboriginal heritage sites.¹⁶
- 2.20 The tabling Member provided a submission in support of the petition, asserting that:
- Clearly, given its heritage, beauty and exceptional flora and fauna, proximity to the town and prominence along the main tourist gateway, there is a strong case for preserving Barrabup Coupe 03 as a tourism attraction. As for local residents, look no further than the 3,000 signatures on the tabled petition, the recent well-attended rally and the energy behind this campaign to recognise their affinity for the forest and its social value.¹⁷
- 2.21 Responses to the petition from the Ministers for Environment and Forestry, advised that timber harvesting is conducted in accordance with the *Forest Management Plan 2014 – 2023* (FMP).
- 2.22 In his response to the petition, the Minister for Forestry pointed out that:
- provisions are made to ensure that Aboriginal and European heritage areas are identified and not disturbed;
 - old growth forest is excluded from harvesting;
 - where harvesting is permitted, a detailed review of forest values is undertaken and endorsed by the Department of Biodiversity, Conservation and Attractions (DBCA) prior to operations commencing;
 - the timber industry is an important employer in the Nannup region and is compatible with tourism and recreational use of the forest;
 - the FMP ensures that high conservation value forests are adequately represented in both formal reserves and areas available for timber harvesting;
 - in addition to formal reserves, the FMP requires that proposed reserves, Fauna Habitat Zones, old growth forest, river and stream zones, diverse ecotype zones and other areas remain undisturbed;
 - approximately 31 percent of the Barrabup forest block is unavailable for harvesting; and
 - the continued maintenance of conservation values is achieved through mapping the presence of dieback disease, conducting flora and fauna assessments and the maintenance of habitat elements including habitat trees, ground logs and secondary storey flora species.¹⁸
- 2.23 The Minister for Environment explained that a key objective of the FMP is to conserve biodiversity through a network of formal conservation reserves and informal reserves, fauna habitat zones and the requirement to leave large habitat trees standing in harvested areas. The DBCA administers an approval process for proposed timber harvesting in order to protect forest values including Aboriginal heritage, biodiversity and recreation.¹⁹
- 2.24 Barrabup 03 Coupe, consisting of 530 hectares of jarrah and marri forest, is listed on the Forest Product Commission's (FPC) 2017 Timber Harvest Plan which was approved by the DBCA in April 2017. A public nomination to review the old growth forest status of part of the

¹⁶ *ibid.*, p 1.

¹⁷ Submission from Hon Diane Evers MLC, 28 September 2017, p 2.

¹⁸ Hon Dave Kelly MLA, Minister for Forestry, letter, 12 February 2018, pp 2-4.

¹⁹ Hon Stephen Dawson MLC, Minister for Environment, letter, undated, received 7 November 2017, pp 1-2.

coupe was received by the DBCA in June 2017 and the subsequent assessment revealed that sections of old growth forest had not been identified:

Barrabup 03 coupe had been extensively cutover many decades ago, making the identification of patches of old-growth forest particularly challenging. Twelve separate patches (totalling 43 hectares) of previously unmapped old-growth jarrah forest, and a further 16 hectares of a diverse ecotype zone were found. These areas will be reclassified in DBCA's corporate datasets and set aside from timber harvesting.²⁰

2.25 Additionally, it was found that parts of recently constructed forestry tracks had disturbed small patches of the previously unmapped old growth forest, consisting of approximately 1.2 hectares. The Minister advised that the FPC will be required to rehabilitate the affected areas.²¹

2.26 In noting a joint media statement by the Ministers for Environment and Forestry which advise that the FPC has identified and implemented measures to minimise the risk of future damage to old growth forest,²² the Committee resolved to conduct public hearings with the DBCA and FPC. Transcripts of the hearings are available on the Committee's webpage.

2.27 In evidence, the DBCA explained that there were particular challenges in identifying old-growth forest in the Barrabup Coupe because it had been extensively harvested in the past:

it is quite difficult to distinguish, even from the aerial [photos], what is old-growth and what is not, because you are determining it on the basis of the number of stumps per unit area.²³

2.28 The FPC explained why the previously unidentified old growth forest had been missed and apologised unreservedly for the error:

Harvesting and forest is a continuum from never disturbed to fully disturbed, and everything along that continuum, so there is lots of variation in between that. Now, extensive harvesting from before the 1920s until the late 1970s in this area made the identification of small patches of a type of old-growth called "minimally disturbed". "Minimally disturbed" does not mean that there has been no disturbance; it means that there has been some disturbance, it is just below a threshold. That threshold in WA is six stumps per two hectares. We have in WA the most stringent threshold in Australia. Other states have between three to 10 hectares as their minimum size; we have two hectares. In this instance, even for professional foresters, it can be incredibly difficult sometimes to pick up the difference between seven or eight stumps per two hectares and six stumps per two hectares. But I have to say, we have procedures and processes to pick this up. In this instance, we failed to correctly identify that this area was minimally disturbed old growth, and for that the FPC has unreservedly apologised. It should not happen. We took that on board and we have made changes to try and ensure as best as possible that that does not happen again.²⁴

²⁰ *ibid.*, pp 2-3.

²¹ *ibid.*, p 3.

²² Hon Stephen Dawson MLC, Minister for Environment and Hon Dave Kelly MLA, Minister for Forestry, *Barrabup old-growth forest to be set aside*, media statement, 6 October 2017.

²³ Dr Martin Rayner, Manager, Department of Biodiversity, Conservation and Attractions, transcript of evidence, 22 August 2018, p 6.

²⁴ Andrew Lyon, Business Manager, Forest Products Commission, transcript of evidence, 22 August 2018, p 4.

- 2.29 The Committee was informed that corrective actions by the FPC included the allocation of extra resources and a change in their procedures:

Importantly, one of our corrective actions has been to look at our procedures and, in admitting the error, we have to come up with a solution for future occasions so that this does not reoccur. We had expected people to be doing a number of jobs at one time. We said: okay, when there is any indication of low levels of disturbance, that is a dedicated job for old-growth recognition. One of our planning staff specialises in this area now, and if there is any question that there may be harvesting which might be of this area when it was very low levels of disturbance, that person actually does the survey as a dedicated job, rather than while they are tree marking or doing another activity. So we have adjusted our procedures and put resources into this space.²⁵

- 2.30 The DBCA had also adopted a new process to assist in identifying old growth forest:

DBCA have ... adopted a process to inform the FPC in advance of the harvest planning for every coupe to acquire high resolution digital imagery. That provides us with further intelligence at a high resolution through the photography of previous harvest events, and track designs and layouts. It is one element of trying to bolster the desktop analysis.²⁶

- 2.31 The DBCA would also provide additional and more refined information to the FPC to assist their coupe planning operations.²⁷

- 2.32 Finally, the FPC emphasised that anyone—the FPC or a member of the public—can nominate an area for old-growth assessment:

While we would have liked to have picked this area up before then, it does demonstrate that the process in total does actually work; that it can be nominated not just by FPC ... although, like I say, we have processes and we hope we do, but there are public nomination processes as well, that if there are areas that people believe are old-growth, they can be nominated through that mechanism.²⁸

Petition No 32—Induced premature births

Number of signatures:	7243
Date tabled and Tabled Paper (TP) number:	1 November 2017 (TP 811)
Date finalised:	22 August 2018
Principal petitioner:	Dwight Randall, President, Coalition for the Defence of Human Life
Tabling Member:	Hon Nick Goiran MLC

- 2.33 This petition expresses concern that babies born alive following an abortion are not provided with the same care and treatment as other premature babies. The petition requests an inquiry to investigate the systemic failures that allowed 'at least 26 Western Australians to be left to die' with no oversight or investigation by government agencies.

²⁵ Gavin Butcher, Director Operations, Forest Products Commission, transcript of evidence, 22 August 2018, p 5.

²⁶ Dr Martin Rayner, Manager, Department of Biodiversity, Conservation and Attractions, transcript of evidence, 22 August 2018, p 7.

²⁷ *ibid.*, p 7.

²⁸ Andrew Lyon, Business Manager, Forest Products Commission, transcript of evidence, 22 August 2018, pp 8-9.

- 2.34 In his submission, the principal petitioner explains that the petition came about after answers to Questions on Notice in the Legislative Council by Hon Nick Goiran MLC revealed that 27 infants born alive following an abortion did not receive medical intervention or resuscitation. The petitioner and fellow members of the Coalition for the Defence of Human Life had been unsuccessful in their efforts to have the matter investigated by the Western Australian Ombudsman or the State Coroner.²⁹
- 2.35 The tabling Member provided a submission in support of the petition in which he outlined his efforts to have this matter investigated and in which he concludes:
- The bare facts of these matters that 27 Western Australian infants died in a State medical facility with no reported medical intervention should lead to the obvious conclusion that these matters must be investigated. The fact that their entrance into the world might be viewed by some as a tragedy should not hinder the course of justice, as doing so would be an overt case of discrimination. These cases deserve attention and I fully support the request of the petitioners that an Inquiry be established to investigate the systemic failures ... and that this took place without any agency either having jurisdictional investigation and oversight or acting upon their jurisdictional powers of investigation and oversight.³⁰
- 2.36 A significant number of unsolicited emails were received in support of the petition.
- 2.37 A response to the petition from the Minister for Health advised that there are strict governance processes in place for the management and provision of abortion services in Western Australia. These processes are in accordance with the legal requirements set out in the *Health Act 1911* and the guidelines provided by the World Health Organisation. The Minister did not intend to recommend a review of the process or an inquiry into individual cases.³¹
- 2.38 The Committee requested further information from the Minister in response to a number of specific questions. Extracts from the Minister's response are provided below:³²
- The accepted borderline age for gestational viability is 23–25 weeks gestation.³³
 - Severe fetal abnormalities that may permit a late term abortion (20 weeks gestation or more) include lethal abnormalities where neonatal death is inevitable and non-lethal abnormalities that may impose an intolerable burden upon a baby.³⁴
 - 'The babies (number less than five) who were born alive with a non-lethal abnormality died at gestations considered to be either pre-viable or at borderline viability.'³⁵
 - Intracardiac potassium or other methods are used to ensure that late term abortion does not result in a live birth however it 'is not part of the termination procedure if the gestation is less than 22 weeks, unless the mother requests it or when the termination is

²⁹ Submission from Dwight Randall, 8 December 2017, pp 1-2.

³⁰ Submission from Hon Nick Goiran MLC, 7 December 2017, pp 3-4.

³¹ Hon Roger Cook MLA, Minister for Health, letter, 9 April 2018.

³² The Minister advised that to avoid potential disclosure of sensitive information, where case numbers are five or less, some information is suppressed to protect the privacy of the families. Hon Roger Cook MLA, Minister for Health, letter, 20 July 2019, Attachment 1, p 1.

