

**41ST PARLIAMENT**



## **Report 58**

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

*Overview of Petitions 2 June 2021 to 2 December 2021*

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Presented by  
Hon Peter Foster MLC (Chair)  
March 2022

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

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# 1 Introduction

## History and function of the Committee

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

## 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.

## Introduction of e-petitions

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

## Overview of petitions

- 1.12 This report provides an overview of petitions finalised by the Committee during the period 2 June 2021 to 2 December 2021 (Reporting Period).
- 1.13 Thirty-nine petitions were referred to the Committee during the Reporting Period. The Committee concluded its enquiries into 24 petitions.
- 1.14 At the end of this Reporting Period, enquiries into 15 open petitions were continuing.

## Committee webpage

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

# 2 Finalised petitions

## Petition No. 1—Pinjarra Alumina Refinery

Date Tabled and Tabled Paper (TP) number	5 May 2021 (TP 153) <sup>2</sup>
Number of signatures	1038
Principal petitioner	Sharon Parker-Brown
Tabling Member	Hon Colin Holt MLC
Date Finalised	2 June 2021

- 2.1 This petition opposes any expansion to, or increased production of, the Pinjarra Alumina Refinery (Refinery). The Refinery is operated by Alcoa of Australia Limited (Alcoa), who propose:
- an increase in alumina production at the Refinery by 5 per cent, from 5 million tonnes per annum (mtpa) to 5.25 mtpa

<sup>1</sup> Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 9 September 2021, pp 3680-88. This was on the recommendation of the Standing Committee on Procedure and Privileges. See Western Australia, Legislative Council, Standing Committee on Procedure and Privileges, Report 65, *Review of the Standing Orders*, pp 25-7.

<sup>2</sup> This petition was originally tabled in the 40th Parliament, on 8 October 2020 by Hon Jacqui Boyde MLC, but it lapsed at prorogation before enquiries finished. The Committee used the submissions and correspondence obtained during the previous Parliament where appropriate.

- a transition of the Huntly bauxite mine into the Myara North<sup>3</sup> and Holyoake<sup>4</sup> regions
  - an increase in the rate of mining within its Mining Lease 1SA to supply up to 2.5 mtpa of bauxite for export.<sup>5</sup>
- 2.2 The above proposal will require the clearing of:
- a maximum of 6 700 hectares (ha) of native vegetation within a 42 415 ha development envelope associated with mining
  - 10 ha of native vegetation near the refinery.<sup>6</sup>
- 2.3 The petition expresses concern about the impact the proposal will have on the surrounding forest, wildlife, water sources and climate. It also asserts that the proposal would have a negative effect on the local residents, businesses and tourism as a result of increased noise and traffic, loss of amenity and increased pollution and health risks.
- 2.4 The proposal was referred to the Environmental Protection Authority (EPA) on 6 July 2020. The EPA determined it should be assessed via a Public Environmental Review (PER), which is the highest level of environmental assessment available under the *Environmental Protection Act 1986*.<sup>7</sup> The EPA received a total of 1732 submissions, with 1589 of these requesting a public environmental review.<sup>8</sup>
- 2.5 In the determination, the EPA noted the proposals potential significant effects such as:
- The impact on flora, vegetation and terrestrial fauna through clearing of up to 6 710ha of native vegetation and fauna habitat.
  - The proposed mining areas lying over the catchment areas of developed reservoirs that are used for drinking water, which may lead to impacts on inland waters.
  - Decreased terrestrial environmental quality through soil contamination and disturbance of acid sulphate soils.
  - Increased noise, adverse impact on recreation, nature based tourism and amenity.
  - Decreased air quality through dust and particulate emissions.
  - Greenhouse gas emissions from increased emissions at the refinery and mining operations.<sup>9</sup>
- 2.6 The Committee wrote to the Minister for Environment, who advised:
- The EPA made the determination in July 2020 to assess the Pinjarra Alumina Refinery Revised Proposal at the highest level, Public Environmental Review, with an eight-week public review period. This level of assessment means that members of the public will have the opportunity to review and provide comment on the information provided by Alcoa to support the environmental assessment of the proposal.

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<sup>3</sup> Located adjacent to the Jarrahdale town site.

<sup>4</sup> Located approximately 5 km east of Dwellingup.

<sup>5</sup> Government of Western Australia, Environmental Protection Authority, *Pinjarra Alumina Refinery Revised Proposal*. See: [Pinjarra Alumina Refinery Revised Proposal | EPA Western Australia](#). Viewed 18 March 2022.

<sup>6</sup> Western Australia, Environmental Protection Authority, Chairman's Determination: *Pinjarra Alumina Refinery Revised Proposal*, 1 July 2020.

<sup>7</sup> *ibid.*

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

<sup>9</sup> *ibid.*



...

At the completion of the independent assessment, the EPA assessment report and recommendations will be provided to me as Minister for Environment, published on the EPA's website and subject to a two-week public appeals period.<sup>10</sup>

- 2.7 The Committee also wrote to the Minister for State Development, who advised the PER process is:
- expected to take approximately two and a half years to complete<sup>11</sup>
  - the appropriate mechanism for community consultation regarding the environmental acceptability of the proposal.<sup>12</sup>
- 2.8 The Committee resolved to finalise its enquiries into the petition on the basis that the matter was subject to ongoing statutory processes. The EPA are aware of effects the proposal may have on the environment and local community, and will be assessing the application accordingly.

### **Petition No. 2—Dardanup Waste Precinct and Landfill**

Date Tabled and Tabled Paper (TP) number	5 May 2021 (TP 154) <sup>13</sup>
Number of signatures	548
Principal petitioner	Fiona Moriarty
Tabling Member	Hon Colin Holt MLC
Date Finalised	15 September 2021

- 2.9 Cleanaway Solid Waste Pty Ltd (Cleanaway) operates the existing Banksia Road Waste Disposal Facility (Facility) located at Crooked Brook in the Shire of Dardanup. The site is approximately 10 km southeast of the City of Bunbury and 3.7 km southeast of the town of Dardanup.
- 2.10 Cleanaway is seeking to increase its landfill solid waste throughput from 303 000 tonnes per annum (tpa) to 350 000 tpa. It has submitted a licence amendment application to the Department of Water and Environmental Regulation (DWER).
- 2.11 The petition opposes any continuation of landfill at the Banksia Road Dardanup Waste Precinct on the basis that the site is environmentally, socially and economically unsuitable. It also opposes any expansion to operating hours, waste classification, height, footprint and capacity. It sought that the Legislative Council recommend that the Government develop a 3-year exit plan for the waste disposal site.
- 2.12 The Committee wrote to the Minister for Environment, Minister for Planning and the Shire of Dardanup.

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<sup>10</sup> Hon Stephen Dawson MLC, Minister for Environment, letter, 23 November 2020, p 2.

<sup>11</sup> Hon Mark McGowan MLA, Minister for State Development, letter, 30 November 2020, p 2.

<sup>12</sup> *ibid.*

<sup>13</sup> This petition was originally tabled in the 40th Parliament, on 13 October 2020 by Hon Colin Holt MLC with 2644 signatures but it lapsed at prorogation before enquiries finished. The Committee used the submissions and correspondence obtained during the previous Parliament where appropriate.

- 2.13 The Shire of Dardanup advised that in recent years it has been working with DWER and Cleanaway to achieve better regulation of the site.<sup>14</sup> The Shire further advised the Committee that:

In general terms, Cleanaway has applied an ad-hoc development approach to the expansion of the landfill operation, seeking a series of development approvals for discrete works unaccompanied by any type of consolidated site plan or an overall 'master plan' for the long term development of the site.

Cleanaway's ad-hoc approach has allowed incremental expansion of the landfill development whilst at the same time depriving the Shire of the ability to make decisions based on, *inter alia*, the requirements of orderly and proper planning.

