

COMMITTEE REPORTS - CONSIDERATION

Committee

The Chairman of Committees (Hon George Cash) in the Chair.

*Report of the Standing Committee on Environment and Public Affairs - Overview of Petitions and Inquiries
August 2001-December 2001 - First Report*

Resumed from 9 May, on the following motion by Hon Christine Sharp -

That the report be noted.

Hon CHRISTINE SHARP: I thank members for their contribution to the lengthy debate on this report.

Point of Order

Hon MURRAY CRIDDLE: I trust this does not close the debate on the report on the overview of petitions?

The CHAIRMAN: No, it does not close the debate.

Committee Resumed

Hon CHRISTINE SHARP: In offering some feedback to the many contributions that members have made on the committee report, I am speaking very much from the perspective of a member of this place.

The CHAIRMAN: Order! I have been advised that Hon Christine Sharp moved the motion that the report be noted; that was at my request some weeks ago. As she is the person who moved the motion, and if I allow her to speak now, she will close the debate. This is, however, a matter that is taken in Committee, and I think the Committee may be disposed to allowing the member to continue to speak. However, she would have to seek leave to do so and not close the debate, so that other members can still make a contribution. Obviously, that is the point that Hon Murray Criddle was alluding to because other members have indicated they wish to speak. If Hon Christine Sharp would be kind enough to seek leave to continue her remarks and that not be taken to close the debate, I think the Committee would agree to that.

Hon CHRISTINE SHARP: I seek leave to continue my remarks, and that they should not be assumed to finalise the debate on my motion.

Leave granted.

Hon CHRISTINE SHARP: As I was explaining, I am keen to comment on the many contributions to the debate on this report over the past three sitting weeks. I point out that in making those comments I am not in any sense representing the whole committee because my comments have not been discussed in the committee, although I hope that I do not say anything that would in any sense conflict with the views of the committee. These are my own views. I will be pleased to hear Hon Murray Criddle's perspective later. I have enjoyed the fact that this report has sparked a robust debate in this place on many matters. That is not surprising, of course, because, in dealing with petitions, the committee deals with many matters that are of public interest and of a controversial nature, because almost every petition that is received in the Parliament in some sense encapsulates some controversy or conflict. Therefore, it goes without saying that it sparks a lot of interest.

I will touch first of all on Hon Bruce Donaldson's remarks a couple of weeks ago. He discussed the new structure of the committees and the way in which, under the new standing order arrangements, the Standing Committee on Environment and Public Affairs, which is a seven-member committee, now deals with petitions. Moreover, our committee, for its good working, has also formulated a subcommittee that does the initial screening and administrative work on petitions. Hon Bruce Donaldson suggested that this might not be as suitable as the previous arrangement in this Parliament, under which a smaller committee was dedicated to the consideration of petitions. That was not its exclusive workload, but it certainly constituted a significant portion of it. Hon Bruce Donaldson suggested that that worked better. I do not have strong views on the member's suggestion.

Last year the House, in its wisdom, made fairly significant changes to the structure of the standing committees. As chair of the committee in question, I must say that I believe it is functioning fairly well. It does not really make sense at this stage to completely reorganise things again. As significant changes have been made, I feel that we should allow a certain time to elapse to ascertain how the new structure is working and evaluate it in the fullness of time, rather than chop and change all the time. I suggest that we should give it another year or so, and the House should consider it later in the piece. I was not a member of the previous committee so I cannot make an intimate comparison. However, in the context of the committee's workload and the public interest it is

serving, I believe that it is working well, and I am happy with the arrangements. However, I am open to any suggestion for change.