³³ *ibid.*

³⁴ *ibid.*

³⁵ *ibid.*

for severe maternal disease with risk to the mother's life and there is no time ... The chance of the fetus surviving labour in these circumstances is very low.³⁶

- The range of survival duration for live births following late term abortion since 2013 is 9 minutes to 2 hours 10 minutes.³⁷
- Following a live birth, '[s]ensitive comfort care is provided in a similar manner to care provided to babies born at pre-viable gestations following spontaneous premature labour with the baby being wrapped in blankets and the parents offered the chance to hold their baby for the short time that their baby is alive'.³⁸
- The Perinatal Palliative Care Model of Care may be appropriate in some circumstances.³⁹
- 'The goals of care may differ for the fetus and newborn compared with other babies, however, the standard and quality of care is the same.'⁴⁰
- 'There are circumstances when the burdens and harms of neonatal intensive care may outweigh the potential benefits.'⁴¹

- 2.39 In regard to expressed concern by the principal petitioner and tabling Member that the Ombudsman or the State Coroner failed to investigate their complaint, the Committee noted that previous advice from the Ombudsman to the Coalition for the Defence of Human Life was that a complaint must relate to the complainant in their personal capacity.⁴²
- 2.40 The Committee also noted that the *Coroners Act 1996* provides a detailed definition of a reportable death and places obligations on doctors to immediately report a death that might be a reportable death.⁴³ The tabling Member submits that communication by the current and previous Coroner indicates a lack of clarity regarding whether the cases in question are reportable deaths.⁴⁴
- 2.41 The Committee is of the view that the role of the Coroner is clear however it has been explained differently by successive Coroners.
- 2.42 Coronial advice dating from 2016 quoted in the tabling Member's submission explains that if a baby's death was 'unexpected, unnatural or violent, or resulted directly or indirectly from injury it would be a reportable death'.⁴⁵ The Committee considers it unlikely that the death of a fetus of less than 22 weeks gestation with a serious medical condition, following a legal termination procedure, would fit the required criteria of 'unexpected'.
- 2.43 Advice from the previous Coroner in 2012 in relation to late term abortions involving significant fetal abnormalities incompatible with life was that 'it appears that the deaths were not reportable and I have no jurisdiction to take the matter further'.⁴⁶
- 2.44 The Committee concluded that the circumstances surrounding the death of a baby following a termination does not generally invoke the necessary conditions for a referral to the

³⁶ *ibid.*, p 2.

³⁷ *ibid.*

³⁸ *ibid.*

³⁹ *ibid.*

⁴⁰ *ibid.*, p 3.

⁴¹ *ibid.*

⁴² Submission from Dwight Randall, 8 December 2017, pp 1-2.

⁴³ *Coroners Act 1996*.

⁴⁴ Submission from Hon Nick Goiran MLC, 7 December 2017, p 2.

⁴⁵ *ibid.*

⁴⁶ *ibid.*, pp 2-3.

Coroner, police or other government agency. This does not mean there is no oversight—if appropriate circumstances exist in a particular case, a referral could be made.

Petition No 47—Torrens Title System

Number of signatures:	31
Date tabled and Tabled Paper (TP) number:	13 March 2018 (TP 1110)
Date finalised:	15 August 2018
Principal petitioner:	Terrence Ealing
Tabling Member:	Hon Colin Holt MLC

2.45 The petition requests that all interests claimed over land registered on the Torrens Title System be recorded on the title and that the Legislative Council recommend an investigation into whether the Government Gazette is an adequate system for notifying landowners of legislative changes.

2.46 The principal petitioner is concerned that landowners and prospective buyers may not be aware of conditions or property interests relating to a property because there is no single, easily accessible system available to the general public. The compulsory imposition of power lines on private property is provided as an example of a landowner losing their rights and privileges. The principal petitioner disagrees with government advice that a central record containing all interests is not possible.⁴⁷

2.47 A submission from the tabling Member questioned whether a more efficient and less costly source of information could be provided to the public:

While I realise there are publicly available sources of information describing Certificates of Title, accessing property interest reports even a full Land Title Registration Practice Manual published by Landgate, the question should be asked that perhaps much of this information would be more appropriately captured in the Certificate of Title. Doing so would create a one stop document for current and prospective property owners and eliminate the timely (and at time costly) requirement to seek out information that could influence decisions around buying, selling or developing land.⁴⁸

2.48 The Committee sought responses to the petition from the Ministers for Lands and Energy.

2.49 The response from the Minister for Energy provided information about the legislative basis for Western Power to acquire land or an interest in land for the purposes of network infrastructure.⁴⁹

2.50 The Minister for Lands advised that there was no intention to expand the scope of the Land Titles Register to such a large category of other interests 'as there are concerns around data accuracy which would make it imprudent to generate those interests under the guarantee provisions of the [*Transfer of Land Act 1893*]'.⁵⁰

2.51 Parliament has legislated for numerous interests in land by government agencies that are not required to be registered on a certificate of title. The development of the Shared Land Information Platform (SLIP) in 2005 enables Landgate to create a publicly accessible Property

⁴⁷ Submission from Terrence Ealing, 26 March 2018, p 1.

⁴⁸ Submission from Hon Colin Holt MLC, 13 April 2018, pp 1-2.

⁴⁹ Hon Ben Wyatt MLA, Minister for Energy, letter, 26 June 2018.

⁵⁰ Hon Rita Saffioti MLA, Minister for Lands, letter, 22 June 2018, p 2.

Interests Report (PIR) which draws on other agency's data held in the SLIP to detail the various interests applying to a particular parcel of land.⁵¹

- 2.52 The Minister for Lands pointed out that there are various government controls which are prescribed by legislation that can affect land use in Western Australia. Some of these controls may be suitable for registration, but others, such as zoning requirements, 'do not amount to an interest in land and cannot be registered on the [Land Titles] Register'.⁵²

Petition No 48—Bridgetown camp school

Number of signatures:	3492 (total)
Dates tabled and Tabled Paper (TP) number:	13 March 2018 (TP 1111) 28 March 2018 (TP 1192) 15 May 2018 (TP 1357) 11 September 2018 (1739)
Date finalised:	17 October 2018
Principal petitioners:	Wendy Menghini and Joanne Moore
Tabling Member:	Hon Colin Holt MLC

- 2.53 This petition opposes the closure of the Bridgetown Camp School run by the Department of Education at the end of 2018 and requests the Legislative Council recommend the Government reverse the decision.
- 2.54 In their submissions, the tabling Member and the principal petitioners outline the many learning experiences children gain from the camp experience including food production, Aboriginal heritage and customs and environmental care. The submissions highlight the benefits of learning outside the classroom, including less disruptive behaviour, exercise, teamwork and cooperation.⁵³
- 2.55 Concern was expressed about the negative effect that closure of the camps or lease to a private operator could have, including increased costs for parents and less tourism in regional towns.⁵⁴ The petitioners oppose camps being operated by private operators because '[a]ll excursions are of greater value to schools when the education officer in charge is a teacher'.⁵⁵
- 2.56 The Committee obtained a response from the Minister for Education, who acknowledged the success of the program offered at Bridgetown Camp School as well as other government and non-government operated camp sites. She pointed out that other recreation facilities in Western Australia offer similar programs and that there are a number of privately operated camp sites that schools can and do access.⁵⁶
- 2.57 The Minister explained that while camp sites will be leased to private operators, the Department of Education will retain ownership of the land and infrastructure. The process to identify alternative operators stipulates that access to the camp experience must remain

⁵¹ *ibid.*

⁵² *ibid.*, p 3.

⁵³ Submission from Hon Colin Holt MLC, 16 April 2018; Submission from Wendy Menghini, 13 April 2018; Submission from Joanne Moore, 27 April 2018.

⁵⁴ *ibid.*

⁵⁵ Submission from Wendy Menghini, 13 April 2018, p 2.

⁵⁶ Hon Sue Ellery MLC, Minister for Education, letter, 5 June 2018, p 1.

affordable to public school students and that an educational focus is maintained. These and other conditions of use are detailed in the Registration of Interest and Request for Proposal documentation issued by the Department of Education.⁵⁷

- 2.58 The Minister advised that she did not expect significant changes to services provided at campsites when they are leased and operated by alternative operators.⁵⁸ She explained that the role of camp managers had changed over time and that they were not exclusively teachers:

The management of camp schools started to change from school administrator to public service positions in around 2004. It is no longer the Camp Manager's role to develop curriculum programs, to provide excursion management plans or to complete teacher checklists of observable behaviour. These are responsibilities of the school staff who accompany the students. As an example, Broome Camp School does not currently have any staff with a teaching background.⁵⁹

- 2.59 The Committee reviewed the Registration of Interest and Request for Proposal documentation issued by the Department and requested an update from the Minister regarding the outcome of the process.

- 2.60 The Minister subsequently advised that Fairbridge WA had been selected to operate the six Western Australian camp schools available for lease and that:

Fairbridge WA has committed to provide programs similar to those currently on offer at each campsite, with no increase in cost to public school students for accommodation and meals. I have been advised that any future cost increases will be in line with yearly CPI increases.⁶⁰

- 2.61 Community satisfaction, occupancy rates and ongoing affordability will be monitored through annual reporting requirements included in the conditions of the Lease Agreement for each campsite.⁶¹

Petition No 49—Pemberton camp school

Number of signatures:	1665
Dates tabled and Tabled Paper (TP) number:	13 March 2018 (TP 1112)
	28 March 2018 (TP 1193)
	9 May 2018 (TP 1338)
Date finalised:	17 October 2018
Principal petitioner:	Wendy Eiby
Tabling Member:	Hon Colin Holt MLC

- 2.62 This petition opposes the closure of Pemberton camp school and requests the Legislative Council to recommend opposing this decision.

⁵⁷ *ibid*, p 1.

⁵⁸ *ibid*, p 1.

⁵⁹ *ibid.*, p 2.

⁶⁰ Hon Sue Ellery MLC, Minister for Education, letter, 2 October 2018.

⁶¹ *ibid*.

- 2.63 The submissions of the principal petitioner and tabling Member made similar points regarding the general benefits of Department of Education managed camp schools as were made in submissions in support of petition No 48 (outlined in paragraphs 2.54 to 2.55).
- 2.64 In addition, the principal petitioner explained that '[t]he school and its staff are firmly embedded in the culture of Pemberton'.⁶² She expressed concern that closure of the camp school would have a negative impact on the local area:
- Pemberton is a small rural town. If closed, seven permanent jobs will be lost and five other casual employees affected. The excursion providers who benefit greatly from the presence of a quality camp in the district will also be negatively affected. There will also be an adverse economic impact on the many local suppliers of goods and services currently servicing the Pemberton Camp School.⁶³
- 2.65 The Minister for Education's response to petitions relating to camp schools is outlined in paragraphs 2.56 to 2.61 for petition No 48.

Petition No 51—Point Peron camp school

Number of signatures:	635
Date tabled and Tabled Paper (TP) number:	20 March 2018 (TP 1149)
Date finalised:	17 October 2018
Principal petitioner:	Meredyth McLarty
Tabling Member:	Hon Jim Chown MLC

- 2.66 This petition opposes the closure of Point Peron camp school and requests the Legislative Council recommend the Government reverse its decision.
- 2.67 The submissions of the principal petitioner and tabling Member made similar points regarding the general benefits of Department of Education managed camp schools as were made in submissions in support of petition No 48 (outlined in paragraphs 2.54 to 2.55).⁶⁴
- 2.68 The principal petitioner also submitted that of all the Western Australian camp schools:
- Point Peron has existed the longest and is the largest, its location and proximity to the metro area making it very popular.⁶⁵
- 2.69 Consequently:
- with such a large clientele and therefore the largest staff the impact would be the greatest. In an area that struggles economically the impact is further exacerbated.⁶⁶
- 2.70 The Minister for Education's response to petitions relating to camp schools is outlined in paragraphs 2.56 to 2.61 for petition No 48.

⁶² Submission from Wendy Eiby, 9 April 2018, p 2.

⁶³ *ibid.*

⁶⁴ Submission from Meredyth McLarty, 10 April 2018; Submission from Hon Jim Chown MLC, 13 April 2018.

⁶⁵ Submission from Meredyth McLarty, 10 April 2018, p 1.

⁶⁶ *ibid.*, p 2.

