



REPORT OF THE  
STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

IN RELATION TO THE

**OVERVIEW OF PETITIONS  
MARCH 1997 - AUGUST 1998**

Presented by the Hon Murray Nixon (Chairman)

## STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

### **Date first appointed:**

21 December 1989

### **Terms of Reference:**

1. The functions of the committee are to inquire into and report on:
  - (a) the constitutional law, customs and usages of Western Australia;
  - (b) the constitutional or legal relationships between Western Australia and the Commonwealth, the States and Territories,  
and any related matter or issue;
  - (c) a bill to which SO 230 (c) applies but subject to SO 230 (d);
  - (d) any petition.
2. A petition stands referred after presentation. The committee may refer a petition to another standing committee where the subject matter of the petition is within the terms of reference of that standing committee. A standing committee to which a petition is referred shall report to the House as it thinks fit.

### **Members as at the date of this report:**

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Hon Ray Halligan MLC  
Hon Tom Helm MLC

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## 1. INTRODUCTION

This Report provides an overview of the petitions considered by the Legislative Council Standing Committee on Constitutional Affairs (the "Committee") during the First Session of the Thirty-Fifth Parliament of Western Australia from March 1997 to August 1998.

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

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

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

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

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

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

## **2. OVERVIEW OF PETITIONS**

### **2.1 JAMES ALLISON**

On 6 March 1997, Hon Derrick Tomlinson MLC tabled a petition (*TP #29*) from Mr James Allison requesting that the Legislative Council consider his prayer for relief regarding the refusal by the Painters' Registration Board to register him as a painter pursuant to section 12(1) of the *Painters' Registration Act 1961*.

This petition was first tabled during the Fourth Session of the Thirty-Fourth Parliament and at that time the Committee sought submissions from the -

- i) Hon Derrick Tomlinson MLC;
- ii) Minister for Fair Trading; and
- iii) Mr James Allison.

On retabing the petition, the Committee continued the inquiry which included hearing evidence from Members of the Painters' Registration Board and Mr Allison. The Committee also requested Mr Allison to provide further information regarding the applications he had made to the Painters' Registration Board (the "Board").

As a result of the inquiry, the Committee considered that the central factor in the Board's refusal of Mr Allison's application was that Mr Allison was unable to satisfy them that he had obtained the required business acumen, experience and decision-making powers which were comparable with that ordinarily obtained by another applicant. In this regard, the Committee appreciated the difficulties that the Board may have experienced in attempting to assess Mr Allison's skills by means other than a formal written examination. However, the Committee also noted Mr Allison's comments that he experienced difficulties in sitting written examinations within a limited time frame and became extremely anxious in such an environment.

In these circumstances, the Committee believed that the opportunity for Mr Allison to undertake an oral assessment was the most appropriate manner in which he would be able to demonstrate his proficiency to the Board. The Committee believed that an oral assessment may achieve a balance between the need for the Board to properly assess Mr Allison's skills and to offer him an alternative means of assessment to a formal written examination. The Committee also believed that the Board should give consideration to extending the time frame in which Mr Allison was permitted to undertake the assessment. These recommendations were outlined in the Committee's report, tabled on 17 March 1998, and were subsequently agreed to by the Board.

*Status - finalised*

## **2.2 BEENUP MINESITE**

On 12 March 1997, the Hon Jim Scott MLC tabled a petition (*TP # 319*) opposing BHP's application to extend the Beenup Minesite. The application was opposed because of the potential environmental damage that may be caused by the mining of acid sulphate soils.

This petition was first tabled during the Fourth Session of the Thirty-Fourth Parliament. At that time, the Committee sought submissions from the -

- i) Minister for Resources Development;
- ii) Minister for Regional Development;
- iii) Minister for Mines;
- iv) Minister for the Environment; and
- v) Hon Jim Scott MLC.

*Status - lapsed*

## **2.3 CANNING HIGHWAY, EAST FREMANTLE**

On 12 March 1997, the Hon Jim Scott MLC tabled a petition (*TP# 320*) opposing the proposal to gazette a widened road reserve on Canning Highway, East Fremantle.

A petition concerning this matter was first tabled during the Fourth Session of the Thirty-Fourth Parliament. At that time, the Committee sought submissions from the -

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

On 9 May 1997, the Minister for Transport informed the Committee that a draft brief had been prepared for a consultant to review the Metropolitan Region Scheme reservation of the section of Canning Highway between Stirling Highway, East Fremantle and Preston Point Road, Melville. The brief provided for all options to be fully considered in close consultation with the local community. The draft brief was also to be sent to the City of Melville, Town of East Fremantle, Ministry for Planning and the Department of Transport for comment and with an invitation for those authorities to be represented on a Steering Committee.

*Status - lapsed*

## **2.4 REGIONAL PARK SOUTH OF GUILDERTON**

During the First Session of the Thirty-Fifth Parliament, eight (8) petitions (*TP #s 321, 361, 362, 403, 443, 668, 1451 and 1555*) were tabled by Hons Jim Scott, John Halden, Graham Edwards and Giz Watson MLC's requesting the establishment of a regional park immediately South of Guilderton. The establishment of a park was sought to protect the mouth and lower reaches of the Moore River and the significant dunes and coastal heath lands south of the mouth of the Moore River.

The Committee sought submissions from the -

- i) principal petitioners;
- ii) tabling Members; and
- iii) Shire of Gingin.

This petition was first referred to the Committee during the Third Session of the Thirty-Fourth Parliament. At that time, the Committee sought submissions from the -

- i) principal petitioner;
- ii) Minister for Planning; and
- iii) Minister for the Environment.

During the Third Session of the Thirty-Fourth Parliament, the Shire of Gingin informed the Committee that the Concept Plan for the proposed development at Guilderton had not yet been approved. Accordingly, the Committee resolved to defer consideration of the petition until the Concept Plan had been approved and released for public comment.

The petition was retabled during the Fourth Session of the Thirty-Fourth Parliament and the Committee sought additional written submissions from the Legislative Council Members who tabled the petitions. It was during this Session that the Committee was advised that the Shire of Gingin did not approve the revised Concept Plan for a third time. The developers appealed to the Minister for Planning, at which point, the Committee resolved to defer consideration until the completion of the arbitration period.

*Status - lapsed*

## **2.5 LIVE SHEEP TRADE**

During the First Session of the Thirty-Fifth Parliament, four (4) petitions (*TP#s 322, 323, 408 and 1018*) were tabled by Hons Jim Scott and Barbara Scott MLC's opposing live sheep trade.



The petitioners expressed concern at the continuation of live sheep trade for the following reasons-

- more than 10 000 sheep per year, which are exported from Fremantle, die traumatically during transshipment to the Middle East;
- regulations covering road transport and loading are not being adequately policed; and
- the live sheep trade is undermining the more lucrative, job creating, processed meat trade.

The petition was first tabled by the Hon Jim Scott MLC during the Thirty-Fourth Parliament at which time submissions were sought from the -

- i) Hon Jim Scott MLC;
- ii) principal petitioner;
- iii) Minister for Commerce and Trade;
- iv) Minister for Primary Industry;
- v) Minister for Transport; and
- vi) Secretary of the Meat Industry Employees Union.

At that time, the Minister for Primary Industry, Hon Monty House MLA, informed the Committee that the live sheep trade has been a significant part of the Australian sheep industry for more than 20 years. In this regard, Western Australian is the major exporting State with almost 80 per cent of all sheep exports being from Fremantle.

The Minister advised that there had been considerable research by Agriculture Western Australia into the causes of sheep deaths during export. The research indicated that there are relatively few deaths from trauma (injuries) and that the level of mortality of sheep shipped live was approximately 2 per cent. About half of those deaths are from inanition (loss of appetite) and 25 per cent are from salmonellosis.

The Minister also explained that the live sheep trade is a highly regulated national industry. In particular, animal welfare codes of practice, prepared in consultation with veterinarians, scientists and industry personnel, govern the housing, feeding and management of the sheep while they are in preparation feedlots and during road and sea transport. Furthermore, the Australian Meat and Livestock Corporation licenses exporters and authorises the sailing of each shipment. The Australian Quarantine Inspection Service supervises the welfare of the sheep in feedlots and during loading, and ensures that the health conditions of importing countries have been satisfied.

Following retabling of the petitions, the Committee sought further information from the Hon Monty House MLA concerning the costs associated with transporting sheep and the number of abattoirs used for slaughtering sheep. In response, the Minister advised that the cost of transporting sheep to Fremantle is directly related to the distance travelled. The cost of transporting frozen carcasses to the Middle East was 47 cents per kilogram and the cost for frozen cuts of meat was 32 cents per kilogram. The Minister also advised that, at that time, sheep were slaughtered at 27 abattoirs in Western Australia of which five (5) are registered for export and four (4) provided Halal kill.

The Minister later informed the Committee of a project, conducted by Agriculture Western Australia, aimed at comparing the value of the live sheep trade with the processed sheep. The project was said to be due for completion in mid-1998. The Committee requested a copy of this report.

