



THIRTY-SEVENTH PARLIAMENT

REPORT 11
STANDING COMMITTEE ON ENVIRONMENT AND
PUBLIC AFFAIRS
ANNUAL REPORT 2007

Presented by Hon Sheila Mills MLC (Chair)

February 2008

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Date first appointed:

17 August 2005

Terms of Reference:

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

“1. Environment and Public Affairs Committee

- 1.1 *An Environment and Public Affairs Committee* is established.
- 1.2 The Committee consists of 5 members.
- 1.3 The functions of the Committee are to inquire into and report on -
 - (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
 - (b) any bill referred by the House; and
 - (c) petitions.
- 1.4 The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.
- 1.5 The Committee may refer a petition to another committee where the subject matter of the petition is within the competence of that committee.
- 1.6 In this order “**environment**” has the meaning assigned to it under section 3(1), (2) of the *Environmental Protection Act 1986*.”

Members as at the time of this inquiry:

Hon Sheila Mills MLC (Chair)
(from 14 November 2007)

Hon Paul Llewellyn MLC

Hon Bruce Donaldson MLC
(Deputy Chairman)

Hon Robyn McSweeney MLC

Hon Kate Doust MLC

Hon Louise Pratt MLC (Chair)
(until 29 October 2007)

Staff as at the time of this inquiry:

Mark Warner, Committee Clerk
(until 14 November 2007)

Dr Vincent Cusack, Advisory Officer
(General)

Linda Omar, Committee Clerk
(from 29 October 2007)

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REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

IN RELATION TO THE

ANNUAL REPORT 2007

1 INTRODUCTION

- 1.1 Prior to the Thirty-Sixth Parliament, it was the usual practice for the Governor, on advice from the Executive, to prorogue and reopen the Parliament once a year.¹ Reflecting this practice, parliamentary committees prepared 'sessional' reports for tabling in the Legislative Council on their work during that period.
- 1.2 In June 2003, the Government indicated that it did not intend to continue to ask the Governor to prorogue on an annual basis² and prorogation did not occur in August 2003 or August 2004 during the Thirty-Sixth Parliament. In the Thirty-Seventh Parliament, parliamentary committees of the Legislative Council table annual reports relating to their work during the calendar year.

2 REPORTING PERIOD

- 2.1 This report covers the period of activity by the Standing Committee on Environment and Public Affairs (**Committee**) between 31 January 2007 and 31 December 2007 in the third year of the Thirty-Seventh Parliament.

3 ESTABLISHMENT OF THE COMMITTEE

- 3.1 The Committee was established on 17 August 2005 as part of a series of changes to the Legislative Council committee system.
- 3.2 The Committee's terms of reference provide that, where relevant, it is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecological sustainable development and the minimisation of harm to the environment.
- 3.3 The Committee noted in its 2006 Annual Report that the term 'ecologically sustainable development' may not be entirely appropriate in the Committee's terms of reference as the term 'sustainability' is the current preferred term used throughout Australia.

¹ Hon Kim Chance MLC, Minister for Agriculture and Leader of the House, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 25 June 2003, p9149.

² *Ibid*, p9150.

- 3.4 The Committee's current terms of reference are published on the inside cover of this Report.
- 3.5 The Committee continues the work of the previous Standing Committee on Environment and Public Affairs (**Former Committee**), which operated during the Thirty-Sixth Parliament from 24 May 2001 until 17 August 2005. The Committee's terms of reference are predominantly the same as those of the Former Committee, but with five Members rather than seven.
- 3.6 The functions of the Committee are to inquire into and report on: public and private policies, practices, schemes, arrangements or projects in Western Australia (**WA**) which affect or may affect the environment; any bill referred by the House; and petitions.

4 MEMBERSHIP

- 4.1 Following the change to the Committee's terms of reference in August 2005, there were five Members appointed, with the current members being: Hon Sheila Mills MLC (Chair), Hon Bruce Donaldson MLC (Deputy Chairman), Hon Kate Doust MLC, Hon Paul Llewellyn MLC, and Hon Robyn McSweeney MLC.
- 4.2 Hon Louise Pratt MLC served as Chair of the Committee from 17 August 2005 to 29 October 2007 and was replaced by Hon Sheila Mills MLC on 14 November 2007.
- 4.3 The Committee acknowledges the contribution Hon Louise Pratt made to this Committee and wishes her well in her future endeavours.