Petition No 52—Murdoch Drive Connection Project

Number of signatures:	1184
Dates tabled and Tabled Paper (TP) number:	20 March 2018 (TP 1150)
	27 March 2018 (TP 1184)
	10 April 2018 (TP 1221)
	12 April 2018 (TP 1281)
Date finalised:	29 August 2018
Principal petitioners:	Benjamin Reid and Kate Kelly
Tabling Members:	Hon Simon O'Brien MLC
	Hon Tim Clifford MLC

- 2.71 This petition opposes the concept plan for the Murdoch Drive Connection Project on the basis that it reduces access to local roads and provides limited local access to the connection. The petition also expresses disappointment with the government's lack of consultation.
- 2.72 The principal petitioner submitted that the Connection Project removes local residents' direct northbound access to Murdoch Drive (a primary access route for the area) significantly increasing travel times, including the distance to Fiona Stanley Hospital. Despite being in close proximity to the new road, 'it is virtually unusable for local Murdoch Chase residents'.⁶⁷
- 2.73 There is concern that work on the project commenced despite specific zoning, planning and environmental approvals (involving public consultation) were not yet in place.⁶⁸ A promised opportunity to provide feedback on the final plan did not eventuate.⁶⁹
- 2.74 A submission from the tabling Member supported investigation by the Committee.⁷⁰
- 2.75 The Committee requested responses from the Minister for Transport, as well as the Cities of Melville and Cockburn.
- 2.76 The City of Cockburn, while recognising the concerns of residents of the Murdoch Chase area, explained that 'the City will always view a project from the perspective of the impact it will have on the 'entire' local road network'.⁷¹ The response outlined the technical considerations that underlie the final design and the consultation process that occurred.⁷²
- 2.77 In contrast, the response from the City of Melville expresses concern about the final design and called for more public consultation to occur.⁷³
- 2.78 The Minister for Transport acknowledged the concerns of residents of Murdoch Chase regarding the effect on local traffic and access but explained that traffic modelling indicated that alternative options would place significant pressure on local roads and intersections.

⁶⁷ Submission from Benjamin Reid, 9 April 2018, p 2.

⁶⁸ Submission from Kate Kelly, 15 May 2018, p 1.

⁶⁹ Submission from Benjamin Reid, 9 April 2018, p 2.

⁷⁰ Submission from Hon Simon O'Brien MLC, 10 April 2018.

⁷¹ Stephen Cain, Chief Executive Officer, City of Cockburn, letter, 30 May 2018, p 1.

⁷² *ibid.*, pp 1-3.

⁷³ Dr Shayne Silcox, Chief Executive Officer, City of Melville, letter, 21 May 2018.

Other options would require additional land acquisition and an amendment to the project environmental approval.⁷⁴

2.79 The Minister outlined the consultation conducted with local residents and advised that liaison between Main Roads and the Cities of Cockburn and Melville sought to 'ensure the project resulted in an equitable redistribution of traffic around the local road network'.⁷⁵

2.80 The Minister confirmed that there would not be further modifications to the design:

While feedback from these [consultation] sessions indicates that some local stakeholders remain dissatisfied with the design, I believe concerns have been mitigated as far as practicably possible and no further modifications are required.⁷⁶

Petition No 57—Christian prayer room at Perth Children's Hospital

Number of signatures:	74
Date tabled and Tabled Paper (TP) number:	28 March 2018 (TP 1219)
Date finalised:	15 August 2018
Principal petitioner:	Sunettea Fernandez
Tabling Member:	Hon Martin Pritchard MLC

2.81 The petition supports a separate prayer room at Perth Children's Hospital for Christian people.

2.82 The principal petitioner's submission requested a place of prayer and meditation for people of Christian faith that was separate to the existing multi-faith centre at Perth Children's Hospital. The petitioner believes that the chapel that existed at Princess Margaret Hospital should have been replicated at the new hospital.⁷⁷

2.83 The response from the Minister for Health advised that Princess Margaret Hospital previously operated a multi-faith centre that worked very well and that the multi-faith centre model is considered contemporary best practice design in hospitals.⁷⁸

2.84 The Minister points out that patient admittance data shows that there is a range of faiths practised by patients, with 49 per cent declaring no religion.⁷⁹

The decision to provide a multi-faith centre does not marginalise or privilege one religious group over another, but provides a multi-cultural inclusive space that equally respects each person's right to their own religious beliefs and preferences. The multi-faith centre welcomes people of all denominations, as well as those of no religion. It also provides resources appropriate to specific faiths.⁸⁰

⁷⁴ Hon Rita Saffioti MLA, Minister for Transport, letter, 2 August 2018, p 1.

⁷⁵ *ibid.*

⁷⁶ *ibid.*, p 2.

⁷⁷ Submission from Sunnetta Fernandez, 21 May 2018, p 1.

⁷⁸ Hon Roger Cook MLA, Minister for Health, letter, 11 July 2018, pp 1-2.

⁷⁹ *ibid.*, p 2.

⁸⁰ *ibid.*, p 1.

Petition No 60—Accountability for police and corruption oversight agencies

Number of signatures:	85 (total)
Dates tabled and Tabled Paper (TP) number:	8 May 2018 (TP 1322) 16 August 2018 (TP 1614)
Date finalised:	7 November 2018
Principal petitioner:	Margaret Howkins
Tabling Members:	Hon Alison Xamon MLC Hon Alanna Clohesy MLC

- 2.85 This petition asserts that the current system of accountability for the Western Australian Police Force (WA Police) and other corruption oversight agencies is ineffective. The petitioners support the creation of a single civilian oversight body, in the model of the United Kingdom’s Independent Police Complaints Commission, to improve efficiency, save money and be more publically accountable.
- 2.86 The submission from the principal petitioner argues that:
- When police investigate themselves or assist current oversight agencies, the result is always the same: responsibility and accountability are ignored or overlooked ...⁸¹
- 2.87 She points out that ordinary people who have ‘the temerity, persistence and funds to seek justice’ rarely succeed.⁸²
- 2.88 A tabling Member, Hon Alison Xamon MLC, submitted that her office is regularly contacted by people dissatisfied by the way complaints about police are handled:
- These personal stories of feeling that their complaints have been inadequately dealt with and/or dealt with by bodies that are insufficiently independent are matched by the reporting that has been undertaken by the Parliamentary Inspector of the Corruption and Crime Commission (CCC) and the CCC itself.⁸³
- 2.89 Hon Alison Xamon MLC considered that issues needing further enquiry included the *Corruption and Crime Commission Act 2003* (CCC Act) and the integrity of internal police investigations. She pointed out that:
- Where the investigation of a matter is clearly in the public interest, there is currently no mechanism to compel the Commission to undertake such an investigation.⁸⁴
- 2.90 According to Hon Alison Xamon MLC, recommendations by the Corruption and Crime Commission (CCC) regarding police investigation of complaints ‘have resulted in little perceptible change over time’ and she maintains that a number of systemic issues are repeatedly identified by the CCC.⁸⁵

⁸¹ Submission from Margaret Howkins, undated, received 31 May 2018, p 1.

⁸² *ibid.*

⁸³ Submission from Hon Alison Xamon MLC, 12 June 2018, covering letter.

⁸⁴ *ibid.*, p 1.

⁸⁵ *ibid.*, p 2.

- 2.91 The Committee received a number of unsolicited submissions from individuals and organisations in support of the petition, including the First Nations Deaths in Custody Watch Committee.
- 2.92 In the first instance, the Committee requested responses to the petition from the Attorney General and the Minister for Police.
- 2.93 The Attorney General advised that he did not have any comment in relation to the specifics of the petition but that 'the McGowan Government maintains a firm commitment to open public accountability and proper oversight of all government agencies in Western Australia'.⁸⁶
- 2.94 The response from the Minister for Police quoted advice provided to her from the Western Australian Police Force that:

The notion that the WA Police Force investigating police officers is somehow to a lesser or bias standard is fundamentally incorrect. This assertion is contrary to established processes which are designed to maintain the integrity and independence of internal investigations within the WA Police Force, at Professional Standards Command, the Corruption and Crime Commission (CCC) and the Parliamentary Inspector's Office.⁸⁷

- 2.95 And that:

the CCC have a mandate for training and education and other functions, as outlined in the Corruption, Crime and Misconduct Act 2003 and provide the WA Police Force with feedback through their published reports. The WA Police Force consider all feedback and amend practices and procedures, as applicable.⁸⁸

- 2.96 Following consideration of the Ministerial responses, the Committee decided to conduct further enquiries into the issues raised and requested responses from the Joint Standing Committee on the Corruption and Crime Commission (JSCCCC), the Parliamentary Inspector of the Corruption and Crime Commission (Parliamentary Inspector) and the CCC.
- 2.97 In response, John McKechnie QC, the Commissioner of the CCC, noted that the petition questions the effectiveness of the State's police accountability and corruption oversight regime 'primarily on the basis that it is not seen to result in prosecution or disciplinary action' however:

There will always be differing views as to the outcome of some matters which are in the public domain. Determination that a police officer has used excessive force is a matter on which reasonable minds may differ, for example. A prosecuting authority is required to take into account admissible evidence and to have regard to exculpatory material in deciding whether a prosecution is necessary in the public interest. Effectiveness in relation to police misconduct cannot be judged solely on either criteria. In the last financial year the Commission dealt with 2,606 allegations, conducted 15 investigations, and monitored and reviewed 995 allegations.⁸⁹

- 2.98 The Commissioner told the Committee that he did not support the petitioners' call for the creation of a Select Committee to audit the WA Police Force and corruption oversight

⁸⁶ Hon John Quigley MLA, Attorney General, letter, 16 July 2018.

⁸⁷ Hon Michelle Roberts MLA, Minister for Police, letter, 23 August 2018, p 1.

⁸⁸ *ibid.*

⁸⁹ John McKechnie QC, Commissioner, Corruption and Crime Commission, letter, 2 October 2018, p 1.

agencies since Parliament had already established the JSCCC for this purpose.⁹⁰ He also expressed the view that:

The petition would dilute oversight. The current four tiered system of oversight (WA Police internal affairs, the Commission, the Parliamentary Inspector and the JSCCC) would be replaced by two tiers comprising the new body and a Select Committee.⁹¹

- 2.99 The Commissioner pointed out that the United Kingdom model, favoured by the petitioners, has similar powers to the CCC and does not investigate every matter:

Like the Commission, it decides what and how it will investigate and what it will return to police for investigation.⁹²

- 2.100 While not opposing a stand-alone police misconduct agency, the Commissioner observed that it would 'come at considerable cost and much duplication'.⁹³

- 2.101 Finally, the Commissioner maintained that while the CCC provides oversight of police and is a check on the misuse of power, 'it should not be assumed the police are incapable of dealing with misconduct':

The Commissioner of Police is responsible for the management of the force including all matters of misconduct and corruption. He cannot be accountable if he has no control over the process. He cannot act swiftly when necessary if he has no power. The governance of the police force would be compromised. Police generally deal effectively with misconduct. In addition, every allegation of misconduct must be notified to the Commission. The Commission regularly interrogates police systems to ensure this occurs. The Commission will oversee or take over an investigation if circumstances require.⁹⁴

- 2.102 The response from the Parliamentary Inspector of the Corruption and Crime Commission expressed the view that:

I believe the existing framework governing the investigation of police misconduct embodied in the Corruption, Crime and Misconduct Act 2003 (WA) (Act) is, on balance, the most appropriate, although not without its faults.⁹⁵

- 2.103 The Parliamentary Inspector pointed out that 'the existing framework largely mirrors the suggestions made in the petition', noting that the CCC has powers similar to a Royal Commission and is headed by a former judicial officer of a superior court.⁹⁶

- 2.104 He emphasized that a distinction should be made between individual decisions of an oversight body (that may sometimes be poor or incompetent) and the appropriateness of the framework itself.⁹⁷

- 2.105 In regard to the submission from Hon Alison Xamon MLC (a tabling Member and a member of the JSCCC) the Parliamentary Inspector made the following comment:

⁹⁰ *ibid.*, pp 1-2.