*Status - lapsed*

## **2.6 DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES**

A petition was tabled by the Hon Jim Scott MLC (*TP # 330*) on 13 March 1997 concerning the Department of Family and Children's Services.

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

The petition was first tabled in 1995 during the Third Session of the Thirty-Fourth Parliament. At that time, submissions were sought from the -

- i) principal petitioner;
- ii) Minister for Family and Children's Services; and
- iii) Hon Jim Scott MLC.

The petition was retabled by the Hon Jim Scott MLC on 1 May 1996 and the principal petitioners expressed continued concern regarding the administration of the Department of Family and Children's Services.

Following retabling of the petition on 13 March 1997, the Committee continued the inquiry which involved, inter alia, hearing evidence from the principal petitioners.

*Status - lapsed*

## **2.7 HIGH SPEED CAR CHASES**

A petition was tabled (*TP # 347*) by the Hon Jim Scott MLC opposing the continued use of high speed police car chases.

The petition was first tabled by the Hon Jim Scott MLC on 16 October 1996. At that time, submissions were sought from the -

- i) principal petitioner;

- ii) Minister for Police; and
- iii) Hon Jim Scott MLC.

During the First Session of the Thirty-Fifth Parliament, the Committee continued its inquiry into the petition and had access to the Western Australia Police Service's Urgent Duty Driving Policy.

*Status - lapsed*

## **2.8 COOLBELLUP**

A petition was tabled (*TP# 348*) on 20 March 1997 by the Hon Jim Scott MLC opposing the use of remnant bushland near Coolbellup for urban development

The petition was first tabled in 1995 during the Third Session of the Thirty-Fourth Parliament and was referred to the Committee on 22 September 1995. At that time, the Committee sought submissions from the -

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

The petition was retabled by the Hon Jim Scott MLC on 3 April 1996 during the Fourth Session of the Thirty-Fourth Parliament. At that point, the Committee was advised by the Minister for Planning that the Western Australian Planning Commission had resolved that the proposed re-zoning of the land should proceed.

The Committee has continued to monitor the progress of this matter. However, the Committee's policy in relation to planning matters is that the enquiries should be restricted to ensuring the proper compliance with planning procedures. The Committee does not consider that it has the role of replacing existing planning appeal or approval bodies.

*Status - lapsed*

## **2.9 ACQUIRED BRAIN INJURY**

A petition was tabled (*TP# 363*) on 26 March 1997 by the Hon Barbara Scott MLC concerning the current lack and decreasing amount of appropriate care available to people with an acquired brain injury.

The petition was first tabled by the Hon Barbara Scott MLC on 13 November 1996. At that time, submissions were sought from -

- i) the principal petitioner;

- ii) the Minister for Health; and
- iii) the Minister for Disability Services.

The Committee received a letter from the Minister for Health advising that the Minister for Disability Services had established an Acquired Brain Injury Implementation Committee in May 1995. In June 1996, the Committee presented a comprehensive State Plan to the Minister which included the need to address the issue of appropriate accommodation and care for people with acquired brain injury. The Minister advised that the report was being reviewed by the Health Department's Chief Medical Officer who was also working closely with the Disability Services Department to progress the report's recommendations.

The Committee received a letter from the Minister for Disability Services explaining that the Acquired Brain Injury Implementation Committee had presented a comprehensive report which addressed the matters raised by the principal petitioner. The Minister also indicated that the Health Department of Western Australia was working closely with the Disability Services Commission to seek additional resources from the Government for people with acquired brain injury requiring supported accommodation.

In light of the above, the Committee tabled a report on 23 June 1998 outlining the issues concerning persons with acquired brain injury. The Committee's report acknowledged the problems experienced by persons suffering from acquired brain injury and their families. In this regard, the Committee offered full support for the recommendations made in the State Plan and stated that the progress would be monitored.

*Status - finalised*

## **2.10 LABOUR RELATIONS BILL**

Eight (8) petitions were tabled (*TP #s 404, 406, 420, 423, 424, 432, 433 and 441*) by the Hons Tom Stephens and Kim Chance MLC's opposing the *Labour Relations Legislation Amendment Bill (1997)*.

The Bill was subsequently debated and passed by both the Legislative Assembly and the Legislative Council. Accordingly, the Committee resolved not to conduct further enquiries into the matter and advised the petitioners.

*Status - finalised*

## **2.11 UNACCEPTABLE CRIME LEVELS**

A petition was tabled (*TP # 360*) by the Hon Cheryl Davenport MLC on 25 March 1997 requesting immediate action to address continuing and unacceptable levels of crime.

The petition was first tabled by the Hon Cheryl Davenport MLC on 16 October 1996. At that time, submissions were sought from the -

- i) Hon Cheryl Davenport MLC;
- ii) principal petitioner;
- iii) Attorney General;
- iv) Minister for Police; and
- v) Commissioner of Police.

Following receipt of the petition, the Committee considered that the appropriate forum to address the issues raised would be at the Estimates Hearings. Subsequently, a number of questions concerning the level of crime in the Willagee area were asked of the Commissioner of Police at the hearings. The Commissioner elected to place the questions on notice which were later provided to the Estimates Committee.

*Status - finalised*

## **2.12 CONNOLLY COMMUNITY CENTRE**

A petition was tabled (*TP # 439*) by the Hon Alan Carstairs MLC on 9 May 1997 supporting the provision of a community centre in Connolly.

The petition was first tabled by the Hon Ross Lightfoot MLC on 17 October 1996. At that time, submissions were sought from the -

- i) principal petitioner;
- ii) Hon Ross Lightfoot MLC;
- iii) Minister for Family and Children's Services;
- iv) Minister for Local Government; and
- v) Minister for Sport and Recreation.

The Committee received submissions from the -

- i) principal petitioner;
- ii) Minister for Family and Children's Services;
- iii) Ministry of Sport and Recreation; and
- iv) City of Wanneroo.

The principal petitioner's submissions summarised the events surrounding the sale of the Joondalup Golf Course and its effect on the Connolly Community. On behalf of the residents, the principal petitioner requested the Government to contribute \$500 000 towards a Community Centre as compensation for the sale of the golf course.

The Minister for Family and Children's Services' submission advised that the Government had allocated \$200 000 towards a Community Centre for Connolly. Furthermore, the Minister said that the Community Centres were a joint venture with Local Government Authorities and were funded on

a dollar for dollar basis with the local authority, with a contribution from Government of up to \$500 000. In this regard, it was essential that the Local Government Authority supported any proposal within its jurisdiction.

The Ministry of Sport and Recreation's submission stated that the responsibility for the planning and provision of community facilities rested with the relevant Local Government Authority. However, the Ministry said that up to one third of the estimated cost of the facility may be available through the Community Sporting and Recreation Facilities Fund. The availability of this type of funding was dependent on whether the proposed facility had a significant sport and recreation component.

The City of Wanneroo's submission stated that the Council had resolved, at a meeting in August 1997, to work with the Connolly Residents Association to develop and implement a process to assess the need for community facilities in Connolly. The Council also said that they proposed to seek clarification as to the program(s) under which State funding was being provided for the proposed facility. The Committee sought further advice from the City of Wanneroo concerning the outcome of their enquiries into the issues raised by the petition.

*Status - lapsed*

### **2.13 KARAWARA REDEVELOPMENT**

A petition was tabled on 9 May 1997 (*TP # 440*) by the Hon Jim Scott MLC opposing the Homeswest proposed redevelopment to create single residential building lots in Karawara by -

- demolition of the Karawara Community Hall and Fun Factory (special playground for children);
- demolition of the three storey Homeswest flats which could be used for student accommodation by Curtin University; and
- destruction of the remnant native vegetation (urban bushland comprising about 4 hectares of Banksia woodland) at Lot 690, Gillon Street, Karawara.

A similar petition was received by the Committee in 1995 during the Third Session of the Thirty-Fourth Parliament. A subsequent petition was tabled by the Hon Jim Scott MLC on 3 April 1996 which substantially concurred with the petition tabled on 9 May 1997.

Following receipt of the petition, the Committee became aware that the Standing Committee on Public Administration was conducting an inquiry into the matters raised by the petition. Accordingly, on 8 July 1998, the Committee sent a letter to the Chairman of the Public Administration Committee, Hon Kim Chance MLC, explaining that the Committee did not propose to pursue the petition further as it believed it related to a planning matter of which there was no evidence of a breach of procedure.

*Status -finalised*

## 2.14 MIDWIFERY

A petition was tabled on 9 May 1997 (*TP # 442*) by the Hon Jim Scott MLC requesting the Legislative Council to ensure that the State Health Services included a community-based midwifery.

The petition was first tabled on 12 November 1996 by the Hon Jim Scott MLC. At that time, submissions were sought from the -

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

The Minister for Health's submission advised that the Health Department had endeavoured through policy implementation and regulation to influence the management of hospitals to put the issue of independent midwifery services on the agenda of their Medical Advisory Committees. However, the Minister said that decisions to incorporate independent midwifery services into public hospital services was not entirely within the domain of the Health Department. In many cases, the decision was at the discretion of individual hospital Medical Advisory Committees and Hospital Management Boards. The Minister also said that the issue of Medicare coverage of independent midwifery services was a Commonwealth matter on which he was unable to make a decision.