As a response to the difficulties this has created for both State and Local Government, DWER has agreed to establish a liaison group (consisting of Shire officers & DWER) to enable the agencies to better work together to regulate the landfill facility. The Shire in turn has embarked on establishing a new Local Planning Scheme with relevant provisions to better control the development. This scheme, based on the adopted and endorsed Local Planning Strategy, considers the Waste Precinct as a special control area and will include specific provisions that aim to address the future development applications in a more holistic and proactive manner.<sup>15</sup>

- 2.14 The Minister for Environment advised that on 1 April 2021, Cleanaway referred the construction and operation of landfill cells 9, 10 and 12A to the EPA:

The EPA determined to assess the proposal and set the level of assessment at Assess-Referral Information with additional information required. The EPA also set a four-week public review period for the referral and additional information. The proponent has not yet provided the additional information.

A works approval application for the construction of new landfill cells 9, 10 and 12A was also submitted to the Department on 7 April 2021 under Part V of the EP Act. The works approval application has been placed on hold pending the outcome of the EPA's assessment under Part IV of the EP Act.<sup>16</sup>

- 2.15 The Committee concluded its enquiries on the basis that the application was subject to statutory processes over which the Committee has minimal influence.

### **Petition No. 3—Speed Limit on Bussell Highway**

Date Tabled and Tabled Paper (TP) Number	5 May 2021 (TP 155) 1 September 2021 (TP 499)
Number of signatures	950 (total)
Principal petitioner	Anthonia Steinbrenner
Tabling Members	Hon Colin Holt MLC Hon James Hayward MLC
Date Finalised	15 September 2021

<sup>14</sup> André Schönfeldt, Chief Executive Officer, Shire of Dardanup, letter, 27 November 2020, pp 4-5.

<sup>15</sup> *ibid.*

<sup>16</sup> Hon Amber-Jade Sanderson MLA, Minister for Environment, letter, 6 September 2021.



2.16 This petition called for the reduction of the speed limit on Bussell Highway for the three intersections from Capel Drive in the north to Spurr Road in the south, from 110 kph to 80 kph.

2.17 The principal petitioner submitted that:

As a major distributor road between Bunbury and Augusta, the speed limit is 110 km p/h. Near Capel town this presents a problem for residents attempting to cross the highway, entering on to the highway, or exiting their town, by any of the four main intersections and property access points, to travel between Capel Town and the township of Peppermint Grove Beach, or to go to Bunbury or Busselton.<sup>17</sup>

2.18 The Committee wrote to the Minister for Transport, who advised that:

- During 2020/2021 the section of highway south of Capel Drive was used by an average of 17 000 vehicles per day.<sup>18</sup>
- Many factors are taken into account during the speed zoning process, including the road function, traffic volumes, types of road users, roadside development, the frequency and type of intersections, the number of crossovers and reported crash data.<sup>19</sup>
- In the five years to 31 December 2020, there were a total of 15 reported crashes on the Bussell Highway. The intersection of Capel Drive and Bussell Highway is ranked 1 949 in terms of crash frequency across the state, with Spurr Street ranked 2 961 and Stirling Road ranked 6 577.<sup>20</sup>
- The Bussell Highway Duplication Project aims to alleviate congestion issues through construction of an additional 17 km of dual carriageway for the section of road between Capel and north of Busselton. As part of the current roadworks, temporary traffic management and a reduced speed limit is currently in place on the Highway, past Capel.<sup>21</sup>
- Main Roads has committed to undertaking a Safe System Review of this section of Highway, which will consider all aspects of safety performance including speed limits, the engineering structure, previous crash history and driver behaviour. The Review will be undertaken a few weeks after the Stage One works are completed, which is scheduled for September/October 2021. This will allow Main Roads to collect further traffic data and video footage to assess any changes in driver behaviour, as a result of the new road and traffic conditions.<sup>22</sup>

2.19 The City provided the following response:

The City is not adverse to a speed reduction along Bussell Highway to 90kph on the three primary entries and exit intersections into the Capel Town site. The City however does not support the petitioners request to reduce this limit down to 80kph.<sup>23</sup>

2.20 The Committee resolved to finalise the petition on the basis that a project is underway to improve Bussell Highway through the construction of an additional 17 km of dual

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<sup>17</sup> Submission from Antonia Steinbrenner, principal petitioner, 21 June 2021, p 1.

<sup>18</sup> Hon Rita Saffioti MLA, Minister for Transport, letter, 8 September 2021, p 1.

<sup>19</sup> *ibid.*

<sup>20</sup> *ibid.*

<sup>21</sup> *ibid.*, p 2.

<sup>22</sup> *ibid.*

<sup>23</sup> Mike Archer, Chief Executive Officer, City of Busselton, letter, 16 August 2021.

carriageway. Once the works are completed, further traffic data will be collected by Main Roads and a decision made about whether any changed traffic conditions are required.

## **Petition No. 4—Biosecurity levy imposed on the residents of Bridgetown-Greenbushes**

Date Tabled and Tabled Paper (TP) Number	5 May 2021 (TP 156)
Number of signatures	280
Principal petitioner	Michelle Humphreys
Tabling Member	Hon Colin Holt MLC
Date Finalised	13 October 2021

- 2.21 This petition is similar in content to Petition No. 26 and therefore enquiries were conducted together.
- 2.22 The petitions oppose the biosecurity levy of \$40 for town blocks and \$50 for farm properties on residents of Bridgetown-Greenbushes and the Shire of Boyup Brook. The petition asserted that community consultation did not demonstrate support for the levy and it opposed the methods of debt recovery by the Office of State Revenue for unpaid levies.
- 2.23 The *Biosecurity and Agriculture Management Act 2007* (BAM Act) authorises the Minister for Agriculture and Food to charge a rate on land for the purpose of the declared pest account.<sup>24</sup> Different rates may be determined in respect of different land and different classes of land.<sup>25</sup> The declared pest account carries out measures to control declared pests in areas where the rates are collected.<sup>26</sup> The rate is matched by State government funding<sup>27</sup> and funds are made available to Recognised Biosecurity Groups (RBG) established under the BAM Act.<sup>28</sup>
- 2.24 The RBG for the local government areas of Boyup Brook and Bridgetown-Greenbushes is the Blackwood Biosecurity Inc. (BBI).
- 2.25 The Committee wrote to the Shire of Boyup Brook, who advised the Committee that the Shire opposes the imposition of a RBG and the biosecurity levy, on the basis of lack of community consultation.<sup>29</sup> Further, the Shire noted concerns about BBI's failure to release budget details, a breakdown in BBI leadership and lack of transparency and consultation.<sup>30</sup> The Shire advised that it has written to the Minister for Agriculture and Food several times to advise of the community's concerns.<sup>31</sup>

<sup>24</sup> *Biosecurity and Agriculture Management Act 2007*, s 130(1)-(2).

<sup>25</sup> *ibid.*, s 130(4).

<sup>26</sup> *ibid.*, s 138(1).

<sup>27</sup> *ibid.*, s 139(1).

<sup>28</sup> *ibid.*, s 170(1).

<sup>29</sup> Dale Putland, Chief Executive Officer, Shire of Boyup Brook, letter, 9 September 2021, p 1.

<sup>30</sup> *ibid.*, p 2.

<sup>31</sup> *ibid.*

2.26 The Committee wrote to the Minister for Agriculture and Food who advised:

The review of the Biosecurity and Agriculture Management Act 2007 (the Act) will be commencing over the coming months, and I expect this to be completed within 12 months.

Stakeholder consultation will be an important part of the review, including with Recognised Biosecurity Groups (RBGs) and the general public. The parameters of the consultation process will be determined by an independent review panel with membership currently being finalised.