I also want to touch on Hon Ray Halligan's interesting comments last week. He was a member of that previous Standing Committee on Constitutional Affairs, which was the smaller committee to which I just referred. He spoke about some of the guidelines that the committee used in processing petitions. He asked for clarification of the guidelines for processing petitions that are now in place under the new standing committee arrangements. He also asked for clarification of the administrative matters that are dealt with at subcommittee level. There is a simple answer to that. Every petition that is tabled in this Chamber by any member of this place comes before our committee. A simple process of evaluation of the substance of the petition must take place, and some fairly streamlined responses to various matters must be given. That is the work of the subcommittee. It normally meets for half an hour or three-quarters of an hour before the main committee meeting, to save the time of the main body of the committee. However, when matters fall into important areas of discretion or deliberation that lead to a decision to finalise or inquire into a petition, that decision is made by the full body of the standing committee.

Hon Ray Halligan also discussed the fact that, under the previous arrangements, there was an understanding that the previous committee would not inquire into matters of government policy; that it would look more at the administrative matters that were raised in petitions. That committee did not seek to inquire into matters that could challenge clearly enunciated government policy. For the information of the member, I point out that the current standing committee does not have that guideline in place. That is perhaps because the current standing committee is not chaired by a member of the Government's party whereas the previous committee was. I do not think it has occurred to the new committee - it certainly has not been put to it - that it should not have any role in challenging government policy. Indeed, I believe that that is one of the main functions of the committee. Members of the public may raise with the committee a deficiency in policy. One of the main reasons for the existence of the committee is to consider whether the petition and the argument have merit with regard to policy, and to take the matter further if necessary. If we were unable to do that, we would see that as unnecessarily binding and, in a sense, defeating one of our main purposes.

Hon Ray Halligan: I advise the member that there was bipartisan support. I accept that the committee was chaired by a member of the then Government, but members of the Labor Opposition were also on that committee and they were in agreement with that stance.

Hon CHRISTINE SHARP: I thank the member for that. It may also have been a practical measure to reduce the committee's workload. The reality is that many petitions are tabled in this place, and nearly all of them are important. Even if the matter is important to only one person or one family, it is important to someone. In many cases the matter is important to many people; yet we are a small group of very busy members of Parliament, with only a small staff. Clearly, we cannot deal with all of them. Therefore, we must have some way of making sense of how we prioritise work. One of the ways that we have adopted of prioritising that workload is to avoid second-guessing the work of other government processes. For example, we may receive a petition about a matter that is the subject of assessment by the Environmental Protection Authority, and that assessment may not have been completed; or a petition may relate to a matter which the EPA has inquired into and made recommendations on but which is under appeal under the Environmental Protection Act. They are two examples of a government process that is being used to address the matters raised. We do not believe that any useful function is served by the committee second-guessing other important government functions. I hope that helps to clarify for the member the way in which the committee has prioritised its workload. There may be some changes to that as our experience in these matters grows.

Members must bear in mind that the report we are discussing deals with petitions and inquiries to the end of last year. Therefore, it is, in a sense, a bit out of date. However, we will deal only with the matters that are raised within it, as that is obviously the nature of this debate.

I will also touch on the contributions made by various members on the two inquiries that I referred to briefly in the overview. One is the inquiry into Alcoa's Wagerup refinery and the other is the Gnarabup waste water treatment plant. I thank members for their discussion of that. I point out that those two inquiries are ongoing. The committee anticipates that it will report on the Gnarabup inquiry to the House in the near future. I thank Hon Barry House for his contribution to the debate. I am sure committee members took note of his comments as he is the member who tabled the petition that initiated the inquiry.

The Wagerup refinery inquiry is going full steam ahead - perhaps that is not a good metaphor to use! The committee is taking its responsibilities on the inquiry very seriously because it is obvious to everyone that there are some serious public health matters that need addressing. I mentioned earlier about not second-guessing other work in government. In this case, the expansion of the Alcoa refinery at Wagerup was approved by the Environmental Protection Authority in 1995. The EPA is now out of the picture. It is true to say that the

committee considers that it has the primary role of trying to sort out the issue and make recommendations to the Government to resolve it and make systemic comments on how regulatory mechanisms have performed in dealing with that very important issue.