In response to a request, the Committee received a letter from the Commonwealth Department of Health and Family Services concerning funding for the Alternative Birthing Services Program. The Department said that the 1997/98 Budget continued the funding for the Alternative Birthing Services Program for a further two years. The Department also advised that new funding agreements between the Commonwealth, State and Territories for all public health Specific Purpose Payments, including the Alternative Birthing Services Program, were currently being negotiated. On reaching an agreement, the States would then have the discretion to decide on the most appropriate distribution of funds to individual services or projects.

*Status - lapsed*

## 2.15 PUBLIC TRANSPORT FEES

Two (2) petitions were tabled (*TP # 448 and 542*) by the Hon John Cowdell MLC objecting to the Government's recent increases in public transport fees. In total, the petitions contained 4929 signatures and objected to the Government's decision to -

- increase ordinary concession fares by up to 25%; and
- introduce a ban on the use of MultiRider concessions before 9am which meant a fare increase of up to 150% for aged pensioners, the disabled, students and unemployed.

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

- i) principal petitioner;
- ii) Hon John Cowdell MLC;
- iii) Minister for Family and Children's Services; Seniors; and
- iv) Minister for Transport.

The then acting Minister for Transport, Hon Paul Omodei MLA, acknowledged that there had been an increase in ordinary concession fares by up to 25%. However, he said that concession fares in Perth remained among the lowest in Australian capital cities and offered the highest discount over standard fares. He also noted that the increase in fares for over 80 per cent of passengers was no more than an extra 10 cents a trip for travel over two sections and one zone or 20 cents a trip for two and three zones. The increase in fares was 30 cents for travel over four and five zones and 40 cents for six, seven and eight zones.

In relation to the alleged ban, the Acting Minister advised that there had never been any restrictions placed on the use of concession MultiRider tickets before 9.00am on weekdays. The restriction introduced related solely to the time validity of the concession DayRider ticket to after 9.00am on weekdays. As a result of protests, the system was modified to allow passengers to use the concession DayRider before 7.15am and after 9.00am.

At the time of the fare increase, the Acting Minister said there had been a misunderstanding that concession passengers would have to pay the standard fare to travel before 9.00am. In this regard, he assured the Committee that this was incorrect and that concession passengers were permitted to travel at any time at the concessional zonal fares. He also stressed that the 7.15am to 9.00am time restriction on the DayRider would not affect the vast majority of concession passengers who travelled between one and three zones. In these cases, the concession return fare would be less than the cost of the DayRider ticket.

In the light of the above, the Committee sent a letter to the principal petitioner outlining the Acting Minister's response and specifically asking whether it altered the petitioner's grievances with regard to transport costs. The Committee received no further response from the principal petitioner.

*Status - finalised*

## **2.16 PORT KENNEDY**

A petition was tabled (*TP # 453*) by the Hon Jim Scott MLC on 14 May 1997 requesting that the Legislative Council reaffirm that the Land Conservation District Committee ( LCDC") be provided with an interim and, later permanent, accommodation.



The petition was first tabled during the Third Session of the Thirty-Fourth Parliament. At that time, the Committee sought submissions from the -

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

The petition was also subsequently retabled during the Fourth Session of the Thirty-Fourth Parliament.

On retabling of the petition during the First Session of the Thirty-Fifth Parliament, the Committee again requested further information from the principal petitioner and Hon Jim Scott MLC.

*Status - lapsed*

## **2.17 REJECT LABOUR RELATIONS BILL**

During the First Session of the Thirty-Fifth Parliament, ten (10) petitions were tabled (*TP #s 404, 406, 420, 423, 424, 432, 433, 441, 449 and 450*) by the Hons Tom Stephens, Kim Chance and Nick Griffiths MLC's. The petitions opposed the *Labour Relations Legislation Amendment Bill (1997)* and requested that the Legislative Council vote to reject the Bill (see comments at 2.10 above).

*Status - finalised*

## **2.18 VOLUNTARY EUTHANASIA**

During the First Session of the Thirty-Fifth Parliament, five (5) petitions were tabled (*TP #s 485, 526, 771, 772 and 858*) by the Hon Norm Kelly MLC requesting the Legislative Council to pass a Bill allowing for a State referendum to legalise euthanasia. The Committee sought submissions from the -

- i) principal petitioners;
- ii) Hon Norm Kelly MLC;
- iii) Minister for Health; and
- iv) Attorney General.

The outcome of the inquiry into the above petitions is addressed in full at 2.32 of this report.

*Status - finalised*

## **2.19 LOCAL GOVERNMENT COMPENSATION FOR MEAT INSPECTION LOSS**

A petition was tabled (*TP # 489*) on 11 June 1997 by the Hon Bruce Donaldson MLC requesting that the Legislative Council call upon the Government to reverse the decision not to compensate financially disadvantaged Local Governments. In particular, the petition opposed the -

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

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

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

The Office of the Premier informed the Committee that the Government's consistent position had been that Local Governments should not be compensated for their losses. It was explained that the requirement on Local Governments to provide certain services, even if fees are not paid, is defensible on community benefit grounds, particularly where public health is concerned. Furthermore, the activities of Local Government necessarily extend beyond user pays functions, for which reason they have an authority to tax.

The Office of the Premier also indicated that, in the case of the petition, it was unclear as to what extent the unpaid fees were due to the Local Government's reluctance to collect or pursue legal avenues. In this regard, such discretionary actions should not place an obligation on the State for compensation. Moreover, if Government were to provide compensation, it could act as a precedent for Local Governments to attempt to transfer the cost of many legitimate responsibilities onto the State Government.

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

*Status - lapsed*

## 2.20 REJECT EUTHANASIA BILL

Fourteen (14) petitions (*TP #s 490, 510, 535, 543, 549, 669, 670, 687, 695, 711, 748, 750, 859 and 860*) were tabled by the Hons Tom Stephens, George Cash and Nick Griffiths MLC's during the First Session of the Thirty-Fifth Parliament requesting that the Legislative Council reject any Bill to legalise euthanasia.

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

- i) principal petitioners;
- ii) Minister for Health;
- iii) Attorney General, Hon Peter Foss MLC;
- iv) President of the Legislative Council, Hon George Cash MLC;
- v) Hon Nick Griffiths MLC; and
- vi) Hon Tom Stephens MLC.

The Minister for Health advised that he was firmly opposed to the introduction of legislation permitting euthanasia in Western Australia. However, the Minister said that he supported the provision of appropriate palliative care for dying patients and the ethical and humane practices of the medical profession. Accordingly, he said that he intended to introduce the Medical Treatment for the Dying Bill into Parliament.

The outcome of the inquiry into the above petitions is addressed in full at 2.32 of this report.

*Status - finalised*

## 2.21 PROTECTION OF THE D'ENTRECASTEAUX NATIONAL PARK

Three (3) petitions (*TP #s 511, 915 and 1044*) were tabled by the Hon Jim Scott MLC during the First Session of the Thirty-Fifth Parliament requesting the Parliament to reconsider its decision to allow land to be excised from the D'Entrecasteaux National Park.

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

- i) principal petitioners;
- ii) Minister for Environment; and
- ii) Hon Jim Scott MLC.

The Minister for Environment advised that the Government was considering a proposal from Cable Sands Pty Ltd which had located a valuable ore body inside the boundary of the D'Entrecasteaux National Park, near Lake Jasper. In this regard, the Minister made the following assurances -

- the environmental aspects of the proposal would be fully assessed and appropriate environmental conditions would be incorporated should mining approval be given;
- the State Government would be required to satisfy a stringent environmental assessment before development of the ore body would be considered for approval; and
- in the event that mining was approved, the mine site would be rehabilitated and returned to the national park. Cable Sands Pty Ltd also undertook to provide the State with more than 1 000 hectares for inclusion in the national park, providing a buffer to further protect Lake Jasper.

The Hon Jim Scott MLC's submission opposed any proposal to allow mining within the parameters of the D'Entrecasteaux National Park. In particular, he expressed concern regarding the likely impacts of mining on the hydrology including the lowering of the water level of Lake Jasper and surrounding wetlands.

The principal petitioner's submission noted the national significance of D'Entrecasteaux National Park in that it had been recognised by the Australian Heritage Commission who had placed the Park on the Register of the National Estate. The petitioner said that the proposed mine would divide the Gingilup-Jasper Westland ecosystem in half and radically alter the waterflow and connectivity between the areas. The petitioner also noted that a recent report prepared by the Department of Environmental Protection revealed that Cable Sands had, for three (3) consecutive years, failed to audit its rehabilitation efforts and to meet statutory environment requirements in relation to its current Jangardup mine.

Subsequent enquiries carried out by the Committee indicated that Cable Sand's proposal would be subject to a review by the Environmental Protection Authority. In relation to these matters, the Committee's policy is that the enquiries should be restricted to ensuring the proper compliance with environmental procedures. Accordingly, the Committee proposed to monitor the Environmental Protection Review and liaise with the principal petitioners to ensure satisfactory compliance with procedures.