The Declared Pest Rate (DPR) provisions of the Act have been identified as an area to be examined through the review, as are the provisions relating to RBGs. I appreciate that the DPR and RBGs are of great interest to many stakeholders, and this will be brought to the review panel's attention.<sup>32</sup>

2.27 On the basis that the BAM Act is to be imminently reviewed, and stakeholder consultation will be occurring in relation to the Declared Pest Rate as part of this review, the Committee resolved to finalise its enquiries.

### **Petition No. 5—Allocation of a primary school site**

Date Tabled and Tabled Paper (TP) Number	5 May 2021 (TP 157)
Number of signatures	70
Principal petitioner	Roland Sharpe
Tabling Member	Hon Aaron Stonehouse MLC
Date Finalised	04 August 2021

2.28 This petition relates to the Kennedy Bay Development Plan, which proposes to build on 66.8 hectares of land on Lot 3020 Port Kennedy Drive and Unallocated Crown Land No. 3019.

2.29 The petitioners opposed the development of a primary school on Lot 3020, citing concerns about widening of the roads, increased traffic, lack of availability of street parking and accessibility to the site diminishing the lifestyle enjoyed by the residents of Ocean Green Estate, Port Kennedy.

2.30 At its council meeting on 26 May 2020, the City of Rockingham recommended approving the project subject to a wide range of changes which included, relevantly, the need for a primary school site.<sup>33</sup>

2.31 A Structure Plan for the Kennedy Bay Development was submitted to the Western Australian Planning Commission (Commission) for determination in June 2020.<sup>34</sup>

2.32 The Commission resolved at its meeting on 27 October 2020 to defer its consideration of the northern portion of the structure plan pending detailed investigation into the suitability of a potential primary school site.<sup>35</sup>

<sup>32</sup> Hon Allanah MacTiernan MLC, Minister for Agriculture and Food, letter, 4 October 2021, p 1.

<sup>33</sup> City of Rockingham, Council Meeting, minutes, 26 May 2020, p 88.

<sup>34</sup> In accordance with Schedule 2, Part 4, clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

<sup>35</sup> Western Australian Planning Commission, Statutory Planning Committee, minutes of meeting held 27 October 2020.

- 2.33 Given the decision about the location of the primary school site was deferred by the Commission, and that planning decisions are made by reference to an established decision-making process over which the Committee has minimal influence, the Committee concluded its enquiries into the petition.

### **Petition No. 7—Corruption and mismanagement in Aboriginal corporations**

Date Tabled and Tabled Paper (TP) Number	12 May 2021 (TP 184)
Number of signatures	78
Principal petitioner	Maria Meredith
Tabling Member	Hon Robin Scott MLC
Date Finalised	04 August 2021

- 2.34 This petition called for the establishment of a Parliamentary Committee to investigate allegations of corruption and mismanagement within aboriginal corporations, including the misuse of moneys and the manipulation of culture to incorrectly or fraudulently claim native title for financial advantage.
- 2.35 Aboriginal Corporations are registered and managed under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (CATSI Act). A body may only be registered as an Aboriginal and Torres Strait Islander corporation if a majority of its directors and members are Aboriginal or Torres Strait Islander.<sup>36</sup>
- 2.36 Corporations registered under the CATSI Act are regulated by the Registrar of Indigenous Corporations.<sup>37</sup> The Registrar is an independent office holder and is supported by the Office of the Registrar of Indigenous Corporations.<sup>38</sup>
- 2.37 The Committee resolved to conclude its preliminary enquiries on the basis that native title and Aboriginal Corporations are governed by Commonwealth legislation. In addition, native title claims are determined by the Federal Court.

### **Petition No. 8—Speed limit on Chapman Road Beresford**

Date Tabled and Tabled Paper (TP) Number	12 May 2021 (TP 185)
Number of signatures	75
Principal petitioner	John Patrick Love
Tabling Member	Hon Colin de Grussa MLC
Date Finalised	8 September 2021

- 2.38 This petition supported changing the speed limit along the portion of Chapman Road, Beresford, between Cecily Street to the north, and Phelps Road roundabout to the south, from 60 km p/h to 50 km p/h. The petition also called for a pedestrian crossing on the corner of Chapman Road and Dean Street. The petition cited safety concerns for pedestrians attempting to access the foreshore pathway.

<sup>36</sup> *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), s 29.5.

<sup>37</sup> *ibid.*, s 658.1(1).

<sup>38</sup> *ibid.*, s 1.30.

2.39 The tabling Member submitted:

This section of Chapman Road connects a very busy primary school in St Lawrence Primary School at one end and a major shopping precinct at the other in Northgate Shopping Centre. This stretch of road is considered a major arterial route but is not unfortunately considered a “built up residential area”.

This recently enhanced foreshore has increased the demand of pedestrians and cyclists wishing to access this area. A request for an additional pedestrian crossing at the intersection of Chapman Road and Dean Street for residents including school children who are attempting to access this area would further assist in connectivity.

The North West Coastal Highway is an appropriate thoroughfare for traffic wishing to maintain a 60km/h speed.<sup>39</sup>

2.40 The Committee wrote to the Minister for Transport, who advised:

Whilst Main Roads is responsible for the approval, installation, and maintenance of speed zone signs on all roads, on local roads this is at the request of the local government after it has performed a preliminary investigation and assessment.

I understand the City implemented traffic calming treatments along Chapman Road in 2018. Any request for modification to the speed zone would need to be initiated by the City of Greater Geraldton.

Regarding your request for a pedestrian crossing, the review and upgrade of pedestrian refuge treatments on local roads is the responsibility of the City of Greater Geraldton, consistent with its pedestrian/bicycle strategy for the area.<sup>40</sup>

2.41 The Committee also wrote to the City of Greater Geraldton, who provided the following response:

In light of the success of the foreshore project, and the increased community utilisation of the area, the City is supportive of the petitions proposed change and would be pleased to progress this matter, and explore opportunities to obtain the required funding directly with Main Roads Western Australia.<sup>41</sup>

2.42 On the basis that the City of Greater Geraldton indicated they support the change requested by the petitioners, and will progress the matter through the appropriate channels, the petition was finalised.

## Petition No. 9—Oppose greyhound racing

Date Tabled and Tabled Paper (TP) Number	13 May 2021 (TP 192)
Number of signatures	9526
Principal petitioner	Alanna Christiansen
Tabling Member	Hon Alison Xamon MLC
Date Finalised	17 November 2021

<sup>39</sup> Submission from Hon Colin de Grussa MLC, tabling Member, 17 June 2021.

<sup>40</sup> Hon Rita Saffioti MLA, Minister for Transport, letter, 30 August 2021.

<sup>41</sup> Ross McKim, Chief Executive Officer, City of Greater Geraldton, letter, 16 August 2021.