⁹¹ *ibid.*, p 2.

⁹² *ibid.*

⁹³ *ibid.*

⁹⁴ *ibid.*, pp 2-3.

⁹⁵ Hon Michael Murray AM QC, Parliamentary Inspector of the Corruption and Crime Commission of Western Australia, letter, 11 October 2018, p 1.

⁹⁶ *ibid.*

⁹⁷ *ibid.*, p 2.

I do not disagree with anything the honourable Member has said in her submission, particularly in respect of the themes that have arisen in the various reports to which she has had regard. I would merely add that the observation she makes, that the Commission cannot be compelled to investigate and act upon a matter which is clearly in the public interest to be dealt with, is an observation about a particular aspect of the statutory scheme, rather than a ground upon which a call for a different model may be based.⁹⁸

- 2.106 A response from the Chair of the JSCCCC provided the Committee with a transcript of that Committee's recent public hearing with the Police Commissioner in which issues relevant to the petition were discussed.
- 2.107 Responses to the Committee's enquiries did not generally support structural change to the current oversight framework in favour of a single civilian oversight body. However, the Committee's enquiries did bring to light issues raised in recent reports of the JSCCCC and the Parliamentary Inspector. In particular, there has been some question regarding the circumstances in which it is in the public interest for an independent investigation of serious police misconduct to occur and whether amendment to the *Corruption, Crime and Misconduct Act 2003* is appropriate.⁹⁹
- 2.108 Having regard to the monitoring and reporting function of the JSCCCC in relation to the CCC—and noting that debate on the JSCCCC's report, *Unfinished business: The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms* had yet to conclude in the Legislative Council—it was the Committee's opinion that further consideration of these issues would be most appropriately undertaken by the JSCCCC. Accordingly, the Committee forwarded the information obtained during the course of its enquiries to the JSCCCC to assist and inform further debate on these important matters.

Petition No 62—MRI at Kalgoorlie Hospital

Number of signatures:	1989 (total)
Dates tabled and Tabled Paper (TP) number:	9 May 2018 (TP 1339)
	26 June 2018 (TP 1476)
Date finalised:	15 August 2018
Principal petitioner:	Sharon Henderson
Tabling Member:	Hon Robin Scott MLC

- 2.109 The petition urges the Legislative Council to do everything in its power to urgently obtain a magnetic resonance imaging (MRI) machine in Kalgoorlie Hospital.
- 2.110 The principal petitioner submitted that although the need for a MRI had been discussed in the Parliament since 2007, and the McGowan Government had committed to obtaining a machine in the 2019-20 financial year, the timeframe for delivery remained unclear.¹⁰⁰

⁹⁸ *ibid.*, p 3.

⁹⁹ See for example, Western Australia, Joint Standing Committee Report on the Corruption and Crime Commission, Report 4, *Parliamentary Inspector's report on a complaint by Dr Robert Cunningham and Ms Catherine Atoms*, October 2017 and Western Australia, Joint Standing Committee Report on the Corruption and Crime Commission, Report 7, *Unfinished business: The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms*, November 2017.

¹⁰⁰ Submission from Sharon Henderson, 7 June 2018, p 1.

- 2.111 The petitioner explained that advice from different Government Members indicates that there is uncertainty whether a Commonwealth license is required before or after an MRI is installed. The petitioner noted that even the Senate Community Affairs References Committee had expressed concern about the confusing licensing process which limited the accessibility of MRI machines.¹⁰¹
- 2.112 A response from the Minister for Health reiterated the government's commitment to installing the machine at Kalgoorlie Health Campus and referred the Committee to recent announcements by the Federal Health Minister and Shadow Minister indicating that the license application would be granted as a priority. An application for an MRI license would be progressed once the procurement process commences.¹⁰²

Petition No 63—Impact of pesticides on public health

Number of signatures:	105
Date tabled and Tabled Paper (TP) number:	15 May 2018 (TP 1358)
Date finalised:	29 August 2018
Principal petitioner:	Alexandra Jones
Tabling Member:	Hon Diane Evers MLC

- 2.113 The petition calls for:
- a Royal Commission into the regulation, importation, sale and use of pesticides, related illnesses and environmental harm;
 - a moratorium on the use of pesticides on public land in urban areas;
 - a moratorium on the growing use of pesticide-reliant genetically modified crops; and
 - laws to restrict government land management policies and practices that promote the use of pesticides.
- 2.114 The principal petitioner asserts that 'urgent attention is required to address decades of systemic failure across three levels of government, largely due to the obfuscation of powers and duty of care of State and Federal Regulators'.¹⁰³ Her submission lays out several grounds supporting her call for a Royal Commission including that 'there is no centralised recording system for complaints about pesticides' and that the Department of Health in its dual role as protector of public health and pesticide regulator is incompetent and conflicted'.¹⁰⁴
- 2.115 The tabling Member's submission pointed out that:
- scientific understanding of the epidemiological and environmental effects of pesticide use is continually improving, which means that the State Government must regularly re-evaluate legislation, regulation and policy governing the use of pesticides in Western Australia.¹⁰⁵

¹⁰¹ *ibid.*, pp 1-2. See Commonwealth, Senate, Community Affairs References Committee, *Availability and accessibility of diagnostic imaging equipment around Australia*, March 2018 at https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Diagnosticimaging/Report.

¹⁰² Hon Roger Cook MLA, Minister for Health, letter, 24 July 2018, p 1.

¹⁰³ Submission from Alexandra Jones, 18 June 2018, p 1.

¹⁰⁴ *ibid.*

¹⁰⁵ Submission from Hon Diane Evers MLC, 11 June 2018, p 1.

2.116 The Committee requested responses to the petition from the Ministers for Local Government and Health.

2.117 The Minister for Local Government advised that in accordance with the *Local Government Act 1995*, local governments make decisions as autonomous bodies and the Minister is not able to direct their decisions related to the application of other legislation:

Local governments are individually responsible for the policies and practices they adopt in regard to the proper use of chemicals that have been approved by relevant authorities for local government use.¹⁰⁶

2.118 The Minister for Health provided a detailed response to the numerous issues raised in the submissions after seeking comment from the Environmental Health Directorate of the Department of Health (DOH). The full response is available on the Committee's webpage.

2.119 Of note, the Minister advised that:

DOH will continue to monitor the scientific debates around glyphosate and pesticides in the interest of good science based policy, and to ensure the continued protection of public health in WA.¹⁰⁷

2.120 The Minister rejected the petitioners' call for a Royal Commission or inquiry into the use of pesticides in Western Australia because:

WA has the most robust system of pest technician accreditation and pest management business registration of any Australian State or Territory.

The DOH operates on the basis of evidence based policy and relies on evidence that has been peer reviewed and has professional consensus by qualified and respected scientists in pesticide research and risk assessment.

The Australian Pesticide and Veterinary Medicines Authority undertake a rigorous process that assesses each pesticide before it is approved to enter the Australian market.

The petitioners represent the opinions of two small activist groups with a long history of lobbying successive Governments to ban pesticide use in public spaces.

The issues raised by the petitioners are not based on evidence or scientific consensus, but rather reflect a series of distorted facts through selective omission or drawing incorrect conclusions from current evidence.¹⁰⁸

Petition No 64—Pesticides in public places

Number of signatures:	171
Date tabled and Tabled Paper (TP) number:	15 May 2018 (TP 1359)
Date finalised:	29 August 2018
Principal petitioner:	Jane Bremmer
Tabling Member:	Hon Diane Evers MLC

2.121 This petition seeks the suspension of the use of herbicides registered as scheduled poisons to control weeds on high use public places (such as footpaths and playgrounds); to audit the

¹⁰⁶ Hon David Templeman MLA, Minister for Local Government, letter, 14 August 2018, p 1.

¹⁰⁷ Hon Roger Cook MLA, Minister for Health, letter, 20 July 2018, p 6 of attachment.

¹⁰⁸ *ibid.*, p 1.

use of scheduled poisons in use in Western Australia; to remove all permissions to use pesticides that are banned overseas; and to support safer alternative weed control.

2.122 The principal petitioner's submission refers to a number of deficiencies in the regulatory framework for the use of pesticides, including a lack of public access to information about the types of pesticides used in the local environment.¹⁰⁹ The submission from the tabling Member advises that she supports the substance of the petition.¹¹⁰

2.123 The principal petitioner contends that:

Over the years local community groups have recorded an increasing level of community complaints, adverse experiences and non-compliant pesticide applications in our urban environment by local and state government agencies.¹¹¹

2.124 She calls for an investigation into the adequacy and effectiveness of Western Australia's pesticide regulatory framework.¹¹²

2.125 The Committee requested a combined response to this petition and Petition No 63 (see paragraphs 2.118 – 2.120) from the Minister for Health since they raised similar concerns about pesticide use.

2.126 A letter from the principal petitioner to the Committee following finalisation of the petition objected to the Committee's decision to conclude its enquiries and disputed various aspects of the Minister for Health's response. The petitioner did not think that the Minister's response addressed many of the issues raised and she felt that some comments maligned her reputation.

2.127 The Committee advised the petitioner that it did not intend to re-open the petition and that her letter challenging the government response would be posted on the Committee's webpage.

Petition No 65—Proposed landfill in Bullsbrook

Number of signatures:	1162
Date tabled and Tabled Paper (TP) number:	17 May 2018 (TP 1378)
Date finalised:	10 October 2018
Principal petitioner:	Jessica Shaw
Tabling Member:	Hon Alanna Clohesy MLC

2.128 The petition opposes two proposed landfill operations in Bullsbrook and expresses concern about State planning processes.

2.129 The principal petitioner, Jessica Shaw MLA, submitted that the proposed landfills will have a negative effect on the environment and 'will be detrimental to the safety, amenity and environment of Bullsbrook'.¹¹³ The petitioner expresses the view that:

¹⁰⁹ Submission from Jane Bremmer, 25 May 2018.

¹¹⁰ Submission from Hon Diane Evers MLC, 11 June 2018, p 2.

¹¹¹ Submission from Jane Bremmer, 25 May 2018, p 1.

¹¹² *ibid.*, p 2.

¹¹³ Submission from Jessica Shaw MLA, 25 July 2018, p 1.

The Bullsbrook community's experience with respect to these matters is symptomatic of a series of defects inherent in the planning, local government and environmental frameworks ...¹¹⁴

- 2.130 Ms Shaw asks for the Committee's support to investigate the issues raised in the petition and acknowledges that current government reviews and enquiries may address the petitioners' concerns:

I am aware that many of the defects this experience has identified may be addressed through the current consultations on the Local Government Act, Planning Act and other review processes.¹¹⁵

- 2.131 Responses to the petition were obtained from the Ministers for Planning and Environment, and the City of Swan (City).

- 2.132 The City advised that the two planning applications (which the petition opposes) were refused by the City of Swan Council, with the Council 'both cognisant of and sympathetic to the views of the local community which were opposed to them'.¹¹⁶

- 2.133 In relation to the planning framework in general, the City makes the following comments:

I would note that there is nothing in the existing planning framework which forces local communities to engage in lengthy and inappropriate battles against any development proposals. As we know it is the role of local government to consider the merits of proposals, including the views of the community, and where such proposals are refused, to defend such decisions in the review process afforded by the relevant statute (the *Planning and Development Act 2005*). It is not my observation that the City struggles in this review process by being worn down or out-resourced by proponents, or that proponents always end up getting what they want. Far from it – as the evidence would indicate.