*Status - lapsed*

## **2.22 ERECTION OF MOBILE TELEPHONE TOWERS**

A petition was tabled (*TP # 512*) by the Hon Murray Montgomery MLC on 17 June 1997 requesting that land at Mount Henry be urgently sacrificed to telecommunications carriers for the erection of a mobile telephone tower for the following reasons -

- objections to the State Government taking out Supreme Court action to prevent the erection of a mobile tower at Mount Henry, said to protect Government property values. Despite the Government losing the case, subsequent negotiations were undertaken which led to approval being given for the erection of a tower in the Canning Highway/Canning Bridge/Kwinana freeway interchange precinct;

- the telecommunications carriers, Main Roads or the South Perth City Council, failed to consult with nearby residents; and
- the lack of substantiated research or evidence to prove that towers do not pose long term health risks to nearby residents.

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

- i) principal petitioner;
- ii) Hon Murray Montgomery MLC;
- iii) Minister for Health; and
- iv) City of South Perth.

The City of South Perth informed the Committee that the Council's decision to support the erection of the Optus mobile telephone tower on land within the Canning Interchange was the culmination of extensive consideration of several possible sites. The conclusion reached was that the Canning Interchange site was the most suitable as it was significantly more remote from residential properties than any of the other sites investigated. Furthermore, it was considered that the telecommunications facility was more compatible with the character of the Freeway interchange than with the surroundings in the immediate vicinity of other sites.

The Commissioner of Health, Mr Bansemer, informed the Committee that the State of Western Australia and the Minister for Health had taken action in the Supreme court to challenge the validity of the various actions of Optus Mobile in connection with the planned construction by Optus of a telecommunications tower at the Mount Henry site. The Commissioner explained that the reason for taking legal action was, inter alia, that a State nursing home was adjacent to the Mount Henry site and the erection of a mobile telephone tower would have affected the value of that property. Furthermore, at the time of initiating the legal action, the State was negotiating with Anglican Homes to construct and operate a new aged care facility at Mount Henry to replace the State nursing home facility.

*Status - lapsed*

## **2.23 ABORTION**

During the First Session of the Thirty-Fifth Parliament, six petitions were tabled (*TP #s 541, 1391, 1412, 1437, 1439 and 1510*) by the Attorney General and the Hons Cheryl Davenport, John Coddell and John Halden MLC's requesting a review of the legal status of abortion in Western Australia.

A petition concerning abortion was first tabled during the Fourth Session of the Thirty-Fourth Parliament at which time submissions were sought from the -

- i) principal petitioner;
- ii) Minister for Women's Interests; and

iii) Attorney General.

The Minister for Women's Interests advised that the State Government did not sanction abortions which contravened the provisions of the State's Criminal Code. However, the legislation in Western Australia meant that it was not unlawful to perform an abortion for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case. If there was an alleged contravention of this law, enforcement and prosecutions are matters for the Western Australian Police Department and the Director of Public Prosecutions.

The Attorney General advised that the Model Criminal Code Officers Committee (MCCOC) of the Standing Committee of Attorneys General released a discussion paper regarding *Non Fatal Offences Against the Person* in August 1996. The discussion paper briefly touched on the issue of abortion and commented that:

*"Any consultation engaged in by this Committee on the general principle of whether abortion should be permitted as a matter of principle would be unproductive, both as a matter of pragmatics and because genuine opinion, strongly held, on both sides of the question will be expressed and will not further a debate that has been going on for some time."*

The Minister also referred to the case of *CES v Superclinics Australia* which dealt with the illegality of abortion. Apart from providing documented information relevant to abortion, the Minister reaffirmed that there is no need to conduct a separate inquiry into the decriminalisation of abortion.

Following retabling of the petitions during the First Session of the Thirty-Fifth Parliament, the Committee obtained a submission from the Hon Cheryl Davenport MLC concerning the legal status of abortion in Western Australia.

On 24 April 1998, the Minister for Women's Interests, Attorney General, tabling Members and principal petitioners were advised that the Committee did not propose to continue inquiring into the petitions as the matters raised had already been fully debated in the House.

*Status - finalised*

## **2.24 FOUR YEAR OLD PROGRAMMES**

A petition was tabled (TP# 534) by the Hon Derrick Tomlinson MLC on 24 June 1997 requesting that the -

- four year old programmes remain in the purpose-built playgroup buildings until the year 2001; and

- Western Australia Department of Education's funding for the programmes continue to be administered by the Community Playgroups Management Committees, as is currently occurring under the Family and Children's Services funding arrangement.

The Committee sought submissions from the -

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

The Minister for Education's submission noted that the petitioners were all residents of the Shire of Mundaring which had seven community managed kindergartens within its area. The kindergarten programmes were all funded through Family and Children Services and operated out of buildings leased from the Shire of Mundaring, with four of the seven kindergartens operating in purpose built facilities. In this regard, the Minister detailed the proposed changes to the arrangements as -

- Family and Children's Services' funding for the programmes would cease at the end of 1997 with the Education Department offering an equivalent number of kindergarten places through local schools in 1998;
- in relation to the kindergartens which were operating out of purpose build accommodation, the Education Department was negotiating with the Shire of Mundaring to obtain leases on the premises so that the programmes could remain at their current locations. However, the programmes would be attached to a local school and fall under the direction of the principal; and
- in relation to the kindergartens which are not operating from purpose built facilities, the Education Department intended to transfer them to purpose built facilities at nearby schools for 1998.

The Minister also provided comment concerning the request that future State funding through the Education Department to the Mundaring groups be administered by community management groups rather than by a nearby primary school. In particular, the Minister said that -

- it would be necessary to grant permits allowing the centres to operate as community pre-schools of which there were about 55 in Western Australia. However, new permits were rarely granted and are not allowed under the provisions of the draft School Education Bill, which was then open for community consultation.

In conclusion, the Minister said that the Education Department and the Shire of Mundaring had already reached agreement in regard to the premises which are purpose built and the groups in other accommodation will be provided with purpose built facilities. Furthermore, the Minister

considered that the issue of whether to grant the groups pre-school status was a matter which should be addressed after the close of the public consultation phase of the draft *School Education Bill*. In these circumstances, the Minister did not believe that there was a need to conduct an inquiry into the issues raised by the petition.

*Status - lapsed*

## **2.25 URANIUM MINING**

Three (3) petitions were tabled (*TP #s 671, 762 and 1000*) by the Hon Giz Watson MLC during the First Session of the Thirty-Fifth Parliament requesting that the Legislative Council investigate and evaluate the acceptability of a uranium industry.

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

- i) principal petitioners;
- ii) Minister for the Environment;
- iii) Minister for Resources Development; Energy;
- iv) Minister for Mines; and
- v) Hon Giz Watson MLC.

The Committee later became aware that the Legislative Council's Standing Committee on Ecologically Sustainable Development ("ESD Committee") was conducting an inquiry into the uranium mining industry at the Kintyre site. Accordingly, the Committee decided to refer the petition to the ESD Committee and advised all the relevant parties of the decision.

*Status - finalised*

## **2.26 OCEAN VIEW LODGE**

A petition was tabled (*TP # 692*) by the Hon Barbara Scott MLC on 21 August 1997 requesting that the Legislative Council investigate the actions of the City of Fremantle regarding Ocean View Lodge. In particular, the petition requested that the Legislative Council investigate -

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

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

- i) principal petitioners;



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

*Status - lapsed*

## **2.27 OCCUPATIONAL HEALTH AND SAFETY**

Two (2) petitions were tabled (*TPs #s 718 and 903*) by the Hons Ken Travers and Kim Chance MLC's during the First Session of the Thirty-Fifth Parliament opposing the proposed amendments to the *Occupational Safety and Health Amendment Regulations (No. 2 ) 1997*. The petition claimed that the amendments attacked the right of citizens to smoke in public places, impinging a citizens freedoms and democratic rights.

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

- i) Minister for Labour Relation;
- ii) Hon Ken Travis MLC;
- iii) Hon Kim Chance MLC; and
- iv) principal petitioners.

The Minister for Labour Relations advised that the *Occupational Safety and Health Amendment Regulations (No 2) 1997* were gazetted on 22 July 1997 and come into effect on 1 August 1998. The Regulations addressed the following matters -

- prohibited smoking by employers, employees and self-employed persons in enclosed workplaces;
- allowed for designated smoking areas (an area with an effective exhaust system and from which smoke cannot enter any other part of the workplace);
- prohibited employers from requiring an employee to work in designated smoking areas when a person is smoking;
- required employers and persons in control of workplaces to notify persons working in the enclosed workplace that they are prohibited from smoking there; and
- provided inspectors with the power to require a person covered by the regulations to extinguish the tobacco product if smoking in an enclosed workplace.

It was proposed that the regulations would operate in conjunction with the general duty of care provisions of the *Occupational Safety and Health Act 1984* to protect employees from the adverse effects of environmental tobacco smoke.