- 2.43 Petition No. 9 and No. 10 were considered together due to their similar subject matter. They also had the same principal petitioner.
- 2.44 Petition No. 9 called for the banning of greyhound racing in Western Australia. The petitioners sought a 2-year phase out of the industry, assistance for industry participants to reskill, rehoming of all dogs and the future breeding of greyhounds for pets only.
- 2.45 The petition states that:
- greyhound racing is an outdated industry that has been banned in numerous countries and states. The greyhound racing industry is inherently inhumane and incompatible with contemporary animal welfare expectations. The greyhound racing industry is unsustainable and relies on the community to deal surplus dogs that are overbred to meet racing requirements.
- 2.46 Petition No. 10 also called for the banning of greyhound racing in WA, along with the prohibition of dog transfers overseas and interstate, and support for adoption programs for current racing dogs.
- 2.47 The principal petitioner submitted that:
- The general public's expectations for animal welfare, particularly dogs, has changed dramatically over the past decade. This has resulted in the greyhound racing industry lagging behind contemporary expectations for greyhound welfare, increased public scrutiny and calls for greyhound racing to be banned. Greyhounds are an increasingly popular companion dog breed in WA and their treatment within the racing industry is no longer widely accepted by the community.<sup>42</sup>
- 2.48 The principal petitioner also submitted that the petitioners concerns around greyhound racing relate to:
- racing causing physical and psychological damage to greyhounds
  - lack of independent welfare authority overseeing the integrity of the industry
  - inadequacy of injury schemes
  - the fate of surplus and retired greyhounds, and reliance on community organisations to rehabilitate and rehome greyhounds.<sup>43</sup>
- 2.49 The Committee wrote to the Minister for Agriculture and Food, who is responsible for administration of the *Animal Welfare Act 2002*. The Minister advised the Committee that:
- Under the Racing and Wagering WA (RWWA) Rules of Greyhound Racing 2008, it is mandatory for any person who keeps racing greyhounds to comply with RWWA's Code of Practice, as a policy adopted by a Controlling Body. Among other requirements, the Code of Practice provides for the management and health of greyhounds, including exercise, socialisation, grooming and preparation for retirement and rehoming.
  - As reported by RWWA, 3 per cent of total greyhound starters were impacted by an injury incident in the 2019/20 financial year, with 0.2 per cent of starters reported to have a serious injury. Eight greyhounds were deceased or euthanased on track in this timeframe. While a 10 per cent increase in the absolute number of greyhound injuries was identified between the 2018/19 and 2019/20 financial years, the injury rates remain consistent with previous years when compared as a percentage of total starters.

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<sup>42</sup> Submission from Alanna Christiansen, principal petitioner, 27 June 2021, p 1.

<sup>43</sup> *ibid.*



- The fate of surplus and retired greyhounds also poses a number of animal welfare related concerns. Figures provided by RWWA indicate, of the 766 greyhounds retired from racing between 1 August 2019 and 31 July 2020, 620 greyhounds were rehomed through a number of programs, including the RWWA Greyhounds and Pets (GAP) program. In the same reporting period 101 dogs were deceased or euthanased from injury, illness, accidental death, natural causes or due to being unsuitable for rehoming.
- The RWWA licensing provisions include requirements for people who own, train, breed and keep greyhounds. These and other RWWA initiatives aim to improve the management and care of greyhounds in Western Australia.
- The RSPCA has received very few cruelty reports in relation to the greyhound racing industry to date. The RSPCA believes that complaints are generally reported directly to RWWA. The Department of Primary Industries and Regional Development is not aware of any recent prosecutions by the RSPCA relating to the Western Australian greyhound racing industry.<sup>44</sup>

2.50 The Committee wrote to the Minister for Racing, who advised:

- Greyhound racing is responsible for generating more than \$146.3 million in real gross value-added to the Western Australian economy.
- The concept that the integrity of the industry is in conflict with its commercial/financial viability does not appreciate the wider considerations that apply and underpin the future viability of the racing industry. It is in the best interests of racing to maintain the highest standards of integrity, in order to maintain its commercial viability, rather than such concepts being in conflict with one another.
- Track injury data is continually monitored and analysed. The University of Technology, Sydney is also conducting a review of Western Australia's three greyhound tracks, which will provide advice on how to elevate existing welfare standards and potentially reduce on-track injuries. On track, all greyhounds are vet checked before a race, via onsite veterinary staff, to ensure they are fit and healthy.
- Between RWWA and the RSPCA there have been very few cases of proven neglect of welfare or cruelty involving greyhounds in racing in Western Australia. The RSCPA has not had a single prosecution against any licensed person in greyhound racing.
- RWWA tracks all greyhounds from whelping to retirement, via the current protocols and procedures, providing oversight regarding the care being provided to greyhounds, both on and off the track.
- In retirement, RWWA is committed to helping greyhounds' transition to life as a pet, via its Greyhounds as Pets program. The transition helps identify suitable homes for greyhounds, via the behaviour processes and undertakes training with greyhounds where appropriate. Veterinary treatments are conducted that include dentals, sterilisation and any other treatments required.
- The rehoming rate of greyhounds has demonstrated that the industry is able to rehome all medically and behaviourally sound greyhounds. The breeding of greyhounds is controlled and regulated. Current figures evidence the sustainability of rehoming rates.<sup>45</sup>

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<sup>44</sup> Hon Alanna MacTiernan MLA, Minister for Agriculture and Food, letter, 24 August 2021.

<sup>45</sup> Hon Reece Whitby MLA, Minister for Racing and Gaming, letter, 30 August 2021.

## Petition No. 10—Oppose greyhound racing

Date Tabled and Tabled Paper (TP) Number	13 May 2021 (TP 193)
Number of signatures	1153
Principal petitioner	Alanna Christiansen
Tabling Member	Hon Alison Xamon MLC
Date Finalised	17 November 2021

2.51 The Committee considered Petitions No. 9 and No. 10 together given their similar subject matter.

2.52 Refer to paragraphs 2.43 – 2.50 above.

## Petition No. 11—Vehicle beach access, Boranup

Date Tabled and Tabled Paper (TP) Number	27 May 2021 (TP 225)
Number of signatures	810
Principal petitioner	Peter Langridge
Tabling Member	Hon Dr Steve Thomas MLC
Date Finalised	13 October 2021

2.53 This petition opposes the vehicle access closure to Hooley Road beach access, Boranup. It called on the Legislative Council to recommend removal of the rocks blocking vehicle access to the said beach for fishing.

2.54 The tabling Member submitted:

The public has always been able to access the beach at the end of Hooley Road, but that access has been denied this year with rocks being placed to block the road. The reason given by the Government for this blockage is that the Leeuwin-Naturaliste capes area parks and reserves management plan.

There has been no record or evidence presented of significant impact or damage being caused by beach access to this beach.<sup>46</sup>

2.55 The principal petitioner submitted that South Beach has no dunes or vegetation, storms erode most of the beach during winter, beach fishing should be encouraged to reduce instances of dangerous rock fishing and that closure of this beach has increased pressure on other beaches, such as Hamelin Beach.<sup>47</sup>

2.56 The Minister for Environment advised:

The management plan stipulates that vehicle access to the Leeuwin-Naturaliste coastline will be maintained, but rationalised in accordance with the management plan's vehicle access strategy. This strategy provides for vehicle access to Deepdene beach, Boranup beach, Joey's Nose and Kilcarnup beach. Collectively, these entry points provide access to 15 kilometres of available beach driving on

<sup>46</sup> Submission from Hon Dr Steve Thomas MLC, tabling Member, 17 June 2021.

<sup>47</sup> Submission from Peter Langridge, principal petitioner, 16 August 2021.

the Leeuwin- Naturaliste coast. The management plan does not provide for vehicle access on the beach at the terminus of Hooley Road.

Access to South Beach at Hooley Road remains available via a short walk from the parking at the terminus of Hooley Road down to the intertidal zone. Hooley Road will continue to be maintained as a four-wheel drive road to provide public access to the coastline in this area.

I have asked DBCA to ensure that, where similar decisions are required in the future, they are communicated appropriately and timed to minimise disruption to users.<sup>48</sup>

- 2.57 The Committee considered the response from the Minister for Environment, and noting that vehicle access is still available at other entry points of the Leeuwin-Naturaliste coast, and that protection of the park's environmental values has been prioritised, concluded its enquiries into this petition.