The City has no cause to consider that the existing legislative framework, which provides for a review of discretionary administrative decisions, is defective. The City is satisfied with the capacity of the State Administrative Tribunal of Western Australia (SAT) to consider the evidence that will be presented to it in these two application matters and arrive at the correct and preferable decision.¹¹⁷

- 2.134 The City's Acting Chief Executive Officer noted that there are particular planning and development considerations pertinent to Bullsbrook:

I do agree with the observations made by the Member for Swan Hills that peri-urban areas such as Bullsbrook are in transition and that such transition needs to be appropriately managed by planning authorities, including local government. The City is well aware that the Western Australian Planning Commission's growth blueprint for this area – the *North-east Sub-regional Planning Framework March 2018* needs to provide a clear delineation as to which areas are to be developed and in what timeframes.¹¹⁸

- 2.135 The Minister for Planning explained that the government cannot intervene in this particular matter since it is subject to ongoing appeal procedures before the State Administrative

¹¹⁴ *ibid.*, p 3.

¹¹⁵ *ibid.*

¹¹⁶ R J Coten, Acting Chief Executive Officer, City of Swan, letter, 3 September 2018, p 1.

¹¹⁷ *ibid.*

¹¹⁸ *ibid.*, p 2.

Tribunal.¹¹⁹ In relation to general planning matters however, the Minister advised that she had commissioned a review of the Western Australian planning system in November 2017 and that the principal petitioner's submissions to the Planning Reform Green Paper were being considered by the Department of Planning, Lands and Heritage.¹²⁰

2.136 The Minister for Environment informed the Committee that the Department of Water and Environmental Regulation (DWER) had not received any applications relating to the proposed landfills. He provided general information regarding the State's waste strategy (which was currently under review), environmental regulation of landfills and the planning advice regarding the proposed landfills in Bullsbrook.¹²¹

2.137 The Minister for Environment observed that planning and environmental matters are often intertwined and it is important that both systems work effectively together:

It is acknowledged that the planning system plays an important role in making land available for landfill infrastructure and ensuring that the site location meets the State's planning objectives. In order to align the planning system with the strategic directions and outcomes of the Waste Strategy, I have liaised with the Minister for Planning to find the best way to achieve this and to ensure the planning and environmental regulation regimes work effectively together. DWER is also working with the Department of Planning, Lands and Heritage to develop a strategic direction for planning on waste infrastructure.¹²²

Petition No 66—Geraldton camp school

Number of signatures:	801
Date tabled and Tabled Paper (TP) number:	17 May 2018 (TP 1379)
Date finalised:	17 October 2018
Principal petitioner:	Caroline Ward
Tabling Member:	Hon Jim Chown MLC

2.138 This petition opposes planned funding cuts to Geraldton camp school.

2.139 The submissions from the principal petitioner and tabling Member make similar points regarding the benefits of Department of Education managed camp schools that were made in submissions in support of petition No 48 (outlined in paragraphs 2.54 to 2.55).¹²³

2.140 In addition, the principal petitioner submits that the Geraldton camp school is utilised by over 50 schools in the region and is used by children with disabilities, children from remote Aboriginal communities and by Schools of the Air:

It is through Meekatharra School Of The Air (MSOTA) that I became aware of the many diverse activities offered to these students by the Camp School as my children (through MSOTA) attend camps there two or three times each year.¹²⁴

¹¹⁹ Hon Rita Saffioti MLA, Minister for Planning, letter, 28 September 2018, p 1.

¹²⁰ *ibid.*, p 2.

¹²¹ Hon Stephen Dawson MLC, Minister for Environment, letter, 4 October 2018, pp 1-3.

¹²² *ibid.*, p 2.

¹²³ Submission Caroline Ward, 20 June 2018; Submission from Hon Jim Chown MLC, undated, received 5 June 2018.

¹²⁴ Submission from Caroline Ward, 20 June 2018, p 1.

- 2.141 The petitioner is doubtful that camp schools will continue to be available and affordable to the community and to provide curriculum based activities as promised by the government.¹²⁵
- 2.142 The tabling Member expressed similar concerns in his submission, noting that:
- Although private camps are available, they do not offer the scope of programs that we see at camps like Geraldton. Private camps also have a much inflated price tag attached to their service, which for the majority of public schools would make them unaffordable.¹²⁶
- 2.143 The Minister for Education's response to petitions relating to camp schools is outlined in paragraphs 2.56 to 2.61 for petition No 48.

Petition No 67—Palliative care availability

Number of signatures:	3270 (total)
Dates tabled and Tabled Paper (TP) number:	17 May 2018 (TP 1380) 21 August 2018 (TP 1635)
Date finalised:	15 August 2018
Principal petitioners:	Warwick D'Silva and Brian Low
Tabling Members:	Hon Martin Pritchard MLC Hon Pierre Yang MLC

- 2.144 The petition raises concerns that patients at Joondalup, Midland, Peel, Fremantle and Bentley hospitals have limited access to specialist palliative care and consequently are less able to make informed choices about their ongoing treatment.
- 2.145 Principal petitioner Warwick D'Silva submitted that the hospitals mentioned in the petition, while able to provide non-specialist palliative care, do not have specialist palliative care services available for patients.¹²⁷ According to Mr D'Silva:
- In order to maximise quality of life, palliative care is best delivered at diagnosis. It is adjustable to the changing needs of the patient as death approaches, including being ratcheted up to Specialist Palliative Care as needed. The rational choice is a comfortable and peaceful dying experience. The concern therefore is that such a death may be denied certain patients for want of Specialist Palliative Care. These deaths have no place in a compassionate civilised society, and leave an indelible painful memory for us left behind.¹²⁸
- 2.146 A response to the petition from the Minister for Health explains that not all patients receiving end-of-life care will require specialist palliative care:
- end-of-life care is required by people who are likely to die in the next 12 months due to progressive, advanced or incurable illness, frailty or old age. This level of care is appropriate to meet the needs of a significant proportion of people with a life-limiting illness. Specialist palliative care is undertaken by a professional

¹²⁵ *ibid.*

¹²⁶ Submission from Hon Jim Chown MLC, undated, received 5 June 2018, p 2.

¹²⁷ Submission from Warwick D'Silva, 12 June 2018, p 1.

¹²⁸ *ibid.*, pp 1-2.

palliative care them or service. This level of care is required for people whose needs are too complex to be met by services providing end-of-life care.¹²⁹

- 2.147 The Minister states that in order to be 'safe, sustainable and efficient', stand-alone specialist palliative care services are most appropriately located at tertiary hospitals. He pointed out that in addition to services already established, a palliative care service is being developed at Joondalup Health Campus.¹³⁰
- 2.148 The Committee also noted that the role of palliative care in Western Australia is included in the Terms of Reference for the Joint Select Committee on End of Life Choices which was due to report on 23 August 2018.¹³¹

Petition No 68—Rossmoyne and Willetton Senior High Schools

Number of signatures:	1066
Date tabled and Tabled Paper (TP) number:	17 May 2018 (TP 1381)
Date finalised:	15 August 2018
Principal petitioner:	Gaelia Hunt
Tabling Member:	Hon Simon O'Brien MLC

- 2.149 This petition expresses concern that the government has cut funding to the largest secondary schools, particularly Rossmoyne and Willetton Senior High Schools, two of the best performing schools in Western Australia. The petition calls for the government to reinstate funding.
- 2.150 The principal petitioner submitted that:
- It is remarkable that this decision has been made given that both the Student Centred Funding Model and the federal GONSKI model were specially devised following many years of public debate and were designed to ensure that every student received the same amount of Government funding towards their education regardless of the school they attended. These recent funding cuts mean that children attending Western Australia's largest schools are receiving less funding for their education than students across the state. I just don't understand the rationale of this Government to step away from the premise of equitable funding after many years of public debate.¹³²
- 2.151 The petitioner explained that additional funding associated with the Student Centred Funding Model had enabled her children to receive literacy support at Willetton Senior High School:
- The funding allowed both of my children to finally start to see success in these modified courses in smaller classes, which has had a profound effect, not just on their literacy but also their confidence. The introduction of the Student Centred Funding Model was a godsend for our family.¹³³

¹²⁹ Hon Roger Cook MLA, Minister for Health, letter, 27 July 2018, p 1.

¹³⁰ *ibid.*

¹³¹ Western Australia, Joint Select Committee on End of Life Choices, report 1, *My Life, My Choice*, August 2018.

¹³² Submission from Dr Gaelia Hunt, 15 June 2018, p 1.

¹³³ *ibid.*, p 2.

- 2.152 Following announcement of the funding cuts, the petitioner was informed by the school that much of the specialist support provided would be withdrawn due to lack of funding.¹³⁴
- 2.153 A response to the petition from the Minister for Education advised that economies of scale enable larger schools to have more discretionary funding available after meeting general operating costs. This can be used to provide a wider range of courses, pastoral care and support services.¹³⁵
- 2.154 The Minister also pointed out that:
- In developing the student-centred funding model, the large school advantage was identified for future consideration. Considerable growth in some secondary schools, including the enrolment of Year 7 students, and considerable reduction in others, has created a greater range in the size of secondary schools across the State, leading to the need to reconsider the funding of these schools.¹³⁶
- 2.155 The Minister advised that the request to have the funding reinstated for the Willetton Senior High School redevelopment would be considered when future capital works programs are compiled.¹³⁷

Petition No 69—Conduct of the Shire of Esperance

Number of signatures:	130
Date tabled and Tabled Paper (TP) number:	12 June 2018 (TP 1409))
Date finalised:	19 September 2018
Principal petitioner:	Kaj Nieuwerkerke
Tabling Member:	Hon Laurie Graham MLC

- 2.156 This petition is critical of the handling of three major projects by the Shire of Esperance (Shire), namely the Esperance Tanker Jetty, the new waste facility and the indoor sports stadium. Petitioners seek an inquiry into the alleged mismanagement and waste of funds by the Shire.
- 2.157 The principal petitioner's submission details several concerns regarding each project and submits that:
- The current Shire of Esperance Council and Administration has failed the people of Esperance.¹³⁸
- 2.158 The Shire of Esperance provided the Committee with detailed information about the decision making process in regard to the three projects and this document is available on the Committee's webpage.¹³⁹
- 2.159 A response was also obtained from the Minister for Local Government; Heritage who explained that his authority does not extend to intervention in lawful decisions of a local government:

¹³⁴ *ibid.*

¹³⁵ Hon Sue Ellery MLC, Minister for Education, letter, 24 July 2018, p 1.

¹³⁶ *ibid.*

¹³⁷ *ibid.*, p 2.

¹³⁸ Submission from Kaj Nieuwerkerke, undated, received 11 July 2018, p 2.

¹³⁹ Matthew Scott, Chief Executive Officer, Shire of Esperance, letter, 14 September 2018.