Following receipt of the petition, the Committee considered that the matter should be referred to the Standing Committee on Delegated Legislation. The Hon Ken Travers MLC was informed of this referral and advised that it was open to him to table a Motion for Disallowance before 16

October 1997. The Committee also informed the principal petitioner of the Committee's decision to refer the petition to the Delegated Legislation Committee.

*Status - finalised*

## **2.28 MANAGEMENT PRACTICES OF THE DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT IN THE BRIDGETOWN GREENBUSHES AREA**

On 27 August 1997, the Hon Jim Scott MLC tabled a petition (*TP# 719*) concerning the management practices of the Department of Conservation and Land Management in the Bridgetown Greenbushes Shire.

The petition requested the Legislative Council to -

- consider the Department of Conservation and Land Management's current logging proposals of the Hester State Forest as an unacceptable risk to the long term economy and quality of life of the Bridgetown-Greenbushes Shire Community;
- call upon the Department of Conservation and Land Management to hold a public workshop, open to residents of the Bridgetown-Greenbushes Shire Community, to establish and address the issues and impacts of logging of the Hester State Forest upon the community; and
- call upon the Department of Conservation and Land Management to manage the Hester State Forest in accordance with the wishes of the Bridgetown-Greenbushes Shire Community.

This Committee sought submissions from the -

- principal petition;
- Hon Jim Scott MLC; and
- Minister for the Environment.

See further comments relating to this petition at 2.61.

*Status - finalised*

## **2.29 INDUSTRIAL RELATIONS BILL**

On 9 September 1997, the Hon Ed Dermer MLC tabled a petition (*TP# 751*) opposing the implementation of the *Industrial Relations Bill*.

On 16 September 1997, the Committee notified both the principal petitioner and the Hon Ed Dermer MLC that it considered the matters raised by the petition had received full debate by the Legislative Council. The Committee also noted that the Public Administration Committee had

commenced an inquiry into the *Industrial Relations Bill*. In these circumstances, the Committee advised that they did not intend to conduct any further enquiries into the petition.

*Status - finalised*

### **2.30 NAVAL PORT BASE**

On 11 March 1998 and 9 September 1997, the Hons Jim Scott and Barbara Scott MLC's tabled two (2) petitions (*TP#s 1413 and 749*) opposing any moves to establish a new port at Naval Base.

The petition requested the Legislative Council to -

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

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

- principal petitioners;
- Hon Jim Scott MLC;
- Hon Barbara Scott MLC;
- City of Fremantle; and
- City of Cockburn.

The Committee received a detailed submission from the Wattleup Citizen's Association (Inc) opposing any moves to establish a new port at Naval Base. The submission claimed, inter alia, that the relevant communities were dissatisfied with the consultative process surrounding the proposed plans to establish the port. In particular, the Association believed that no environmental assessment or regional strategy had been undertaken in relation to the proposal. The Association also commented that the *Fremantle Rockingham Industrial Area Regional Strategy Discussion Paper* had failed to address such issues as water quality, smog and haze.

The City of Fremantle's submission supported the proposal to establish a port at Naval Base which would be a complementary facility to, and extension of, the existing Fremantle Inner Harbour. However, the City believed that the *Fremantle Rockingham Industrial Area Regional Strategy Discussion Paper* raised a number of issues without providing the background information required for adequate analysis and assessment. In particular, the report does not adequately discuss the assessment and quantification of the impacts of the port on existing operations in Fremantle, land use, buffer requirements and transport connections in Fremantle.

The City of Cockburn's submission provided a detailed analysis of the *Fremantle Rockingham Industrial Area Regional Strategy Discussion Paper*. The City considered that the paper failed to adequately discuss the relevant issues and implications. For example, the projections for

population and economic growth and the need for industrial land were based on outdated estimates that had no regard to National and State trends. However, the City considered that the *Ultimate Strategic District Plan* reflected a balanced land use response for the buffer area.

*Status - lapsed*

### **2.31 NORTH WEST CAPE**

On 10 September 1997 and 11 March 1998, the Hon Giz Watson MLC tabled two (2) petitions (*TP #s 758 and 1414*) requesting World Heritage Listing for the North West Cape.

The petitions -

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

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

- Minister for the Environment;
- Hon Giz Watson MLC; and
- principal petitioner.

The Minister for the Environment advised that the Environmental Protection Authority had been requested to provide the Committee with a copy of their position/policy statement on the Cape Range Peninsula on completion. The Minister also advised that an expert report into the Department of Environmental Protection *Karst Management Considerations of the Cape Range Karst Province Western Australia* suggested that the area, including the Ningaloo Reef, was one of the more significant natural Heritage areas which may satisfy the formal criteria for World Heritage Listing.

The Committee has not, as yet, been provided with a copy of the EPA's position/policy statement or the Karst Management Report. Accordingly, a further request was made to the Minister for this information to be made available to the Committee.

*Status - lapsed*

## 2.32 VOLUNTARY EUTHANASIA

During the First Session of the Thirty-Fifth Parliament, the Hon Norm Kelly MLC tabled five (5) petitions (*TP #s 485, 526, 771, 772 and 858*) requesting that the Legislative Council pass a Bill allowing for a State Referendum to legalise voluntary euthanasia and pass a Bill legalising the strictly and properly regulated practice of voluntary euthanasia. On 14 October 1997, the Hon Norm Kelly MLC also tabled a petition (*TP# 857*) calling on the House to pass a Bill to legalise voluntary euthanasia.

During the First Session of the Thirty-Fifth Parliament, the Hons Tom Stephens MLC, Nick Griffiths MLC and the President, Hon George Cash MLC, tabled fourteen (14) petitions (*TP #s 490, 510, 535, 543, 549, 669, 670, 687, 695, 711, 748, 750, 859 and 860*) requesting the Legislative Council reject any Bill allowing voluntary euthanasia, including any Bill for a referendum to legalise euthanasia for the following reasons -

- every act of euthanasia carried out with the approval of the State necessarily involves a judgement by the State that the person killed had a life that no longer mattered;
- inquiries into the legalisation of so-called “strictly regulated voluntary euthanasia” by the *House of Lords Select Committee on Medical Ethics (1994)*, the *New York State Task Force on Life and Law (1994)*, the *Canadian Special Senate Select Committee on Euthanasia and Assisted Suicide (1995)* and the *Australian Senate Legal and Constitutional Legislation Committee (1996)* each concluded that it is impossible to ensure adequate safeguards for voluntary euthanasia and that therefore legalising euthanasia will always create more victims than beneficiaries;
- a referendum on euthanasia would, if successful, be a substantial step towards legalised euthanasia and therefore any Bill for a referendum on euthanasia should be rejected as an attempt to remove the equal protection from intentional killing enjoyed by all Western Australians under existing law.

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

- Hon Norm Kelly MLC; and
- principal petitioner.

On 9 June 1998, the Committee tabled Report No. 23 addressing the various issues raised in the petitions. It was of the view that it was not appropriate to make any recommendations about the rights or wrongs of legalising voluntary euthanasia. Accordingly, the approach of the report was to outline the position on euthanasia taken in jurisdictions such as the Northern Territory, United States, Canada, Britain and the Netherlands. The Committee sought to supplement this material with the oral evidence of a small number of witnesses from the Northern Territory and Western Australia in order to expand and clarify certain issues.

As a result of the inquiry, the Committee noted that there was widespread support for efficient, effective and well resourced palliative care services. The evidence appeared to indicate that the ready availability of palliative care services may reduce the number of people wishing to seek

voluntary euthanasia. Accordingly, the Committee believed that there was a need for better public education about palliative care and a further examination of the ways in which a range of such services could be readily made available to a larger number of people.

*Status - finalised*

### **2.33 OSTEOPATH BILL 1997**

Two (2) petitions were tabled by the Hon Bob Thomas MLC on 14 October 1997 (*TP# 861*) and 15 October 1997 (*TP# 873*) requesting that the Legislative Council amend the *Osteopath Bill 1997*.

On 1 December 1997, the Hon Bob Thomas MLC and the principal petitioner withdrew the petition advising the Committee that the issue raised by the petition had been addressed by amendments to the *Osteopath Bill 1997*.

On 10 December 1997, the Hon Bob Thomas MLC and the principal petitioner were formally advised that the Committee had resolved to discontinue the inquiry into the petition.

*Status - finalised*

### **2.34 STEPHENSON AND WARD/MEDI-COLLECT INCINERATOR**

On 14 October 1997, the Hon Norm Kelly MLC tabled a petition (*TP# 862*) requesting the removal of all contamination of the Stephenson and Ward/Medi-Collect Incinerator ("the site").

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

- principal petitioner;
- Hon Norm Kelly MLC;
- Minister for the Environment;
- Minister for Health; and
- Minister for Water Resources.

The Minister for the Environment's submission outlined both the scientific and public review of the site over a period of several years. The Minister advised that the site had been managed through the proper legal mechanisms available under the *Environmental Protection Act*. In this regard, she considered that there already had been, and continued to be, extensive oversight of the project by the relevant bodies which would ensure the protection of the environment, public and occupational health.