### **Petition No. 12—Oppose re-zoning of Lot 5780 Down Road, Albany**

Date Tabled and Tabled Paper (TP) Number	27 May 2021 (TP 226)
Number of signatures	170
Principal petitioner	Donna Thomas
Tabling Member	Hon Dr Brad Pettitt MLC
Date Finalised	13 October 2021

- 2.58 This petition opposes the re-zoning of Lot 5780 Down Road, Albany (Site) for the development of a motorsport facility.
- 2.59 The principal petitioner submitted that the Site was inappropriate for a motorsport facility as the Site:
- is located over a priority 2 drinking water source and a motorsport facility and is incompatible with Water Quality Protection Note No. 25: *Land use compatibility tables for public drinking water source areas*
  - has threatened flora and fauna present
  - will cause noise pollution, particularly to neighbouring properties.<sup>49</sup>
- 2.60 The tabling Member submitted:

Lot 5780 is currently classed as Priority 2 Public Drinking Water Sources Special Control Area, as it has been identified as a potential future option for sourcing drinking water for the Albany region. With a significant amount of climate change now seeming unavoidable, it is essential that all potential future drinking water supplies be protected.

It is a tributary of Marbellup Brook, which is a conservation class wetland, Development on this site - particularly of a Motorplex - could have significant impact on this wetland.<sup>50</sup>

<sup>48</sup> Hon Amber-Jade Sanderson MLA, Minister for Environment, letter, 16 September 2021.

<sup>49</sup> Submission from Donna Thomas, principal petitioner, 27 June 2021.

<sup>50</sup> Submission from Hon Dr Brad Pettitt MLC, tabling Member, 1 July 2021.

- 2.61 The Committee wrote to the City of Albany, who advised that the Minister for Planning approved the City of Albany Local Planning Scheme Amendment on 21 July 2021. The amendment, which re-zones the land from 'priority agriculture' to 'special use', was published in the *Government Gazette* on 3 August 2021.
- 2.62 The scheme amendment was approved subject to conditions. Any application for development approval for a motorsport facility must be accompanied by various management plans to address environment aspects, including management plans for noise, water, hydrocarbon, waste, dust, acid sulphate soils, bushfire, protected exclusion area and visual impact.<sup>51</sup>
- 2.63 Given that planning decisions are made by reference to an established decision-making process over which the Committee has minimal influence, the Committee concluded its enquiries into the petition.

### **Petition No. 13—Outsourcing Commonwealth home care support program in Kalgoorlie**

Date Tabled and Tabled Paper (TP) Number	15 June 2021 (TP 271)
Number of signatures	1874
Principal petitioner	David Oates
Tabling Member	Hon Kyle McGinn MLC
Date Finalised	15 September 2021

- 2.64 This petition opposes the outsourcing of the Commonwealth Care Support Program to Amana Living. It sought the continuation of the current meal services provided by the Kalgoorlie-Boulder Council.
- 2.65 The principal petitioner submitted:
- Currently seniors are offered a three-course sit-down meal at the Community Centre complete with real plates and cutlery and it is a great atmosphere for seniors to come together and share a meal. When Amana takes over from 01 July 2021, this is due to change to a two-course meal heated up and served in the packaging it was transported in. I feel this will negatively impact the morale and "home-cooked" feel of sharing a meal together.
- ...such a policy change from the local council is destroying a locally prepared quality and nutritious meal source which creates employment, supports local businesses and creates a positive environment for the elderly and disabled.<sup>52</sup>
- 2.66 The Committee wrote to the City of Kalgoorlie-Boulder, who provided the following response:
- This decision to transition out of Commonwealth Home Support Programme (CHSP) services has stemmed from national reforms across the aged care and disability services sector.

<sup>51</sup> Western Australia, *Government Gazette*, No 137, 3 August 2021, p 3387.

<sup>52</sup> Submission from David Oates, principal petitioner, 28 June 2021.

From 1 July 2021, Amana Living have been effectively operating CHSP services as scheduled. All seniors who were receiving CHSP services have been successfully transitioned over to Amana Living or other local service providers of their choice.

The three course Meals on Wheels that was previously being prepared in the City's Community Centre has continued without interruption. There have been no changes to these services that were previously offered and the feedback received by the City and Amana Living regarding the food quality and portion sizes has been positive. Amana Living has also been offering seniors who do not receive CHSP services within the community a three course meal during the week.<sup>53</sup>

- 2.67 After considering the City of Kalgoorlie-Boulders' response, and noting that the three-course meals previously prepared by the City's Community Centre has continued without interruption, and that no substantial change to services has occurred, the Committee resolved to conclude its enquiries.

### **Petition No. 15—Sound mitigation Mitchell Freeway**

Date Tabled and Tabled Paper (TP) Number	16 June 2021 (TP 280)
Number of signatures	56
Principal petitioner	Todd Daley
Tabling Member	Hon Martin Prichard MLC
Date Finalised	13 October 2021

- 2.68 This petition called for sound mitigation measures to be installed on the west side of Mitchell Freeway between Hepburn Avenue and Warwick Road.

- 2.69 The principal petitioner submitted:

In the last 16 years the noise levels from the Mitchell Freeway have significantly increased in our locale due to widening of the freeway 2006, other major subsequent projects, the introduction of the B Series train and the number of carriages from 3 to 6.

Our concerns are that in addition to the existing excessive sound levels, the proposed Southbound project with the inclusion of a sound wall on the east side of the freeway will further increase sound levels to the west side of the project.<sup>54</sup>

- 2.70 The tabling Member noted that:

The divergence of views relates to the Department's stance that the planned major upgrade is to the South bound part of the Freeway and that means that the "trigger distance" of 300 metres only applies East, not West, of the Freeway. The petitioners believe that there are some people living on the West side of the Freeway that are within the 300 metre "trigger distance" which should require the Department to do some sound testing on their side of the Freeway. They believe that if this is done it may lead to the requirement for some form of sound mitigation on the West side.<sup>55</sup>

- 2.71 The Committee sought a response from the Minister for Transport, who advised:

<sup>53</sup> David Trevaskis, Acting Chief Executive Officer, City of Kalgoorlie-Boulder, letter, 6 September 2021.

<sup>54</sup> Submission from Todd Daley, principal petitioner, 30 July 2021.

<sup>55</sup> Submission from Hon Martin Prichard MLC, tabling Member, 23 June 2021.

With regard to projects where only one side of a freeway is being upgraded, it is not reasonable or practicable to construct noise walls or other mitigation measures on the opposite side of the freeway.

As you can appreciate, Main Roads receives a number of requests each year for the provision of noise improvement measures from residents close to major roads. Currently there is no funding available for retrofitting noise walls, although the Government is exploring how such a program could be established, as part of future budgetary processes.<sup>56</sup>

- 2.72 After considering the Minister's response, the Committee concluded its enquiries into the petition.

### **Petition No. 17—Staffing of school libraries**

Date Tabled and Tabled Paper (TP) Number	17 June 2021 (TP 288) <sup>57</sup>
Number of signatures	20
Principal petitioner	Barbara Lippiatt
Tabling Member	Hon Donna Faragher MLC
Date Finalised	4 August 2021

- 2.73 This petition opposes the downward trend of qualified staff in school libraries. The petition called for the Legislative Council to:

investigate the matter of school library staffing with the ultimate aim to provide guaranteed equitable access to a dynamic, well-resourced library including access to a qualified teacher librarian AND [sic] a library technician or library officer.

- 2.74 The principal petitioner submitted that this would improve student achievement, critical research skills, love of reading, enhanced literary skills and access to quality curated resources.<sup>58</sup>

- 2.75 The tabling Member provided the following submission:

the [WA School Library] Association is particularly concerned with the gradual decline in the number of qualified teacher librarians employed in government schools. It is recognised this trend is not limited to Western Australia and is one that is also prevalent in other states throughout the country.

You will note the petitioners are seeking equitable access to well-resourced libraries with a qualified teacher librarian and a library technician or library officer given their positive impact on enhancing student literacy and academic standards.<sup>59</sup>

- 2.76 The Committee sought a response from the Minister for Education, who advised:

In public schools, principals have the autonomy to make staffing and resourcing decisions that reflect their school's context, needs and priorities. A principal may

<sup>56</sup> Hon Rita Saffioti MLA, Minister for Transport, letter, 10 September 2021.