The *Local Government Act 1995* creates local governments as autonomous bodies, able to make decisions believed to be in the best interests of the community. As the Minister for Local Government, I do not have the authority to intervene in lawful council decisions or processes, including those related to the Esperance Tanker Jetty, the proposed Landfill site, and the Esperance Greater Sportsground Redevelopment. All three projects are identified in the Shire's Corporate Business Plan, which actions community priorities, as identified in the Shire's Strategic Community Plan, formed through public consultation.¹⁴⁰

2.160 In relation to the individual projects, the Minister advised that:

- The Heritage Council has been working with the Shire regarding the Esperance Tanker Jetty to provide the Minister with 'some certainty that the identified heritage significance of the jetty will be appropriately managed'.¹⁴¹
- There is a legitimate assessment process to be followed in relation to the new landfill site in which community concerns will be considered. 'Pre-emptive intervention in this process would not be in the public interest, if the State does indeed have the power to do so.'¹⁴²
- Concept designs for the indoor sports stadium have been publically available since 2015 'and detailed construction drawings are currently being finalised, in order to allow accurate cost schedules to be developed; essential for any grant funding applications'.¹⁴³

Petition No 71—Destruction of gravestones

Number of signatures:	716
Date tabled and Tabled Paper (TP) number:	26 June 2018 (TP 1473)
Date finalised:	31 October 2018
Principal petitioner:	Alexander Blunden
Tabling Member:	Hon Tjorn Sibma MLC

2.161 This petition opposes the destruction of memorials at Karrakatta and other Western Australian cemeteries and calls for a halt to the redevelopment of cemeteries. The petitioners ask that the government take steps to establish new cemeteries to meet the needs of future interments.

2.162 The principal petitioner submitted that:

- While the process of redevelopment is not defined in the *Cemeteries Act 1986*, as it is practised by the Metropolitan Cemeteries Board (MCB) it:
sees almost all visible markers of existing graves, including grave numbers, removed – destroyed or repositioned as glorified garden gnomes – and new plots offered for sale comprising the walkway between the original graves and strips of approx. 300mm taken from adjacent graves.¹⁴⁴
- The MCB has failed to consult the public about redevelopment.¹⁴⁵

¹⁴⁰ Hon David Templeman MLA, Minister for Local Government; Heritage, letter, 7 September 2018, p 1.

¹⁴¹ *ibid.*

¹⁴² *ibid.*

¹⁴³ *ibid.*, p 2.

¹⁴⁴ Submission from Alexander Blunden, 10 September 2018, p 2.

¹⁴⁵ *ibid.*

- There is no need for redevelopment because other public land is available for cemeteries.¹⁴⁶
- Many graves have been redeveloped without the families consent or knowledge.¹⁴⁷
- Memorials remain private property and many thousands have been destroyed.¹⁴⁸

2.163 A number of personal accounts are provided to demonstrate the impact of the destruction or removal of memorials¹⁴⁹ and the principal petitioner asks:

Is the Government morally justified in breaching its community trust, expropriating family rights, destroying significant elements of state heritage, stripping away the cultural and religious identity of the families of the ordinary people who built this state *and* who paid for the cemetery, and submerging the denominational areas under a different cultural overlay when adequate alternative provision for burial exists? Is it worth the emotional devastation it wreaks on families who visit their graves at Karrakatta to find an empty field or a stranger's grave?¹⁵⁰

2.164 The tabling Member submitted that he had received numerous representations about this issue:

Petitioners have consistently complained to me that headstones and other funerary monuments from expired burial plots are regularly damaged and disposed of at Karrakatta Cemetery without the knowledge or permission of family members. Families are denied the right to retrieve these objects and are not compensated for their loss or destruction. This is despite an answer provided by the Minister for Local Government on 21 August 2018 to my question on notice 1328 which advised that the MCB does advise families of the removal of headstones. That response also confirmed that the MCB is under no obligation to advise family members of the approaching expiry of a burial lease and therefore does not provide options for families to consider. In the very least, it appears to me that the MCB should be encouraged to engage in a programme of meaningful consultation and disclosure with these petitioners, particularly in respect of plots approaching expiry.¹⁵¹

2.165 He pointed out that:

A simple consequence of the renewal programme and the lack of consultation with affected family members is that the final resting place of the departed is lost. People cannot locate the gravesite of their deceased family and friends with any certainty and therefore feel constrained in their capacity to honour their memory. This is a profound loss. Not only is a person's family heritage diminished by this process but Western Australia's state heritage is also eroded.¹⁵²

2.166 In response to the petition, the Minister for Local Government advised that if not for the renewal program, Karrakatta Cemetery would have closed for burials in 2004 because of space constraints due to its central location.¹⁵³

¹⁴⁶ *ibid.*

¹⁴⁷ *ibid.*, p 3.

¹⁴⁸ *ibid.*

¹⁴⁹ *ibid.*, p 4.

¹⁵⁰ *ibid.*, p 3.

¹⁵¹ Submission from Hon Tjorn Sibma MLC, 13 September 2018, p 2.

¹⁵² *ibid.*

¹⁵³ Hon David Templeman MLA, Minister for Local Government, letter, 4 October 2018, p 1.

2.167 The Minister provided the Committee with the following information:

- redevelopment of cemeteries is a regular management practice in Australia and elsewhere;
- the MCB conducts an exhaustive consultation process commencing at least 12 months prior to renewal work in a burial area;
- the MCB makes every effort to contact family members prior to redevelopment;
- families whose headstones are earmarked for relocation may make a submission for consideration if they wish a monument to remain where it is;
- all headstones are photographed and their inscriptions recorded—these records are available to the public;
- relocated headstones and memorials are retained by the MCB and their location recorded in the cemetery records system;
- a Book of Remembrance at redeveloped areas includes details of those interred prior to redevelopment with the location of the original headstone;
- buried remains are not disturbed—new graves are developed adjacent to existing graves; and
- official war graves are not affected by redevelopment and the MCB collaborates with the Office of Australian War Graves on the issue of military graves.¹⁵⁴

2.168 The Minister provided the Committee with an extract from Hansard where he responded to this issue in the Parliament when it was raised as a grievance.¹⁵⁵

2.169 The principal petitioner was dissatisfied with the Committee's decision to finalise the petition and provided a confidential letter to the Committee outlining his concerns.

Petition No 72—Education funding cuts

Number of signatures:	3823 (total)
Dates tabled and Tabled Paper (TP) number:	26 June 2018 (TP 1474) 23 August 2018 (TP 1667)
Date finalised:	31 October 2018
Principal petitioner:	Joanne Matthewson
Tabling Member:	Hon Donna Faragher MLC

2.170 This petition opposes government funding cuts to various education programs including Moora Residential College, camp school sites, Landsdale Farm School, enrolment threshold increases to community kindergartens and Herdsman Lake Wildlife Centre.

2.171 An outline of the concerns raised (some of which were the subject of previous petitions) is outlined below.

¹⁵⁴ *ibid.*, pp 1-3.

¹⁵⁵ Ms J J Shaw, Western Australia, Legislative Assembly, *Parliamentary Debates (Hansard)*, 15 March 2018, pp 845-846.

Moora Residential College

- 2.172 Moora Residential College was the subject of Petitions 29, 50 and 59. The college received funding from the Federal Government which enabled it to remain open.¹⁵⁶

Camp school sites

- 2.173 Camp school sites were the subject of Petitions 48, 49, 51 and 66 (see paragraphs 2.56 to 2.61 for the Minister's response).

Landsdale Farm School

- 2.174 The principal petitioner's submission outlines the benefits of the farm school, particularly for students with disabilities, and she emphasizes the importance of keeping qualified education staff in order to continue the school's educational program.¹⁵⁷

- 2.175 The Minister for Education advised the Committee that Family Support WA will be the new operator of Landsdale Farm School and that it had:

committed to continuing the provision of programs and opportunities for students and members of the community with disability, while maintaining access for the general public. Family Support WA also intends to develop additional education programs that link farm activities with the Western Australian curriculum.

Family Support WA has proposed a small increase to farm entrance fees for public school students and the general public. Its proposed change to a cottage-based fee structure for accommodation, rather than a per-head structure, will have little to no impact on affordability.¹⁵⁸

Community kindergarten enrolment increase

- 2.176 The principal petitioner's submission expresses concern that an enrolment increase from 10 to 16 children for continued funding will threaten the survival of many small community kindergartens.¹⁵⁹

- 2.177 In response, the Minister for Education advised that a one year extension of time had been granted for Byford, Glen Forrest, Mount Helena and Kinaimanna kindergartens to reach the new threshold.¹⁶⁰

- 2.178 The Minister stated that the change 'will bring the cost of Kindergarten provision at community kindergartens closer to the cost in public schools'¹⁶¹ and that:

The [Education] Department recognises community kindergartens as a legitimate alternative to Kindergarten provision at school, and for as long as sufficient numbers of families choose to enrol their children at community kindergartens, the Department will provide them with staff, operational funding and curriculum support.¹⁶²

¹⁵⁶ Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 48, *Overview of Petitions 16 May 2017 to 30 June 2018*, 22 November 2018, pp 23-4, 35, 38.

¹⁵⁷ Submission from Joanne Matthewson, undated, received 5 September 2018, p 1.

¹⁵⁸ Hon Sue Ellery MLC, Minister for Education, letter, 15 October 2018, p 2.

¹⁵⁹ Submission from Joanne Matthewson, undated, received 5 September 2018, p 1.

¹⁶⁰ Hon Sue Ellery MLC, Minister for Education, letter, 15 October 2018, p 1.

¹⁶¹ *ibid.*

¹⁶² *ibid.*, p 2.

Herdsmen Lake Wildlife Centre

2.179 See Petition No 73 below.

Petition No 73—Herdsmen Lake Wildlife Centre

Number of signatures:	817
Date tabled and Tabled Paper (TP) number:	26 June 2018 (TP 1475)
Date finalised:	31 October 2018
Principal petitioner:	Kevin Kenneally
Tabling Member:	Hon Donna Faragher MLC

- 2.180 This petition opposes the cessation of funding by the Department of Education to the Herdsmen Lake Wildlife Centre which enables the employment of a teacher and an administrative assistant.
- 2.181 The principal petitioner submitted that annual funds of \$165 000 support two staff members who provide environmental and indigenous education programs conducted by the WA Gould League (WAGL). All other funding required to support the Wildlife Centre is raised by the WAGL, which is made up of volunteer scientists, environmental consultants, teachers and business leaders.¹⁶³
- 2.182 The petitioner asserts that the Wildlife Centre provides award-winning education programs and continued funding is essential to maintain these educational opportunities :

Each year over 6,000 primary and secondary students from across Western Australia attend our environmental education programs. These environmental programs are based around the importance of the freshwater ecosystem and its composite food webs and life cycles of the plants and animals comprising them. This learning experience is crucially important as it provides hands-on experiential learning at one of the few remaining large wetlands on the Swan Coastal Plain, Herdsmen Lake, which is a living scientific laboratory that simply cannot be replicated in a classroom or elsewhere.¹⁶⁴

- 2.183 A response from the Minister for Education confirmed that the Department of Education would cease funding to the wildlife centre:

The Department has made the difficult decision to reduce and/or cease funding to a number of external organisations. In the case of funding for the [Herdsmen Lake Wildlife Centre], the decision was made to progress a new funding agreement for one year, concluding on 31 December 2018.

The Department approached Conservation Volunteers Australia (CVA) regarding support for the WAGL, and CVA indicated that it was willing to look at potential support for the HLWC site through its Rio Tinto Earth Assist program. The City of Stirling was also contacted by the Department regarding funding support for the HLWC, but the City of Stirling has indicated that it is not currently in a position to provide such support.¹⁶⁵

¹⁶³ Submission from Kevin Kenneally, 3 September 2018, pp 1-2.

¹⁶⁴ *ibid.*, p 2.

¹⁶⁵ Hon Sue Ellery MLC, Minister for Education, letter, p 2.