The Minister for Health advised that a consultative liaison committee had been established to consider options for remediation of the site. The Committee consisted of local residents, Felspar

Road Action Group ("FRAG") members of the Contaminated Sites Alliance ("CSA"), officers of the Department of Environmental Protection, Water and Rivers Commission and Health Department. The Committee was chaired by an independent expert appointed by the Minister for the Environment, Professor Arthur McComb.

Professor McComb submitted a report to the Environmental Protection Authority which recommended a remediation strategy for the site. The strategy noted and recommended that -

- engineering reports had indicated that, at the end of the incinerator's life, or when a change of land use is proposed, it would be simple to remove the remaining contamination and to clean the entire site;
- all contamination should be removed from the site down to the clay layer; and
- barriers should be placed around the area under the incinerator building to prevent any contamination migrating offsite.

On the basis of the recommendations, the FRAG and CSA members resigned from the liaison Committee. Officers of the Health Department, Water and Rivers Commission and Department of Environmental Protection supported Professor McComb's recommendations.

*Status - lapsed*

### **2.35 CLOSURE OF THE SWIMMING POOL AT YANCHEP NATIONAL PARK**

On 21 October 1997, the Hon Ken Travers MLC tabled a petition (*TP# 902*) opposing the closure of the swimming pool at Yanchep National Park for the following reasons -

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

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

- principal petitioner;
- Hon Ken Travers MLC; and
- Minister for the Environment.

The Minister for the Environment, the Hon Cheryl Edwardes MLA, advised that the swimming pool had been closed as a result of significant leakage and the need for other substantial repairs. Following closure of the pool, the Minister requested that the Department of Conservation and Land Management commission a consultant's report to provide cost estimates to repair the structure of the pool, upgrade the plant and renovate the public facilities to current health and community standards.

The report revealed that the replacement of pipeworks under the pool may be costly although it was not possible to make an accurate estimate. It was also revealed that considerable dewatering of the site would be required prior to undertaking any repairs. In these circumstances, the estimated cost of repairs to the pool was approximately \$170 000 with the qualification that the figure may be exceeded depending on what was discovered during progress of works.

Following the report, the Minister met with representatives from the Yanchep District High School and the Parents and Citizens Association. The Minister explained, prior to committing funds to upgrading the pool, she intended to fully explore the option of a purpose built community/school pool which would be located to better service the community and provide a modern amenity. The option of a purpose built pool was agreeable to the meeting and Mr Ian MacLean MLA agreed that he would liaise with the various community organisations and chair a community based working group to consider options for the funding, development and operation.

The Committee visited the Yanchep National Park and inspected the swimming pool. The Committee also had discussions with the Hon Ken Travers MLC and local interested groups concerning the heritage value of the swimming pool. The Committee has not received further comment from the community based working group on this matter.

*Status - lapsed*

## **2.36 DEEPWATER PORT AND HEAVY INDUSTRIAL ESTATE AT OAKAJEE**

On 22 October 1997, the Hon Giz Watson MLC tabled a petition (*TP # 916*) requesting that the Legislative Council investigate the proposed deepwater port and heavy industrial estate at Oakajee.

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

- principal petitioner;
- Hon Giz Watson MLC; and
- Minister for Resources Development; Energy.

The Committee received a letter from the Hon Giz Watson MLC enclosing two (2) reports entitled *Seagrass Meadows and the Marine Environment at the Oakagee Deepwater Port Development Area* and *Report on Marine Survey of Proposed Deep Water Harbour Development Site at Oakajee*. The reports revealed, inter alia, the presence of a rich and complex marine ecosystem within the Oakajee development site. It was stated that the major coastal engineering associated with the construction of the Deepwater Port would have "significant in situ, up-drift and down-drift impact on the inshore seagrass meadows."

The Committee noted the submissions received concerning this petition. However, the Committee considers its role to be restricted to ensuring the proper compliance with environmental



procedures. Accordingly, the Committee proposed to monitor the Environmental Protection Review and liaised with the principal petitioners to ensure satisfactory compliance with procedures.

*Status - lapsed*

### **2.37 SWANBOURNE VILLAGE**

On 23 October 1997 and 19 March 1998, the Hon Jim Scott MLC tabled two (2) petitions (*TP #s 924 and 1452*) to preserve the Swanbourne Village by opposing the Metropolitan Region Scheme Amendment No. 982/33 Regional Roads (Part 3). Following receipt of the petition, the Committee sought submissions from the -

- principal petitioner;
- Hon Jim Scott MLC; and
- Minister for Planning.

The Ministry of Planning's Acting Chief Executive Officer, Mr Paul Frewer, provided the Committee with a copy of the *Technical Report* (dated February 1997) and the *Report on Submissions* (Volume 1) (dated September 1997) concerning the Amendment No 982/33.

The Ministry of Planning advised that, prior to advertising the amendment, it was evaluated by the Environmental Protection Authority which confirmed that environmental assessment of the amendment was not required. The Ministry also advised that the Western Australian Planning Commission considered public submissions as part of reaching its decision to proceed with the amendment.

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

*Status - lapsed*

### **2.38 DELETION OF THE EASTERN BYPASS FROM THE METROPOLITAN REGION SCHEME**

On 11 November 1997 and 19 March 1998, the Hon Jim Scott MLC tabled two (2) petitions (*TP #s 1002 and 1450*) requesting that the Legislative Council recommend that the Eastern Bypass be deleted from the Metropolitan Region Scheme.

The petition expressed concern that the Eastern Bypass would -

- fragment and dislocate the communities of White Gum Valley and Beaconsfield;
- increase vehicle emissions, affecting air quality and pollution levels;

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

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

- principal petitioner;
- Hon Jim Scott MLC; and
- Minister for Transport.

The Minister for Transport advised that, in September 1997, he released the Fremantle Eastern Bypass Summary Report to aid understanding of the decision to build the Bypass. The summary report outlined the need for the Bypass, the negative and positive impacts, regional requirements and future traffic scenarios. According to the Minister, the summary report addressed all of the issues raised by the Hon Jim Scott MLC.

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

*Status - lapsed*

### **2.39 GOVERNMENT FUNDING TO BE MADE AVAILABLE TO THE ALBANY HOSPICE**

The Hon Murray Montgomery MLC tabled two (2) petitions (*TP #s 1013 and 1443*) requesting additional ongoing funding be made available to the Albany Hospice.

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

- principal petitioner;
- Hon Murray Montgomery MLC; and
- Minister for Health.

As part of the inquiry, the Committee heard oral evidence from the following witnesses -

- Hon Murray Montgomery MLC;
- Ms Joy Brann, Chairperson, Community Cancer Services Advisory Committee, and serving member, Board of Management, Albany Hospice; and
- Mr Paul Rees, Chairman, Board of Management, Albany Hospice.

The witnesses explained that the Albany Hospice had been seeking funding in an active manner since December 1996. In particular, it was hoped that a Medicare agreement could be reached whereby the Hospice paid for the deliverance of care on an as-needed basis, rather than specifically demanding a sum of money. An agreement of this nature would allow the Hospice to continue to provide what was argued to be a much needed facility to the Albany community.

Following the hearings, the principal petitioner informed the Committee that the requested funding for the Albany Hospice had been approved by the Government

*Status - finalised*

#### **2.40 DEVELOPMENT PLANS ON THE FORESHORE OF PRINCESS ROYAL HARBOUR, ALBANY**

On 13 November 1997, the Hon Murray Montgomery MLC tabled a petition (*TP# 1019*) opposing the redevelopment plans on the foreshore of the Princess Royal Harbour, Albany.

The petitioners expressed concern that the proposed development could have a detrimental affect on the town of Albany in regard to -

- tourist and residential zoning in a Port area;
- danger and noise from traffic travelling along Princess Royal Drive; and
- lack of recreational space and the height and density of the proposal.

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

- principal petitioner;
- Hon Murray Montgomery MLC;
- Chief Executive Office, Town of Albany; and
- Minister for Lands.

The Minister for Lands advised that the evolution of the Albany foreshore redevelopment plan was an initiative of the Albany Community dated from 1983. In this regard, the public consultation exercise carried out by the Great Southern Development Commission, LandCorp and the Town of Albany included -

- public meetings;
- design workshops;
- interviews;
- public surveys;
- public displays and models;
- newsletter and a facts sheet;
- newspaper advertisements and media articles; and
- statutory planning and environmental approvals - all publicly advertised.

The Minister said that public surveys and consultation exercises had indicated a small proportion of the community (approximately 15%) were opposed to the urban redevelopment of the foreshore area. However, it was established in 1989 that the community preferred a built-up solution, in preference to an open parkland solution for the project, and the planning proceeded on that basis.

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

*Status - lapsed*

#### **2.41 OPPOSING THE USE OF ANIMALS IN CIRCUSES**

The Hon Norm Kelly MLC tabled two (2) petitions (*TP #s 1045 and 1726*) on 18 November 1997 and 23 June 1998 opposing the use of animals in circuses.