The petition that has provoked the most interest in this place is that concerning live sheep exports. The committee had concerns that the cut-off date for consideration of the petition was 31 December. As such, the petition was not finalised by the committee. It has now been finalised and, in the intervening period, the committee has done more work on the issue. It has taken the initiative to provide more information on the issue. I point out to Hon Paddy Embry, who raised some concerns about it, that his colleague on the committee suggested some valuable initiatives on how the committee address the matter. Members will have to wait for the next overview to receive the official version of that.

Hon Paddy Embry: When will it be available?

Hon CHRISTINE SHARP: At the end of this calendar year.

I will say two things about live sheep exports. From the level of debate provoked in this place, it is clear that this issue raises strong and passionate feelings. That was clear during the committee's deliberations. It is not an issue that is easily resolved. However, the committee has been able to ferret out more information about how live sheep exports are conducted. We have heard the views of different stakeholders. The information has been passed on to the principal petitioner. I hope it provides an adequate response from the system.

My position and that of the Greens (WA) is reflected in the overview of the petition before the House this morning. During 2000, 54 034 sheep died while being transported on sheep carriers. I consider it to be a cruel and abhorrent practice that I would like to see discontinued. In my view, it is very challengeable whether live sheep exports are in the best economic interests of the State because it has caused such a major impact.

Hon John Fischer: Does the member have any hard information to back up her outrageous statements?

Hon CHRISTINE SHARP: Has the member listened to what I said?

Hon John Fischer: Yes; I find the member's remarks incredible.

Hon CHRISTINE SHARP: As I just explained, I am speaking for myself. The committee report contains the figure of 54 034 sheep that left Western Australia alive and which died before they reached their destination. My view is that this is a cruel practice and I do not support it. Given that many other members have put their view, I must say that I do not support this practice because of the cruelty involved. The practice could be challenged on economic grounds because it has had a severe impact on meat processing. The committee went to the trouble of answering the member's question and finding more information about it. The information will be available in due course.

Another difficult area is petitions praying for relief. Hon Derrick Tomlinson spoke at length to explain one petition that was dealt with by the committee. The petition was submitted on behalf of Mr Tinsley Beck. I will state the obvious: when the Parliament receives a petition praying for relief, the Parliament is very much the last resort in such cases. That indicates that the matters involved are very difficult to resolve. The committee considered the petition and made inquiries into it, including hearings. They are explained in the report. The committee decided to finalise the matter. Subsequent to that, in the period not covered by this overview, the committee received further correspondence from Mr Beck. The committee has since considered that correspondence. It is true to say that every member of the committee considered the matter and recognised that the issues raised by Mr Beck about the operations of the Western Australian Planning Commission on his subdivision proposal have had a significant impact on his personal life and wellbeing. They have also had a serious economic impact on his life. The committee recognised the seriousness of these matters to the Beck family, and that is why we went to some trouble to call in Mr Beck and examine the matters that he raised. The committee is very sorry that the interaction between that family and the planning system has created a serious grievance.

It was clear to the committee that there is no easy way to remedy this matter, not only because this matter is well and truly bygone, but also because the Town Planning and Development Act does not provide for compensation of the nature that Mr Beck is seeking. The committee is well aware that it does not have the power to cause compensation to be paid. It also was not as evident to the committee as it was to the petitioner where to apportion blame in this matter. The committee was aware that because of the different hoops that this subdivision proposal has gone through, as Hon Derrick Tomlinson has explained to the Chamber, certain surrounding circumstances have to an extent militated against the adequacy of the planning system in providing timely and helpful feedback about Mr Beck's subdivision proposal. For example, during the time that elapsed between Mr Beck's first and final subdivision proposal, an important case had been taken to the Town Planning Appeal Tribunal about the block next door to Mr Beck's block. From memory, that case completely turned

around the planning rules with regard to subdivision along the Canning River, which is where both these blocks are situated, and relaxed the rules about dealing with the problem of pollution of the river from subdivision. The planning system needed to respond to those changes that had been forced upon it by that important decision of the tribunal.