Petition No 74—Protection of rock art in Murujuga

Number of signatures:	1073 (total)
Dates tabled and Tabled Paper (TP) number:	27 June 2018 (TP 1500)
	16 August 2018 (TP 1613)
	11 September 2018 (TP 1738)
	9 & 11 October 2018 (TP 2007 & 2040)
	8 & 20 November 2018 (TP 2166 & 2197)
	6 December 2018 (TP 2309)
Date finalised:	31 October 2018
Principal petitioner:	Judith Hugo
Tabling Member:	Hon Robin Chapple MLC

- 2.184 This petition opposes the continued industrialisation of the Burrup Peninsula and Dampier Archipelago (Murujuga) and calls for World Heritage Listing of the Dampier Archipelago. The petitioners ask the government to evaluate the cumulative effect of pollutants and emissions on rock art in the Burrup Peninsula including the likely increase in emissions from increased industrial activity.
- 2.185 The principal petitioner's submission requests that all future industrial development is located at the purpose built Maitland Heavy Industrial Estate and that the government immediately follows through on its commitment to nominate the Dampier Archipelago to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Tentative World Heritage List.¹⁶⁶
- 2.186 The tabling Member also provided the Committee with a detailed submission in support of the petition.¹⁶⁷
- 2.187 The Committee noted that the government announced in August 2018 that it intended to commence a UNESCO World Heritage nomination process for the Burrup Peninsula and surrounds following formal support from traditional owners.¹⁶⁸
- 2.188 Responses to the petition were requested from the Premier and the Ministers for Environment and Aboriginal Affairs.
- 2.189 The Premier confirmed that the government will work closely with the Murujuga Aboriginal Corporation to progress the World Heritage nomination and that:
- The McGowan Government considers that with appropriate management, industry and tourism can successfully co-exist with the cultural heritage and the environmental values of the Burrup Peninsula.¹⁶⁹
- 2.190 In relation to the petitioners' request to limit future industrial development to the Maitland Strategic Industrial Area, the Minister for Environment advised that the Maitland area is not suitable for all major projects:

¹⁶⁶ Submission from Judith Hugo, 13 September 2018, p 1.

¹⁶⁷ Submission from Hon Robin Chappell MLC, 17 September 2018.

¹⁶⁸ Hon Mark McGowan MLA, Premier, Hon Stephen Dawson MLC, Minister for Environment, Hon Ben Wyatt MLA, Minister for Aboriginal Affairs, *McGowan Government progresses Burrup World Heritage listing*, media statement, 27 August 2018.

¹⁶⁹ Hon Mark McGowan MLA, Premier, letter, 19 October 2018.

The Maitland Strategic Industrial Area has been set aside for projects focused on the domestic market and potential future export-orientated industrial development. The area currently lacks basic infrastructure, is some distance from existing port infrastructure, and would require considerable investment to attract major projects. The McGowan Government acknowledges the significant environmental, social, cultural and economic value of the Burrup Peninsula and considers that with appropriate management, industry and tourism can successfully co-exist with the area's cultural heritage and environmental values.¹⁷⁰

2.191 The Minister explained that any new industrial developments on the Burrup Peninsula are considered by the Environmental Protection Authority (EPA) on a case-by-case basis.¹⁷¹

2.192 In relation to the protection of rock art, industrial emissions and discharges are regulated under Part V of the *Environmental Protection Act 1986* and environmental assessments include consideration of cumulative impacts of air emissions. The Minister for Environment pointed out that the assessment process for licences and works approvals provide the opportunity for public comment and that:

Approvals are subject to conditions for the prevention and control of pollution and environmental harm.¹⁷²

2.193 The response from the Minister for Aboriginal Affairs confirmed that Murujuga is of immense cultural and spiritual significance to Aboriginal people and that it is of both national and international heritage value. An interagency taskforce and a heritage committee had been established to progress the World Heritage listing nomination. A reference group had also been established to finalise and implement the Burrup Rock Art Strategy which will provide a long term framework to protect the rock art.¹⁷³

Petition No 76—Rural representation in the City of Greater Geraldton

Number of signatures:	377
Date tabled and Tabled Paper (TP) number:	16 August 2018 (TP 1594)
Date finalised:	17 October 2018
Principal petitioner:	Julie Freeman
Tabling Member:	Hon Laurie Graham MLC

2.194 This petition opposes any change to the ward structure of the City of Greater Geraldton that would remove direct rural representation on the City of Greater Geraldton Council.

2.195 The Committee did not receive a submission from the principal petitioner within the requested time frame and no further enquiries were conducted.

¹⁷⁰ Hon Stephen Dawson MLC, Minister for Environment, letter, 17 October 2018, p 2.

¹⁷¹ *ibid.*

¹⁷² *ibid.*

¹⁷³ Hon Ben Wyatt MLA, Minister for Aboriginal Affairs, letter, 19 October 2018, pp 1-2.

Petition No 77—Pilbara improvement levy

Number of signatures:	501
Date tabled and Tabled Paper (TP) number:	16 August 2018 (TP 1612)
Date finalised:	5 December 2018
Principal petitioner:	Kerry Robinson
Tabling Member:	Hon Robin Chapple MLC

2.196 The petition seeks a \$1 per tonne Improvement Levy on all industry exports from the Pilbara region with the accumulated funding allocated to four areas:

- 25% Pilbara Wealth Fund;
- 25% Traditional Owners Fund;
- 25% Pilbara Economic Fund; and
- 25% Port Hedland Redevelopment Fund.

2.197 A submission made on behalf of the principal petitioner explained that the West End of the town of Port Hedland had been inundated with dust from iron ore operations for many decades:

Successive West Australian State governments have failed to intervene to prevent the dust pollution in that time. In 2009, the Environmental Protection Authority ('EPA') raised concerns about the possible impact of dust on the health of Port Hedland residents.¹⁷⁴

2.198 There is concern that a recommendation of the Port Hedland Dust Management Taskforce (Taskforce) to create a 'Special Control Area' over the West End to prevent further residential population growth will destroy real estate property prices, strangle development and fail to solve the root cause—dust pollution from the port and stockpile areas.¹⁷⁵

2.199 The petitioners believe the proposed levy would assist in the following way:

The Levy is proposed to be divided into four funds, with 25% going equally to the Traditional Owners Fund (funding indigenous self-help projects), the Pilbara Wealth Fund (funding new industry development), Port Hedland Redevelopment Fund (funding redevelopment of the West End and Port Hedland port area) and the Economic Fund (providing subsidies to residents to offset high living costs, such as subsidizing council rates, electricity costs, medical travel and freight).¹⁷⁶

2.200 On 15 October 2018, the government released a media statement announcing its response to the Taskforce report, stating that:

Full responsibility for operating and maintaining the air quality monitoring network will be transferred to the Department of Water and Environmental Regulation, which will also develop a dust management guideline for bulk handling port premises.

The Western Australian Planning Commission (WAPC) will be responsible for implementing the taskforce's recommendations through an Improvement plan, the

¹⁷⁴ Submission from Chris Towsey, 20 September 2018, p 1.

¹⁷⁵ *ibid.*, p 2.

¹⁷⁶ *ibid.*

boundaries of that plan will be developed in consultation with the Town of Port Hedland.

It is expected that the plan will include supporting the establishment of a thriving commercial hub while restricting further residential growth in the West End.

The improvement plan and scheme will be developed by the Department of Planning, Lands and Heritage for the WAPC to consider.¹⁷⁷

2.201 In response to the petition, the Premier advised that in November 2017 the government signed an agreement with the resources industry to deliver social and economic benefits to the Pilbara community. The priorities of the Pilbara Collaboration Charter are employment, education and training, community development and health, procurement, supply chain and joint project initiatives.¹⁷⁸

2.202 In addition, more than \$1 billion had been allocated in the 2018-19 State Budget towards capital works in the Pilbara and funding to improve education, health and community services:

The McGowan Government is committed to delivering significant investment into the Pilbara with a focus on projects that create employment, diversify the economy, support Aboriginal growth and development and deliver important infrastructure and services.¹⁷⁹

Petition No 78—Dianella industrial precinct

Number of signatures:	10
Date tabled and Tabled Paper (TP) number:	16 August 2018 (TP 1615)
Date finalised:	21 November 2018
Principal petitioner:	Natalie Wray
Tabling Member:	Hon Alanna Clohesy MLC

2.203 This petition calls for a community engagement process to be conducted with local residents before the Dianella Industrial Precinct is rezoned. It requests the Legislative Council to support the City of Stirling Council's resolution to not support Amendment No 80 to Local Planning Scheme No 3 (Amendment 80) and to allow a new plan to be developed.

2.204 The principal petitioner submitted that while Dianella residents overwhelmingly support redevelopment of the Dianella Industrial Precinct, they do not support the proposed redevelopment in accordance with Scheme Amendment No 80.¹⁸⁰

2.205 The petitioners concerns include:

- the Minister for Planning accepted the recommendation of the State Planning Commission to re-zone the area without a proper planning exercise being conducted;
- there is uncertainty as to the status of the Local Development Plan which contemplated the construction of 6-storey apartment buildings;

¹⁷⁷ Hon Mark McGowan MLA, Premier and Hon Alannah MacTiernan MLC, Minister for Regional Development, *McGowan Government securing the future of Port Hedland*, media statement, 15 October 2018.

¹⁷⁸ Hon Mark McGowan MLA, Premier, letter, 30 November 2018, p 1.

¹⁷⁹ *ibid.*

¹⁸⁰ Submission from Natalie Wray, 17 September 2018, p 1.

- it is not known whether, and how much, public open space can be incorporated into the area;
 - uncertainty regarding future road widening and/or realignment and increased local traffic;
 - increased demands on infrastructure such as power, water, sewer and refuse collection;
 - the possibility of site contamination; and
 - safety concerns.¹⁸¹
- 2.206 The tabling Member submitted that although the rezoning of the precinct from industrial to residential was welcomed, 'surrounding residents are concerned that certain problems with the City's processes have opened legal avenues for the applicant to circumvent the wishes of the community'.¹⁸² In particular, the concern is that a developer may seek a ruling of the State Administrative Tribunal (SAT) thereby preventing community consultation.¹⁸³
- 2.207 The tabling Member explained that the initial Local Development Plan proposed higher density development than the plan that was subsequently advertised by the City:
- I am advised the City received an application from a private third party to rezone the area on 15 March 2016, accompanied by a draft Local Development Plan that proposed a maximum of six stories in two of the three new R-AC0 zones. Council initiated the scheme amendment on 6 December 2016 and resolved to concurrently advertise the draft plan for public comment. Although Council resolved to restrict building height to a maximum of four stories and advertised the plan as such, the circumstances of the modification were later deemed to be in violation of planning and development regulations.¹⁸⁴
- 2.208 A response from the City of Stirling advised that:
- The Minister for Planning has approved Scheme Amendment No 80, consequently, any development proposals in the Dianella Industrial Precinct must comply with the zoning that has been put in place as a result of the Scheme Amendment.¹⁸⁵
- 2.209 The City acknowledged that a procedural error in the City's processes meant that proceedings before the SAT may result if the applicant (developer) sought to enforce the original Local Development Plan containing 6-storey buildings:
- The City's officers acknowledge a procedural error was made when processing the Local Development Plan, and the effect of this will only become known if the applicant chooses to take certain actions. Should the applicant try and proceed with the Local Development Plan that was submitted, the City will deal with this matter as it arises.¹⁸⁶
- 2.210 The City informed the Committee that it is commencing a comprehensive planning exercise to establish a community vision for the area and to prepare a Local Development Plan to guide future development.¹⁸⁷

¹⁸¹ *ibid.*, pp 1-2.