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

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

- principal petitioner; and
- Hon Norm Kelly MLC.

*Status - lapsed*

#### **2.42 THE PLANS FOR THE UPGRADING AND RE-ALIGNING COCKBURN ROAD BE ABANDONED AND OTHER OPTIONS INCLUDING RAIL BE EXPLORED**

On 19 November 1997, the Hon Jim Scott MLC tabled a petition (*TP # 1055*) requesting that plans for upgrading and re-aligning Cockburn Road be abandoned and other options including rail be explored.

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

- principal petitioner;
- Jim Scott MLC; and
- Minister for Transport.

The Minister for Transport advised that the Cockburn Road Project was proceeding through a formal Public Environmental Review ("PER") assessment process required by the Environmental Protection Authority and Department of Environmental Protection for the Industrial Infrastructure

and Harbour Development, Jervoise Bay. The PER was open to public comment until 9 February 1998. The realignment of Cockburn Road was required to meet the project's needs and the PER covered most of the issues raised in the petition.

*Status - lapsed*

## **2.43 PROPOSAL FOR A RAIL FREIGHT FACILITY IN CANNING VALE**

On 25 November 1997, the Hon Simon O'Brien MLC tabled a petition (*TP # 1093*) opposing the establishment by Specialised Container Transport of a rail freight facility on the proposed site in Canning Vale.

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

- principal petitioner;
- Hon Simon O'Brien MLC;
- Minister for the Environment;
- Minister for Lands; and
- Minister for Planning.

Specialised Container Transport's proposal involved development of a site in Canning Vale which bordered the residential estates of Waratah, Livingston and Landsowne. The proposal included -

- a warehouse and associated office buildings to hold the freight and operate as a distribution centre, using semi-trailers and trucks;
- rail sidings to be constructed on the site, comprising six (6) 500 metre tracks; and
- rail sidings to be constructed within the rail reserve, comprising two (2) 1600 metre tracks branching from a through line connecting Forrestfield and Kwinana.

The petitioners claimed that the rail facility would be in operation 24 hours per day, initially with three (3) arrivals and departures each weeks and potentially increasing to daily arrivals and departures.

The Committee attended the proposed development site and spoke to representatives from the various residential groups. The Committee also met with Ms Monica Holmes MLA and Ms Sheila McHale MLA to discuss the proposal. Following the meeting, the Committee wrote to the Minister for Planning, Minister for the Environment and Minister for Lands asking a number of questions concerning the proposed development.

Shortly after the visit, the Minister for the Environment informed the Committee that she had decided to uphold the appeals expressing concern about the proposed development and determined that the proposal for the rail freight terminal and distribution centre at Canning Vale was not environmentally acceptable. Accordingly, the Minister advised that the proposal to which the

petition related would no longer proceed. Subsequently, a letter from Monica Holmes MLA was received in which she thanked the Committee for its assistance with the petition.

*Status - finalised*

#### **2.44 REALIGNMENT OF THE GREAT NORTHERN HIGHWAY BETWEEN WADDINGTON AND MILING**

On 26 November 1997, the Hon Bruce Donaldson MLC tabled a petition (*TP # 1103*) opposing the proposed major realignment of the Great Northern Highway between Waddington and Miling.

The petitioners claimed that the proposed realignment would decimate a valuable and highly productive farming community. It was also claimed that maintenance of the existing alignment as a local road would place an enormous financial burden on ratepayers. Accordingly, the petitioners requested that immediate consideration be given to directing funds towards a major upgrade of the existing alignment to the standard required of a National Highway serving the agricultural, mining and tourism industries.

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

- principal petitioner; and
- Hon Bruce Donaldson MLC.

*Status - lapsed*

#### **2.45 IMPLEMENTATION OF LEGISLATION TO CONTROL GRAFFITI**

On 26 November 1997 and 10 March 1998, the Attorney General, Hon Peter Foss MLC, tabled two (2) petitions (*TP #s 1104 and 1392*) requesting that the Legislative Council support legislation to resolve the problem of graffiti.

The petitioners recommended that legislation should be implemented to -

- make it unlawful to carry, without lawful excuse, implements of graffiti or other articles capable of being used to deface property, between sunset and sunrise;
- provide police with the power to search suspect persons for implements of graffiti;
- ensure that any person convicted of any offence of graffiti damage, be required to pay costs of the damage in every respect, or in the case of a juvenile, that his/her parent or guardian pay such costs; and
- ensure that the penalty for the graffiti or carrying graffiti implements must in every case be incarceration on a graduated scale, beginning with weekend incarceration without entertainment, television, sports facilities or other such privileges.

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

- principal petitioner;
- Attorney General;
- Minister for Family and Children's Services;
- Premier;
- Minister for Police; and
- Minister for Youth.

On 27 July 1998, the Committee was informed that the *Police Amendment Bill 1998*, which will address the issue of graffiti, is being finalised with the aim of introduction in the Legislative Assembly in the next sitting of Parliament.

*Status - lapsed*

#### **2.46 INTRODUCTION OF INVOLUNTARY REDUNDANCY FOR PUBLIC SECTOR WORKERS**

On 27 November 1997, the Hon Ljiljanna Ravlich MLC tabled a petition (*TP # 1119*) requesting that the Legislative Council oppose the introduction of involuntary redundancy for public sector workers.

The petitioners requested that the Legislative Council support the amendments to the *Public Sector Management Act* that provide job security for public sector workers by -

- regulating the level of contract workers in the public sector;
- causing a Standard that would ensure that permanent appointments are made except in those circumstances where the work is not ongoing;
- requiring adequate reporting for external contracting out of government services; and
- ensuring public sector employees are not forced into the private sector against their will.

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

- principal petitioner; and
- Hon Ljiljanna Ravlich MLC.

*Status - lapsed*

#### **2.47 AMENDMENT 74 TO THE MANJIMUP SHIRE TOWN PLANNING SCHEME**

The Hon Bob Thomas MLC tabled two (2) petitions on 12 March 1998 and 1 April 1998 (*TP #s 1429 and 1486*) requesting that the Legislative Council reject Amendment 74 to the Manjimup

Shire Town Planning Scheme which sought to rezone the Widdeson Street Bush for urban development.

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

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

- principal petitioner; and
- Hon Bob Thomas MLC.

*Status - lapsed*

## **2.48 RAILWAY SERVICE TO MANDURAH**

On 17 March 1998, the Hon John Cowdell MLC tabled a petition ( *TP # 1438*) requesting the provision of a railway service to Mandurah.

The petitioners claimed that a railway service to Mandurah was a solution to the inadequacy of the existing public transport system, the deferral of the Freeway extension and the unacceptable high level of local unemployment.

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

- principal petitioner;
- Hon John Cowdell MLC; and
- Minister for Transport.

The Minister advised that, in August 1997, the Government announced funding for the preparation of a Master Plan for extension of the existing urban railway to the South West Metropolitan Area to be completed by the end of October 1998. The Master Plan would finalise the route, interchange locations and requirements, patronage demand, infrastructure and rolling stock requirements, environmental requirements, land requirements and how the railway will be operated and integrated with land use and feeder services.

The Minister also said that planning to identify and protect the land requirements for interchanges between Rockingham and Mandurah at Stokehill, Karnup and Lakelands would be undertaken. In addition, a low cost option would be tested by running a single track from Rockingham to Mandurah with three (3) strategically located passing loops along the route. In this option, it is envisaged that there would be terminal stations at each end of the section - one at Allnut Street in Mandurah, the other at South Rockingham - with possibly an intermediate stop at Paganoni Road.



Following the Minister's response, the Committee wrote to the Hon John Cowdell MLC and the principal petitioner explaining that the inquiry would be discontinued pending the outcome of the Master Plan. The Committee invited the Hon John Cowdell MLC and the principal petitioner to submit a further petition if the matter was not satisfactorily resolved.

*Status - lapsed*

#### **2.49 CLOSURE OF THE WESTRAIL COACH SERVICE TO COLLIE**

On 31 March 1998, the Hon John Cowdell MLC tabled a petition (*TP # 1480*) opposing the closure of the Westrail Coach service to Collie.

The petitioners explained that the Westrail Coach service is a vital public service and, for many people, their only means of transport. The petitioners believed that the removal of the Collie Coach service would be another example of the unwarranted removal of public services from rural communities.

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

- principal petitioner;
- Hon John Cowdell MLC; and
- Minister for Transport.

*Status - lapsed*

#### **2.50 CLOSURE OF SKILLSHARE COOLBELLUP**

On 31 March 1998, the Hon Simon O'Brien MLC tabled a petition (*TP # 1481*) opposing the proposed closure of Skillshare, Coolbellup.

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

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

- principal petitioner; and
- Hon Simon O'Brien MLC.

The Committee noted that the petition addressed, inter alia, a Federal issue and, therefore, requested comment from the Federal Minister for Schools, Vocational Education and Training.