Having considered that and many other matters relating to this petition, the committee decided to address its attention to whether the planning system could learn anything from this grievance and from the unfortunate experience of the Beck family. Therefore, our inquiry focused on how members of the community - families here, there and everywhere - go about proposing subdivision of their land, and how the planning system responds to those individual proposals. In other words, the committee sought to understand whether the system was user-friendly and accommodated people such as the Becks who had no professional assistance and wanted to do a subdivision on their own. The committee accepted that at the time of this grievance, inexperienced persons were given little assistance in dealing with these complex planning approval processes. We therefore asked the Department for Planning and Infrastructure, which at the time of this grievance was known as the Western Australian Planning Commission, whether it had improved its performance to become more user-friendly; for example, whether its forms were easier to understand. The overview report explains those inquiries. The committee, after hearing from the department, then made the decision that although it is regrettable that these events happened in the past, at least the system has improved its performance and is working better today than it was in the past. It was at that point, given that it was difficult to apportion blame or remedy the matter, and given that the planning system had improved its performance, that we decided to finalise that petition. I hope that serves to at least partially explain to Hon Derrick Tomlinson how the committee dealt with the serious concerns that he raised.

I am pleased that this debate demonstrates that the Standing Committee on Environment and Public Affairs plays an important and dynamic role in this Parliament. As chair of that committee, my view is that in dealing with the matters brought before the committee we play an important role in assisting to provide a more responsive government. After all, this Parliament is the place in which quite a number of community complaints about an extraordinary range of factors can meet up with the ears, eyes and attention of active members of Parliament who can perhaps help the system to respond to those concerns or complaints. With the exception of matters that are being addressed in this Chamber, whether through debate on a motion or by means of legislation, and with the exception of matters that the committee does not consider it appropriate to deal with for the reason that we do not want to second-guess what other people in government are doing, the committee aims to give some level of attention to certain matters and seeks to find at the very least some useful information to pass on from government to the community in order to explain to petitioners why government is working in a certain way.

The standing orders are perhaps a bit rigid in enabling the committee to play that responsive role. The standing orders give the committee only two ways of dealing with matters; namely, not deal with things and finalise them, or conduct an inquiry. Between those two options of no action versus inquiry, there are a range of actions that the committee can undertake and has been undertaking to provide some level of useful response to any matter that is brought before it.

By way of interjection, Hon Paddy Embry asked me how long it would be before members found out what was subsequently done about the live sheep petition. That will all be encapsulated in the report. Members could not respond to that matter in a timely way in the House because the issue did not become an inquiry. That matter will be dealt with at the next general overview that will take place at the end of the year.

Over time, as committee members gain more experience, I would like the House to more formally develop what we have been doing informally. That must be done within the constraints of the views of the committee members, which drives the whole process, the workload of members, and what is reasonable and practical for us to try to achieve. The Government should try to provide to the community some useful responses on behalf of Parliament on matters of public interest, including environmental issues, within those very important constraints.

Hon Barry House: I agree with you. The Public Administration and Finance Committee faces the same dilemma and could be much more effective and pro-active if it could treat issues in that way rather than by conducting a full inquiry.

Hon CHRISTINE SHARP: It is interesting to hear the member say that. The member is also seeking a broader range of options than either doing nothing or conducting a full-blown inquiry. Perhaps it would be advantageous for the committee chairs to have a discussion on that issue.

Hon Barry House: Parliamentary committees would then be a better catalyst for progressing issues and processes.

Hon CHRISTINE SHARP: That is right. It is a challenge to progress issues.