¹⁸² Submission from Hon Alanna Clohesy MLC, 14 September 2018, p 1.

¹⁸³ *ibid.*, p 2.

¹⁸⁴ *ibid.*, p 1.

¹⁸⁵ Ross Povey, Director Planning and Development, City of Stirling, letter, 5 November 2018, p 1.

¹⁸⁶ *ibid.*

¹⁸⁷ *ibid.*, p 2.

- 2.211 According to the Minister for Planning, the rezoning of the precinct will 'facilitate a coordinated and consultative approach to redevelopment in the Precinct via the requirement for a Local Development Plan (LDP)'.¹⁸⁸ She confirmed that requirements under the planning system for an LDP include public consultation.¹⁸⁹

Petition No 79—City of Melville

Number of signatures:	31
Date tabled and Tabled Paper (TP) number:	29 August 2018 (TP 1688)
Date finalised:	31 October 2018
Principal petitioner:	Mark McLerie
Tabling Member:	Hon Robin Chapple MLC

- 2.212 This petition opposes the conduct and performance of the City of Melville (City) in respect to building matters associated with Mr Mark McLerie and calls for an inquiry into the City, including whether it should pay compensation.
- 2.213 Finalised petitions 12 and 20 also related to complaints about the City and requested an inquiry.¹⁹⁰
- 2.214 In November 2017 the Department of Local Government, Sport and Cultural Industries (Department) initiated an inquiry into the City of Melville, examining:
- matters related to the Council's relationship with the City's administration;
 - the adequacy of Council policies and procedures;
 - acquisition of land; and
 - any other matters the investigative team discovers during its inquiry.¹⁹¹
- 2.215 The Committee requested an update from the Minister on the progress of the inquiry and was advised that the investigation was ongoing and that the principal petitioner had attended the offices of the Department and provided information.¹⁹²

Petition No 80—Conduct of officers in the City of Wanneroo

Number of signatures:	2
Date tabled and Tabled Paper (TP) number:	11 September 2018 (TP 1740)
Date finalised:	31 October 2018
Principal petitioner:	Stephen Adam
Tabling Member:	Hon Michael Mischin MLC

¹⁸⁸ Hon Rita Saffioti MLA, Minister for Planning, letter, 15 November 2018.

¹⁸⁹ *ibid.*

¹⁹⁰ Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 48, *Overview of Petitions 16 May 2017 to 30 June 2018*, 22 November 2018, pp 12-13.

¹⁹¹ Hon David Templeman MLA, Minister for Local Government, *Inquiry to address governance issues at City of Melville*, media statement, 29 November 2017.

¹⁹² Hon David Templeman MLA, Minister for Local Government, letter, 15 October 2018.

- 2.216 This petition expresses concern about the conduct and performance of the City of Wanneroo in relation to matters associated with Mr Stephen Adam and requests an inquiry, including whether the City should pay compensation.
- 2.217 A response from the Minister for Local Government advised that Mr Adam's complaints about the City of Wanneroo have been considered by the Corruption and Crime Commission, the Building Commission and the State Administrative Tribunal. A formal complaint by Mr Adam to the Department of Local Government, Sport and Cultural Industries regarding City councillor behaviour was still being investigated.¹⁹³

Petition No 81—City of Melville and building legislation

Number of signatures:	8
Date tabled and Tabled Paper (TP) number:	12 September 2018 (TP 1766))
Date finalised:	28 November 2018
Principal petitioner:	Gary Crawford
Tabling Member:	Hon Robin Chapple MLC

- 2.218 This petition opposes the conduct and the performance of the City of Melville with respect to building compliance matters associated with the construction of a four unit complex at 37 Harris Street, Bicton. It calls for an inquiry into the conduct and performance of the City of Melville, the adequacy of current building legislation, and whether the City should pay compensation.
- 2.219 A response from the Minister for Local Government advised that an inquiry by the Department of Local Government, Sport and Cultural Industries (Department) into the operations of the City of Melville was ongoing and that the principal petitioner had attended the offices of the Department and provided information to the inquiry.¹⁹⁴
- 2.220 The Minister for Mines and Petroleum, Commerce and Industrial Relations advised the Committee that:
- the powers of the Building Commissioner will be considered as part of the next review of the *Building Act 2011* (the Act);
 - the Building Commissioner is consulting with local government about monitoring and compliance under the Act;
 - there is no time limitation for pursuit of a disciplinary matter under the *Building Services (Complaint Resolution and Administration) Act 2011*;
 - high priority building industry issues for the government include security of payment for sub-contractors, reform of plumbing legislation, review of the building approvals process and review of the Home Indemnity Insurance scheme; and
 - implementation of the recommendations of the report, *Building Confidence—Improving the effectiveness and enforcement systems for the building and construction industry across Australia* is a priority for the government.¹⁹⁵

¹⁹³ Hon David Templeman MLA, Minister for Local Government, letter, 15 October 2018.

¹⁹⁴ Hon David Templeman MLA, Minister for Local Government, letter, 17 October 2018.

¹⁹⁵ Hon Bill Johnston MLA, Minister for Mines and Petroleum, Commerce and Industrial Relations, letter, 21 November 2018.

Petition No 82—Advanced care planning for regions

Number of signatures:	1216
Date tabled and Tabled Paper (TP) number:	13 September 2018 (TP 1786)
Date finalised:	31 October 2018
Principal petitioner:	Brian Low
Tabling Member:	Hon Kyle McGinn MLC

- 2.221 This petition supports the provision of advanced care planning programs (such as information sessions conducted by WA Palliative Care) to regional areas to enable all Western Australians access to information to plan for their future health and other needs.
- 2.222 The Committee did not receive a submission from the principal petitioner within the requested time frame and no further enquiries were conducted.

Petition No 83—Golden Bay dunes

Number of signatures:	334
Date tabled and Tabled Paper (TP) number:	18 September 2018 (TP 1824)
Date finalised:	5 December 2018
Principal petitioner:	Anna-Marie Jackson
Tabling Member:	Hon Pierre Yang MLC

- 2.223 This petition is opposed to development that will lead to the destruction of the uniquely high, parabolic sand dunes in Golden Bay. Petitioners' concerns include the loss of biodiversity and habitat, the creation of hot urban microclimates and a reduction in natural open space. The petition asks that the Legislative Council recommend that the State Government liaise with the developer (Peet and Co) to protect the remaining area of Lot 3 Warnbro Sound Avenue (excluding Stage 5A) as a conservation park.
- 2.224 The principal petitioner's submission pointed out that the petitioners did not oppose all development, observing that almost 2000 housing lots had already been constructed in less prominent coastal dunes as well as 10 hectares (or 25 percent) of the high dunes on Lot 3. She explained that the high parabolic dunes have been recognised as having State-wide significance and that:
- Preserving the remaining 31 ha, of which 6.6 ha has already been set aside for protection, means less than 25 ha is all that is needed for Peet Ltd and Landcorp to forgo (a few hundred lots) to gain striking, pristine, unique dunes, the only ones left between Perth and Mandurah.¹⁹⁶
- 2.225 The petitioner's submission attached a report from Geoheritage Australasia Inc which affirms the geoheritage values of the dunes at Golden Bay.
- 2.226 The petitioner's concerns include:
- Loss of biodiversity: the inadequate and fragmented landscape protection areas contained in the Structure Plan 'are just a token gesture and are not large enough to sustain biodiversity'.¹⁹⁷

¹⁹⁶ Submission from Anna-Marie Jackson, 17 October 2018, p 1.

¹⁹⁷ *ibid.*

- Quendas – Southern Brown Bandicoots: widespread coastal destruction and an increase in domestic pets has seen Quenda habitats significantly reduced.¹⁹⁸
- Carnaby's Black Cockatoos: The site is a known feeding ground for Carnaby's Black Cockatoos and is located near a breeding ground for the endangered species. Clearing of habitat is contrary to the government's own recovery plan.¹⁹⁹
- Vegetation: Golden Bay is named for its proliferation of Golden Wattle. Although government guidelines for vegetation in coastal urban areas recommend retention of 'visually diverse, unique or typical' vegetation of an area:

The four small fragmented areas Peet Ltd and Landcorp propose to keep will put an end to Golden Bay's striking visual namesake and will destroy the balance of vegetation throughout different parts of the dunes.²⁰⁰

- Wellbeing and urban temperature: Natural landscapes in urban areas are important for mental and physical health and for cooling urban temperatures.²⁰¹

- 2.227 The Committee requested responses to the petition from the Ministers for Planning and Environment, and the City of Rockingham.
- 2.228 The Minister for Planning advised that the development is consistent with the site's longstanding zoning and environmental approvals which were granted between 1981 and 1993.²⁰²
- 2.229 A public environmental review associated with a planning decision in 1993 to transfer parts of the dune system to urban zoning, identified the parabolic dune ridge on the eastern edge of Golden Bay as significant. As a consequence, the proposed development was subject to conditions to protect part of the dune system, with the developer required to liaise with the Department of Planning and the City of Rockingham to incorporate measures to protect the landscape.²⁰³
- 2.230 Three landscape protection areas were subsequently identified and the State Planning Commission approved the Development Plan in 1994. Since that time, the Western Australian Planning Commission (WAPC) has approved four subdivision applications:
- In approving these applications, the WAPC was satisfied that the proposals complied with the planning framework for the land and the environmental approval issued for the urban development of Golden Bay.²⁰⁴
- 2.231 The Minister for Environment advised that:
- The environmental conditions for the creation and protection of a foreshore reserve, landscape protection for the parabolic dune ridge on the eastern side edge of Golden Bay, and potential impacts to and ongoing management of, the regional population of the Southern Brown Bandicoot have been addressed to the satisfaction of former Environment Ministers.²⁰⁵

¹⁹⁸ *ibid.*

¹⁹⁹ *ibid.*, p 2.

²⁰⁰ *ibid.*

²⁰¹ *ibid.*

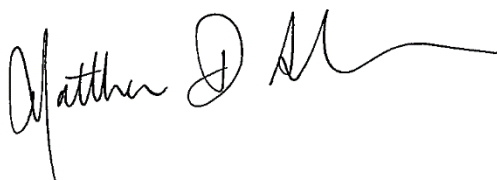
²⁰² Hon Rita Saffioti MLA, Minister for Planning, letter, 27 November 2019, p 1.

²⁰³ *ibid.*

²⁰⁴ *ibid.*, p 2.

²⁰⁵ Hon Stephen Dawson MLC, Minister for Environment, letter, 23 November 2018, p 2.

- 2.232 In response to a further subdivision application, the Department of Biodiversity, Conservation and Attractions (DBCA) recommended in May 2018 that the WAPC require a Fauna Management Plan be developed which would include information on the relocation and protection of native fauna species.²⁰⁶
- 2.233 A response from the City of Rockingham advised that it did not oppose the proposed development given that appropriate planning and environmental approvals had been obtained. The City informed the Committee that a Southern Brown Bandicoot translocation and monitoring program is being undertaken for each stage of the development prior to vegetation clearing.²⁰⁷
- 2.234 The Committee noted that work had already commenced on the sand dunes to relocate the wildlife in the area, clear the vegetation and begin earthworks, with civil works commencing in November 2018.

A handwritten signature in black ink, appearing to read 'Matthew Swinbourn', with a stylized flourish at the end.

Hon Matthew Swinbourn MLC
Chairman

²⁰⁶ *ibid.*

²⁰⁷ Michael Parker, Chief Executive Officer, City of Rockingham, letter, 22 November 2018, pp 1-2.

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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