*Status - lapsed*

## **2.51 MAINTENANCE OF THE PINJARRA COURTHOUSE AND MURRAY DISTRICTS HOSPITALS**

On 31 March 1998, the Hon John Cowdell MLC tabled a petition (*TP # 1482*) requesting to maintain the Pinjarra Court House and related services and the Murray District Hospital.

The petitioners believed that any moves to close the Pinjarra Court House, Post Office and Murray District Hospital should be reviewed taking into consideration community needs, population growth, lack of public transport and the potential to devastate Pinjarra's business community.

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

- principal petitioner; and
- Hon John Cowdell MLC.

*Status - lapsed*

## **2.52 ACTS AMENDMENT (SEXUALITY DISCRIMINATION) BILL 1997**

The Hon Giz Watson MLC tabled two (2) petitions on 7 April 1998 and 10 June 1998 (*TP #s 1511 and 1671*) requesting the Legislative Council to support the passage of the *Acts Amendment (Sexuality Discrimination) Bill 1997*.

The *Acts Amendment (Sexuality Discrimination) Bill 1997* would provide an equal age of consent for gay men and include the grounds of sexuality in the *State's Equal Opportunity Act 1984*.

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

- principal petitioner; and
- Hon Giz Watson MLC.

The Committee was later advised that the *Acts Amendment (Sexuality Discrimination) Bill 1997* had been referred to the Standing Committee on Legislation. Accordingly, the Committee decided to refer the petition to the Legislation Committee under its term of reference 4.

*Status - finalised*

## **2.53 CLOSURE OF SCARBOROUGH SENIOR HIGH-SCHOOL**

The Hon Ed Dermer MLC tabled four (4) petitions (*TP #s 1513, 1566, 1599 and 1708*) on 8 April, 30 April, 19 May and 17 June 1998 opposing the likely closure of Scarborough Senior High School.

The petitioners claimed that the -

- Education Minister announced the closure of Scarborough Senior High School prior to any community consultation; and
- local area education planning process ignored community opinion by effectively eliminating the three (3) options which recommended retaining Scarborough Senior High School.

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

- principal petitioner; and
- Hon Ed Dermer MLC.

*Status - lapsed*

## **2.54 REDEVELOPMENT OF VICTORIA QUAY-FREMANTLE**

On 28 April 1998, the Hon Jim Scott MLC tabled a petition (*TP # 1556*) concerning the redevelopment of Victoria Quay, Fremantle.

The petitioners believed that the redevelopment plans for Victoria Quay, Fremantle, were being implemented without any public input or scrutiny. In this regard, the petitioners requested the Legislative Council to investigate and make recommendations to ensure that -

- changes made to Victoria Quay do not adversely effect the future expansion of Fremantle as Western Australia's principle metropolitan port;
- workers and leaseholders are advised of proposals effecting their future prior to any decisions;
- two (2) community representatives be included in the Premier's Steering Committee;
- open accountable processes are used at all stages of the redevelopment of Victoria Quay and the Premier's Steering Committee should make regular public reports and receive submissions from the public; and
- Swandock Pty Ltd be granted an extension to their lease of the Fremantle Slipways to allow them to continue their business and to maintain competition in the industry.

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

- principal petitioner; and
- Hon Jim Scott MLC.

*Status - lapsed*

## 2.55 ATTENTION HYPERACTIVITY DISORDER

On 29 April 1998, the Hon Ray Halligan MLC tabled a petition (*TP # 1561*) requesting that the Legislative Council consider making recommendations to the Government concerning Attention Hyperactivity Disorder ("ADD").

The petitioners requested the Legislative Council to -

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

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

- principal petitioner;
- Hon Ray Halligan MLC;
- Minister for Health; and
- Minister for Education.

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

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

*Status - lapsed*

## **2.56 LOCAL AREA EDUCATIONAL PLANNING PROCESS IN THE PERTH EDUCATION DISTRICT**

The Hon Ed Dermer MLC tabled two (2) petitions (*TP #s 1616 and 1725*) on 20 May and 23 June 1998 opposing the Local area Educational Planning ("LAEP") process in the Perth Education District.

The petitioners complained that -

- the LAEP process is designed to give the appearance of community endorsement of decisions already made by the Western Australian Department of Education;
- while LAEP guidelines emphasised the need to develop and consider all options, the procedures adopted by the Drafting Committee have made this impossible;
- the recommendations made ignore crucial issues relating to social justice educational programs, local community needs and student and parental preferences; and
- the recommendations made ignore current international educational research findings by assuming that the educational interests of children are best serviced by school sizes well in excess of one thousand students.

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

- principal petitioner; and
- Hon Ed Dermer MLC.

The Committee was unable to conduct further enquiries due to the prorogation of Parliament on 6 August 1998.

*Status - lapsed*

## **2.57 INTENSIVE LIVESTOCK FARMING**

On 28 May 1998, the Hon Bob Thomas MLC tabled a petition (*TP # 1632*) requesting the enactment of laws which make it illegal in the State of Western Australia to practise intensive livestock farming.

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

- principal petitioner; and
- Hon Bob Thomas MLC.

The Committee was unable to conduct further enquiries due to the prorogation of Parliament on 6 August 1998.

*Status - lapsed*

## **2.58 HIGHWAY THROUGH WANNEROO**

On 9 June 1998, the Hon Ed Dermer MLC tabled a petition (*TP # 1657*) opposing the proposed six (6) lane highway through Wanneroo.

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

- principal petitioner; and
- Hon Ed Dermer MLC.

The Committee was unable to conduct further enquiries due to the prorogation of Parliament on 6 August 1998.

*Status - lapsed*

## **2.59 BUNBURY HIGHWAY JUNCTIONS**

On 10 June 1998, the Hon Simon O'Brien MLC tabled a petition (*TP # 1673*) opposing the potential for serious road traffic accidents at the Bunbury Highway junctions (Singleton, Golden Bay, Madora and Secret Harbour).

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

- principal petitioner; and
- Hon Simon O'Brien MLC.

The Committee was unable to conduct further enquiries due to the prorogation of Parliament on 6 August 1998.

*Status - lapsed*

## **2.60 NURSES WAGES**

On 16 June 1998, the Hon Tom Stephens MLC tabled a petition (*TP # 1695*) supporting the payment of wages and conditions to Western Australia Nurses which are commensurate with those of their colleagues interstate.

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

- principal petitioner; and
- Hon Tom Stephens MLC.

The Committee was unable to conduct further enquiries due to the prorogation of Parliament on 6 August 1998.

*Status - lapsed*

## **2.61 MANAGEMENT PRACTICES OF CALM IN THE BRIDGETOWN GREENBUSHES SHIRE**

On 17 June 1998, the Hon Jim Scott MLC tabled a petition (*TP # 1704*) concerning the management practices of the Department of Conservation and Land Management in the Bridgetown-Greenbushes Shire regarding logging Hester State Forest.

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

*Status - finalised*

## **2.62 CANNINGTON AND MADDINGTON SENIOR HIGH SCHOOLS**

On 23 June 1998, the Hon Ljilijanna Ravlich MLC tabled a petition (*TP # 1727*) requesting that both Cannington and Maddington Senior High Schools remain open with the current year 8 - 12 campus arrangement.

On 8 July 1998, the Committee wrote to the principle petitioner stating that it considered that the petition related to a matter of government policy and was not an appropriate matter for inquiry. In this regard, the Committee advised that it did not intend to conduct further inquiries into the petition.

*Status - finalised*

## **2.63 BALLAJURRA COMMUNITY COLLEGE MASTER PLAN**

On 24 June 1998, the Hon Derrick Tomlinson MLC tabled a petition (*TP # 1743*) calling on the Government to honour a commitment made by the Education Department to fund Stage 4 of the Ballajurra Community College Master Plan.

The Committee was unable to conduct further enquiries due to the prorogation of Parliament on 6 August 1998.

*Status - lapsed*

## **2.64 MANDURAH RAIL LINK 2021**

On 30 June 1998, the Hon John Cowdell MLC tabled a petition (*TP # 1753*) opposing Government policy concerning the Mandurah Rail Link 2021.

The petitioners stated that the Government should -

- promote the rail link to Mandurah to 2021;
- develop a comprehensive rail network in the southern corridor that involves linking Mandurah to the Armadale line at Kenwick and the Fremantle line at Fremantle in order to access employment opportunities in Kewdale, Canning Vale, Cockburn, Kwinana and Perth;
- give priority to the line that accesses Perth and maximises employment opportunities; and
- alter transport policy to alleviate the acute unemployment problem in the Peel Region by constructing a rail link to Perth by 2010.

The Committee was unable to conduct further enquiries due to the prorogation of Parliament on 6 August 1998.

*Status - lapsed*

## **2.65 LAND FILLING IN MUNDIJONG**

On 30 June 1998, the Hon Jim Scott MLC tabled a petition (*TP # 1754*) objecting to the practise of land filling with demolition waste in the area of Bird and Jackson Roads, Mundijong.

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

The Committee was unable to conduct further enquiries due to the prorogation of Parliament on 6 August 1998.

*Status - lapsed*



**Hon Murray Nixon MLC  
Chairman**

**Date:**