<sup>57</sup> This petition was originally tabled in the 40<sup>th</sup> Parliament, on 11 November 2020 by Hon Donna Faragher MLC with 776 signatures but it lapsed at prorogation before enquiries finished. The Committee used the submissions and correspondence obtained during the previous Parliament where appropriate.

<sup>58</sup> Submission from Barbara Lippiatt, principal petitioner, 18 November 2020.

<sup>59</sup> Submission from Hon Donna Faragher MLC, tabling Member, 21 July 2021.



employ a qualified teacher librarian and a library technician or library officer if they consider this to be the most appropriate use of resources to support the identified needs of students in their school.

I note that improved student achievement, the teaching of critical research skills, enhancing literacy skills, providing access to quality resources and encouraging a love of reading are primarily the responsibility of the classroom teacher. Library visits and resources are only one strategy among many used by teachers to achieve these outcomes.<sup>60</sup>

- 2.77 Following consideration of the Minister for Education's response, and noting that school principals are responsible for staffing and resourcing decisions, the Committee concluded its enquiries into the petition.

### **Petition No. 18—Home building industry and DMIRS**

Date Tabled and Tabled Paper (TP) Number	22 June 2021 (TP 327) <sup>61</sup>
Number of signatures	4
Principal petitioner	James Lawrence
Tabling Member	Hon Nick Goiran MLC
Date Finalised	13 October 2021

- 2.78 The petition raised concerns about the home building industry and the Department of Mines, Industry Regulation and Safety (DMIRS).
- 2.79 Some of the concerns raised by the petitioners include, but are not limited to:
- defective building work
  - the inappropriate use of performance solutions
  - lack of publication of State Administrative Tribunal (SAT) orders over the last 9 years
  - registration of builders, architects and engineers
  - the delay of the Western Australian Government to implement the recommendations of the Building Confidence Report
  - lack of protection for home owners.<sup>62</sup>
- 2.80 In 2017, an independent review into Australia's building and construction regulatory systems was commissioned. The review resulted in the Building Confidence Report (BCR) prepared by Professor Peter Shergold AC and Ms Bronwyn Weir.<sup>63</sup>
- 2.81 The BCR made 24 principle-based recommendations to improve the building regulatory frameworks across Australia. The recommendations ranged from registration of building

<sup>60</sup> Hon Sue Ellery MLC, Minister for Education, letter, 27 July 2021.

<sup>61</sup> This petition was originally tabled in the 40<sup>th</sup> Parliament, on 24 November 2020 by Hon Nick Goiran MLC but it lapsed at prorogation before enquiries finished. The Committee used the submissions and correspondence obtained during the previous Parliament where appropriate.

<sup>62</sup> Submission from James Lawrence, principal petitioner, 2 December 2020.

<sup>63</sup> Peter Shergold and Bronwyn Weir, *Building Confidence*, February 2018 See: [building ministers forum expert assessment - building confidence.pdf \(industry.gov.au\)](https://www.industry.gov.au/publications/building-ministers-forum-expert-assessment-building-confidence.pdf). Viewed 17 March 2022.

practitioners, powers of regulators, integrity of building surveyors, documentation requirements and inspection regimes.<sup>64</sup>

- 2.82 A collective response was released by the Building Ministers Forum in March 2019 in a document called the Building Confidence Report Implementation Plan. The findings and recommendations were largely accepted by all states and territories.
- 2.83 Following this, DMIRS developed Consultation Regulatory Impact Statements covering reforms to the building approval process for single residential buildings<sup>65</sup> and registration of builders (and related occupations) in Western Australia.<sup>66</sup> They were released for public and industry consultation in December 2019 and October 2020 respectively.
- 2.84 The Committee wrote to the Minister for Commerce, who advised, in relation to the recommendations made by the BCR:

I note the Committee's comments regarding the progress of other States and Territories in implementing the recommendations of the Building Confidence Report (BCR) and reiterate that the McGowan Government is also eager for the reforms to be implemented as a matter of priority.

Substantial consultation has occurred and is ongoing with stakeholders in Western Australia regarding implementation of the BCR recommendations.<sup>67</sup>

...

A consolidated D-RIS, analysing the responses received during the consultation processes on proposed reforms to the building approval process for single residential buildings and commercial buildings, is currently being developed by DMIRS. This D-RIS includes the proposed introduction of mandatory inspections.

A cost benefit analysis of the final proposals for reform is being carried out by a consultancy firm, in accordance with the Better Regulation Principles of the Government. It is expected that this analysis and the D-RIS will be finalised for my approval and publicly released in the first quarter of 2022.<sup>68</sup>

- 2.85 In relation to the inappropriate use of performance solutions, the Minister advised that a new process for developing and documenting performance solutions was inserted into the National Construction Code and applied in Western Australia from 1 July 2021.<sup>69</sup> Building permit applications are now required to include details of any performance solution proposed and to demonstrate how the proposed solution meets the requirements prescribed by the National Construction Code.<sup>70</sup>
- 2.86 The principal petitioner submitted that the Register of Building Services Providers had not been updated with the details of disciplinary orders made by the SAT, as required by s 29 of

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<sup>64</sup> *ibid.*, pp 39-41.

<sup>65</sup> Government of Western Australia, Department of Mines, Industry Regulation and Safety, *Consultation Regulatory Impact Statement, Reforms to the building approval process for single residential in Western Australia*, December 2019. See: [cris\\_building\\_approvals\\_process\\_residential\\_0.pdf \(commerce.wa.gov.au\)](https://commerce.wa.gov.au/cris_building_approvals_process_residential_0.pdf). Viewed 17 March 2022.

<sup>66</sup> Government of Western Australia, Department of Mines, Industry Regulation and Safety, *Consultation Regulatory Impact Statement, Registration of Builders (and related occupations) Reforms*, October 2020. See: [registration\\_of\\_builders\\_and\\_related\\_occupations\\_reforms\\_cris.pdf \(commerce.wa.gov.au\)](https://commerce.wa.gov.au/registration_of_builders_and_related_occupations_reforms_cris.pdf). Viewed 17 March 2022.

<sup>67</sup> Hon Amber-Jade Sanderson MLA, Minister for Commerce, letter, 24 September 2021, p 1.

<sup>68</sup> *ibid.*, p 4.

<sup>69</sup> Hon Amber-Jade Sanderson MLA, Minister for Commerce, letter, 15 July 2021, p 5.

<sup>70</sup> *ibid.*

the *Building Services (Registration) Act 2011*, for nine years.<sup>71</sup> The Minister advised that the system issue had been rectified, and all SAT Orders have been published retrospectively.<sup>72</sup>

- 2.87 With respect to reforms to the registration scheme of building engineers, the Minister advised:

As part of its response to the Building Confidence Report, the State Government has commenced a review into extending the registration scheme [in the *Building Services (Registration) Act 2011*] to building engineers. The details of the scheme are now being developed and will be announced in due course. Architects are already required to be registered under the *Architects Act 2004*.<sup>73</sup>

- 2.88 Noting the Minister's response that the Government is committed to implementing the reforms recommended in the BCR, the Committee concluded its enquiries.

### **Petition No. 19—Increase bus services in Bullsbrook**

Date Tabled and Tabled Paper (TP) Number	24 June 2021 (TP 347)
Number of signatures	478
Principal petitioner	Damien Seery
Tabling Member	Hon Donna Faragher MLC
Date Finalised	17 October 2021

- 2.89 This petition calls for an increase in bus services in Bullsbrook to accommodate the growing communities' needs.

- 2.90 The principal petitioner advised that the only available public transport to/from Bullsbrook is the 311 Bus which travels to Midland Station. The principal petitioner submitted:

This limited bus service not only restricts employment opportunities and residents' access to retail and medical services, it restricts anyone who does not have a current driver's license from visiting family/friends or vice versa, creating feelings of social isolation.