I thank the committee staff at the committee office and the new staff, Mr Mark Warner and Mr Rhys Brown. I thank Felicity Beattie and David Driscoll who have worked so hard to deal with the matters that have been debated. I also acknowledge the efforts of members of the committee including Hon Robyn McSweeney, Hon Bruce Donaldson, Hon Frank Hough, Hon Kate Doust, Hon Louise Pratt and Hon Jim Scott. We have all worked very hard to keep matters progressing on the committee and to deliver results. I am sorry that our reporting is not as timely as our activities behind the scenes.

Hon MURRAY CRIDDLE: I will continue my remarks on the shipping trade. I have received a very comprehensive report from Livecorp. Five directors of that organisation and two independent directors, one of whom is the chairman, are involved in the export of livestock. The information provided to me outlines matters concerning the live sheep export trade generally and to Saudi Arabia.

The live sheep trade from Australia to Saudi Arabia had been suspended since 1989 and has just recommenced. Some very interesting initiatives have been undertaken in Saudi Arabia regarding the health of livestock. Key features of Livecorp's action plan include a scabby mouth vaccination program, ear tags for the identification of sheep, veterinary approval of the sheep by an Australian Quarantine Inspection Service veterinarian, a recommendation that a Saudi Arabian port should be the first port of discharge and for maximum stocking rates to apply to each shipment, to which Hon Christine Sharp referred. The issue of maximum stocking rates affects not only the shipping trade but also road transport. It affects the whole industry and has been regularly referred to. The industry is implementing a number of initiatives to upgrade the way it operates, including vaccination.

Livecorp documents refer to the value of the industry and to the very extensive research and development programs that are funded by Livecorp and Meat and Livestock Australia Ltd. Communications strategies for the industry have now been put in place to deal with state and federal government departments, industry advisory committees, sheep and cattle producer peak councils, Meat and Livestock Australia, shipping companies, overseas trade agencies, welfare bodies and the media.

Australia exports livestock to about 30 countries around the world. It is a large and diverse trade. Sheep exports peaked at 7.2 million in 1987 and cattle exports peaked at 882 600 in 1997. In the five years leading up to 1998-99, the combined value of sheep and cattle exports was about \$2.5 billion. It is an extensive and important trade.

The Livecorp report also contains a market update called "LiveLink", which outlines the livestock trade in various countries around the world. Another document outlines the economic arguments that could be presented for the livestock trade in Australia and Western Australia. Incidentally, in 2001, 4.3 million sheep worth \$230 million were exported from Western Australia. Given that the livestock industry provides advantages for the road transport industry, veterinary services, specialist fodder manufacturers, additional shearing contracting - the animals are shorn before they leave the country - background preparation of services and vessel services, the flow-on effects to Western Australia are worth about \$350 million, which is a substantial amount.

"Exploding the Myths: Facts about the Livestock Export Trade" is a good document for people to read who want to understand the industry from the point of view of the people who export the livestock. In 2000-01, the Australian livestock industry exported 850 000 cattle, six million sheep and 880 000 goats to 30 countries. That generated \$770 million in export earnings and provided 9 000 jobs throughout rural and regional Australia, which is of particular interest to me. The export of livestock increases the industry's marketing options. The returns to the producer will be improved if there are more options to export livestock.

There is a notion that people who export livestock are not interested in the welfare of the animals. Aside from the moral issues, there is an obvious economic issue as well. It is in the interests of the people who export the animals to get them there alive so that they can be sold. Regardless of what we would like to think, and as Hon Barry House pointed out, unfortunately for the animals, they were destined for slaughter at some time; that is a fact of life. There is a keen interest by the exporters to get the cattle, sheep and goats there in the best possible condition. As I pointed out the last time I spoke on this matter, major improvements have been made and initiatives taken with new vessels. A substantial part of the industry's extensive research is paid for by the livestock industry, with \$1.1 million going into a voluntary fund.

Progress reported and leave granted to sit again, pursuant to standing orders.