This bus service has remained the same for 20 years and with currently planning for the community to expand and attract young families this bus service is in desperate need of review and adjustment.

Ellenbrook currently has a bus port with plans for a trainline later this year. From Ellenbrook you are able to travel to Midland, Bassendean and Morley; therefore, having a bus that connects regularly to Ellenbrook would be very beneficial for Bullsbrook residents and offer a lot more opportunity to our residents.<sup>74</sup>

- 2.91 The tabling Member submitted:

By providing a direct bus to the Ellenbrook Town Centre, local residents will be able to access more retail, entertainment, medical and educational services that are not currently available in Bullsbrook. It would also allow residents to access the Ellenbrook Train Station once operational. I understand the current service to

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<sup>71</sup> *ibid.*

<sup>72</sup> Submission from James Lawrence, principal petitioner, 2 December 2020.

<sup>73</sup> Hon Amber-Jade Sanderson MLA, Minister for Commerce, letter, 15 July 2021, p 8.

<sup>74</sup> Submission from Damien Seery, principal petitioner, 26 July 2021.

Midland Station takes approximately 40 to 50 minutes whereas a service to Ellenbrook would be significantly quicker.

I understand that a motion was supported unanimously at the City of Swan Council Meeting on 9 June 2021 to write to the Public Transport Authority to request a bus service from Bullsbrook to Ellenbrook highlighting Council's support for this matter.<sup>75</sup>

- 2.92 Mr Shane Love MLA provided the following unsolicited submission, in his capacity as Shadow Minister for Transport and the Member for Moore:

The population of Bullsbrook was projected to be 6,322 persons in 2021, growing to 9,119 in 2026 and 13,628 in 2031, with the corresponding number of dwellings doubling in that 10-year timeframe.

Currently the 311 Transperth bus service travels between Bullsbrook and Midland and local residents advise that the service is not well supported as it is not reliable. Bullsbrook residents have indicated their preference to travel to Ellenbrook for retail, educational, entertainment and medical services. The distance from Bullsbrook to Midland is 27 kilometres, compared to the distance to Ellenbrook from Bullsbrook which is 16 kilometres.<sup>76</sup>

- 2.93 The Committee wrote to the Minister for Transport, who provided the following response:

The Public Transport Authority (PTA) has advised that the Route 311 bus service currently serves parts of the Bullsbrook area connecting residents to Midland Station and the wider network. The PTA will continue to monitor the patronage of this service.

Additionally, with work well underway on the METRONET Morley-Ellenbrook rail line, the PTA will review bus services in the catchment areas of the new train stations as this project further progresses.<sup>77</sup>

- 2.94 The Committee resolved to finalise the petition noting the Minister for Transport's advice the Public Transport Authority will review bus services in the catchment areas of the new train stations as METRONET further progresses.

### **Petition No. 21—Public Health Amendment (Safe Access Zones) Bill 2021**

Date Tabled and Tabled Paper (TP) Number	10 August 2021 (TP 440)
Number of signatures	2172
Principal petitioner	Henry Hamelink
Tabling Member	Hon Nick Goiran MLC
Date Finalised	1 September 2021

- 2.95 This petition opposed the Public Health Amendment (Safe Access Zones) Bill 2021.

- 2.96 The Public Health Amendment (Safe Access Zones) Bill 2021 was debated and agreed to by the Legislative Council on 12 August 2021.

<sup>75</sup> Submission from Hon Donna Faragher MLC, tabling Member, 27 July 2021.

<sup>76</sup> Submission from Mr Shane Love MLA, Shadow Minister for Transport, 27 July 2021.

<sup>77</sup> Hon Rita Saffioti MLA, Minister for Transport, letter, 18 October 2021.

- 2.97 Given the subject matter of the petition reflected upon a vote in the Legislative Council in the same time period, the Committee finalised the petition.

### **Petition No. 22—Opposed to ban on gel blaster toys**

Date Tabled and Tabled Paper (TP) Number	17 August 2021 (TP 461)
Number of signatures	438
Principal petitioner	Nhat Truong
Tabling Member	Hon Matthew Swinbourn MLC
Date Finalised	27 October 2021

- 2.98 This petition opposed the total ban on gel blaster toys in Western Australia.
- 2.99 On 2 July 2021 the *Weapons Amendment Regulations 2021* were published in the *Government Gazette*. The amendment regulations prescribed a gel blaster as a ‘prohibited weapon’.<sup>78</sup> Possessing, carrying, purchasing, selling, supplying or manufacturing of a gel blaster will attract a maximum penalty of 3 years’ imprisonment or a fine of \$36 000.<sup>79</sup>
- 2.100 Among other concerns, the principal petitioner noted that the decision to ban gel blasters occurred without a business impact analysis, consultation or the offer of a buy-back scheme.<sup>80</sup>
- 2.101 At the time of the Committee’s consideration of the petition, a disallowance motion moved by Hon Dr Brian Walker MLC was on the notice paper. The motion moved *pro forma* on 10 August 2021. The Committee deferred consideration of this petition until the disallowance motion was debated.
- 2.102 The question was put to the Legislative Council on 14 October 2021. The disallowance motion was debated and negated.
- 2.103 As the petition reflected on a recent vote of the Council, the Committee concluded its preliminary enquiries.

### **Petition No. 26—Biosecurity levy imposed on residents of Boyup Brook**

Date Tabled and Tabled Paper (TP) Number	1 September 2021 (TP 500) <sup>81</sup>
Number of signatures	62
Principal petitioner	Graham Aird
Tabling Member	Hon Dr Steve Thomas MLC
Date Finalised	13 October 2021

- 2.104 The Committee considered Petitions No. 26 and No. 4 together given their similar subject matter.

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<sup>78</sup> *Weapons Amendment Regulations 2021*, r 4.

<sup>79</sup> *Weapons Act 1999*, s 6(1).

<sup>80</sup> Submission from Judd Exley (on behalf of the principal petitioner), 14 September 2021.

<sup>81</sup> This petition was originally tabled in the 40<sup>th</sup> Parliament, on 18 August 2020 by Hon Colin Holt MLC with 474 signatures but it lapsed at prorogation before enquiries finished. The Committee used the submissions and correspondence obtained during the previous Parliament where appropriate.

2.105 Refer to paragraphs 2.21 – 2.27 above.

### **Petition No. 27—Percy Doyle Reserve**

Date Tabled and Tabled Paper (TP) Number	2 September 2021 (TP 506)
Number of signatures	314
Principal petitioner	Mary O'Byrne
Tabling Member	Hon Dr Brad Pettitt MLC
Date Finalised	1 December 2021

2.106 This petition opposes the Crown land known as Percy Doyle Reserve being acquired by the City of Joondalup for commercial or residential purposes.

2.107 The petitioners oppose the City of Joondalup applying to the Department of Lands and Heritage for the concessional acquisition of the Crown land. It requested the Legislative Council support the retention of the land as Crown Land.

2.108 The Committee wrote to the City of Joondalup seeking a response to the petition and submissions. The Chief Executive Officer for the City of Joondalup, James Pearson, advised the Committee:

As part of considering an application for concessional acquisition of Crown land, the Department of Lands and Heritage requires the affected community to indicate its support via community consultation.<sup>82</sup>

Council resolved at its meeting held on 17 November 2021 that the City cease its investigations into a potential Crown land acquisition for part of Percy Doyle Reserve based on the community's reaction. No further action, therefore, has been taken.<sup>83</sup>

2.109 After considering the City's response, and noting their advice that they no longer intend to acquire the land, the Committee concluded its enquiries.

### **Petition No. 28—Railway junction on Rockingham Road, Spearwood**

Date Tabled and Tabled Paper (TP) Number	7 September 2021 (TP 523)
Number of signatures	3
Principal petitioner	Monique Gray
Tabling Member	Hon Pierre Yang MLC
Date Finalised	27 October 2021

2.110 This petition calls for the improved safety of the Rockingham Road railway junction and asserts that the crossing is dangerous to the public, including pedestrians, road users and residents. The railway junction is a dual freight line track which crosses Rockingham Road in Spearwood.

2.111 In their submission, the principal petitioner noted that:

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<sup>82</sup> James Pearson, Chief Executive Officer, City of Joondalup, letter, 19 November 2021, Appendix p 2.

<sup>83</sup> *ibid.*, p 1.



Over the last 100 years there have been NO [sic] safety barriers, at either of the four pedestrian accessible entry points of the tracks. This has resulted in several deaths, accidents, and near misses.<sup>84</sup>

2.112 As part of its inquiries into the terms of the petition, the Committee wrote to the City of Cockburn and the Minister for Transport.

2.113 The City of Cockburn advised:

The works at both the road and pedestrian crossings is currently scheduled to be completed during FY2022-23.<sup>85</sup>

2.114 In response to the petition, the Minister for Transport advised:

Arc Infrastructure has scheduled the pedestrian crossing renewal works to be undertaken following completion of the road level crossing renewal works during March 2022. Works associated with the pedestrian crossing will include the removal of the existing crossing infrastructure and the installation of new re-aligned paths and mazes on both approaches. The existing active visual and audible controls will be relocated to suit the realigned paths.<sup>86</sup>

2.115 On the basis that pedestrian crossing renewal works have been scheduled, the Committee concluded its enquiries into the petition.

### **Petition No. 31—Glen Iris Golf Course**

Date Tabled and Tabled Paper (TP) Number	13 October 2021 (TP 777)
Number of signatures	4541
Principal petitioner	Leanne Chaproniere
Tabling Member	Hon Dr Brad Pettitt MLC
Date Finalised	27 October 2021

2.116 This petition opposes the redevelopment of the Glen Iris Golf Course site, located in Jandakot. The petitioners called on the Legislative Council to oppose the application to re-zone the land from Special Use 1 (Golf Course) to residential. The petitioners seek to retain the land as a golf course and park land.

2.117 A similar petition was tabled in the 40<sup>th</sup> Parliament by Hon Nick Goiran MLC with 2517 signatures. It too opposed the redevelopment of the Glen Iris Golf Course into a residential site.<sup>87</sup>

2.118 The principal petitioner submitted that:

- the location should be protected to preserve native flora and fauna present on the land
- local residents are concerned about the loss of community amenity and open space, increased noise and traffic, and odour and dust pollution arising from site works

<sup>84</sup> Submission from Monique Gray, principal petitioner, 24 November 2020.

<sup>85</sup> Daniel Arndt, Chief of Built and Natural Environment, City of Cockburn, letter, 13 October 2021.

<sup>86</sup> Hon Rita Saffioti MLA, Minister for Transport, letter, 26 October 2021.

<sup>87</sup> Tabled Paper 3955, Legislative Council, 16 June 2020.

- developers failed to meaningfully engage with the residents of Glen Iris Golf Course Estate, nor give any valued consideration to the community's wishes.<sup>88</sup>

2.119 The Committee in the 40<sup>th</sup> Parliament sought a response from the City of Cockburn, who advised that Glen Iris Golf Course was at all times privately owned and operated.<sup>89</sup>

Following its offer on the open market, the land was purchased by a development company (Eastcourt Property Group) who have indicated their intention to redevelop the land.

Since the recent sale of the property, a significant amount of interest has been noted from the existing residential community surrounding the former golf course. To assist with keeping the community updated, the City has a dedicated webpage addressing some of the frequently asked questions and also containing information about planning processes and links to the developer's webpage and community engagement officer.

Many of the local residents have expressed their opposition to a redevelopment of the subject land, which would result in residential zoned land where there is currently open space and significant vegetation attributed to the former golf course. The City understands the community's concern regarding the future of this site, and how integral the golf course was to the existing neighbourhood.

An application to rezone and redevelop the subject land would need to comprehensively address issues such as the impact on neighbourhood character, amongst other things. They would also be expected to provide extensive justification including but not limited to demonstrating why a golf course is no longer viable.

Any application to rezone the land would be required to address issues including environmental assessment.

2.120 The Committee resolved to conclude its enquiries into the petition on the basis that the development application process is ongoing. The petitioner's concerns will be examined as part of the statutory process. The Committee notes that planning decisions are made by reference to an established decision-making process over which the Committee has minimal influence.

2.121 It is noted that since the finalisation of the petition, the proposal has been sent to the Environmental Protection Authority and the Western Australian Planning Commission.<sup>90</sup>

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<sup>88</sup> Submission from Leanne Chaproniere, principal petitioner, 21 October 2021.

<sup>89</sup> Daniel Arndt, Acting Chief Executive Officer, City of Cockburn, letter, 2 September 2020, pp 1-5.

<sup>90</sup> City of Cockburn, Ordinary Council Meeting, minutes, 9 December 2021, item 13.1.

### **Petition No. 34—Electoral Reform Bill 2021**

Date Tabled and Tabled Paper (TP) Number	16 November 2021 (TP 882)
Number of signatures	387
Principal petitioner	Linley Rose
Tabling Member	Hon Steve Martin MLC
Date Finalised	17 November 2021

- 2.122 This petition opposed the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021.
- 2.123 The day after the petition was tabled, on 17 November 2021, the Bill was debated and agreed to by the Legislative Council.
- 2.124 The Committee, being aware that the matter reflected on a recent vote in the Council, concluded its preliminary enquiries.

### **Petition No. 38—Aboriginal Cultural Heritage Bill 2021**

Date Tabled and Tabled Paper (TP) Number	30 November 2021 (TP 936) 1 December 2021 (TP 946) 2 December 2021 (TP 953)
Number of signatures	219 (total)
Principal petitioner	Clayton Lewis
Tabling Member	Hon Dr Brad Pettit MLC Hon Wilson Tucker MLC Hon Sophia Moermond MLC
Date Finalised	1 December 2021

- 2.125 This petition opposed the introduction of the Aboriginal Cultural Heritage Bill 2021 in its form at the relevant time. The petition asserts that the Bill failed to meet its objective to protect Indigenous cultural heritage.
- 2.126 The Committee, being aware that the bill was before the Legislative Council at the time of considering the petition, concluded its preliminary enquiries.
- 2.127 The Bill was agreed to by the Legislative Council on 14 December 2021.

## **3 On-going petitions**

### **Petitions subject to ongoing enquiries**

- 3.1 At the end of the Reporting Period, the Committee was continuing its enquiries into the following petitions:
- Petition No. 6—Caravan and Camping Grounds Regulations 1997
  - Petition No. 14—Moratorium on subdivision in bushfire prone areas
  - Petition No. 20—Dog Act 1976

- Petition No. 23—Proposed realignment of the South West freight rail lines
- Petition No. 24—Murder of Stacey Robyn Thorne
- Petition No. 25—Preserving the Gnarabup coastline
- Petition No. 29—Independent review of DCBA prescribing burning practices
- Petition No. 30—Asbestos contamination Wittenoom, Eastern Gorge and Yampire
- Petition No. 32—R.A.A.F Memorial in Kings Park
- Petition No. 33—Release of Coroner’s Court recommendations
- Petition No. 35—East Subiaco A-Class Reserve
- Petition No. 36—Mandatory Vaccinations
- Petition No. 37—Public Health Emergency and Vaccine Mandates
- Petition No. 39—Robinson Road, Bellevue
- Petition No. 40—Caledonian Ave, Maylands.

A handwritten signature in blue ink, appearing to read 'Peter Foster', with a stylized flourish at the end.

Hon Peter Foster MLC  
**Chair**

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

### **Date first appointed:**

23 May 2017

### **Terms of Reference:**

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

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

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



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