5 STAFF AND SUPPORT SERVICES

- 5.1 The Legislative Council Committee Office supports the Committee. The Committee has been staffed by Vincent Cusack, Advisory Officer (General), Mark Warner, Committee Clerk (until 14 November 2007), and Linda Omar, Committee Clerk (from 29 October 2007).
- 5.2 The Committee also acknowledges the contribution Mark Warner has made to the Committee and noted his continuing role in the Legislative Council Committee Office.

6 WORK OF THE COMMITTEE IN 2007

Petitions

- 6.1 A function of the Committee, as provided by its term of reference 1.3(c), is to inquire into and report on petitions.
- 6.2 A petition is a request for action by the Legislative Council from a citizen or resident or a group of citizens or residents. The Committee considers petitions that have been

tabled by a Member of the Legislative Council on behalf of a person or groups within the community.

- 6.3 When reviewing petitions, the Committee seeks to provide a forum for public discussion on matters of community interest and to allow interested persons, or groups, to bring their concerns to the attention of the Legislative Council.
- 6.4 The Western Australian Legislative Council is the only House of Parliament in Australia that refers all petitions to a committee for inquiry and report.³ In many other jurisdictions petitions are simply recorded in *Hansard* and no further investigation is undertaken.

The Parliamentary Commissioner for Administrative Investigations

- 6.5 Certain issues or matters raised in a petition may come under the Parliamentary Commissioner for Administrative Investigations' (**Ombudsman**) jurisdiction as set out in the *Parliamentary Commissioner Act 1971*.⁴
- 6.6 The Committee liaises regularly with the Ombudsman's office in recognition of the fact that a matter raised by a petition may have been previously considered or could currently be under consideration by that office.
- 6.7 The Committee has resolved to report regularly to the Parliament on the progress of petitions that stand referred to the Committee under Standing Order 134(i) of the *Standing Orders of the Legislative Council*. Please refer to the Committee's regular overview of petitions reports for more details.⁵
- 6.8 During 2007, the Committee inquired into 53 petitions, 15 of which were carried over from 2006. The Committee received 38 petitions during this reporting period, one of which was a repeat from 2005. The Committee finalised 32 petitions and there were 21 petitions remaining for consideration as of 31 December 2007.
- 6.9 The Committee's inquiries into petitions assume a considerable part of the Committee's workload.

³ In Queensland, the Clerk of the Parliament sends petitions to the relevant Minister. The Minister may respond to the Clerk, who then tables the response, forwards a copy of the response to the tabling Member and publishes the response on the Parliament's website. See <http://www.parliament.qld.gov.au/view/EPetitions%5FQLD/> (accessed on 14 January 2007). Petitions tabled in the Senate are "brought to the notice of the appropriate Senate Committee"; however, there is no requirement for those committees to inquire into or report back to the Senate on the petition. See <http://www.aph.gov.au/Senate/pubs/guides/briefno21.htm> (accessed on 14 January 2007).

⁴ Act No. 64 of 1971.

⁵ Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 5, *Overview of Petitions*, 24 August 2006; Report 6, *Overview of Petitions*, 6 December 2006; and Report 10, *Overview of Petitions*, 27 September 2007.

7 PETITIONS FINALISED BY THE COMMITTEE BETWEEN 31 JANUARY AND 31 DECEMBER 2007

7.1 The following list of petitions were finalised by the Committee between 31 January and 31 December 2007:

Petition No 33 – Royal Perth Hospital (Finalised on 6 June 2007).

Petition No 52 – Mount Manypeaks Primary School (Finalised on 4 April 2007).

Petition No 37 – Water Rights on Freehold Land (Finalised on 2 May 2007).

Petition No 48 – Daylight Saving Bill 2006 (Finalised on 2 May 2007).

Petition No 35 – Proposal to Clear South Coast Highway Roadside, Denmark (Finalised on 9 May 2007).

Petition No 40 – Coolbinia Kindergarden (Finalised on 30 May 2007).

Petition No 45 – Crabbing in Cockburn Sound (Finalised on 30 May 2007).

Petition No 49 – Southwest Yarragadee Aquifer (Finalised on 30 May 2007).

Petition No 53 – Wilson Inlet Pink Snapper Size Limits (Finalised on 30 May 2007).

Petition No 51 – Family Birth Centre for the South West Region (Finalised on 6 June 2007).

Petition No 41 – Road Safety issues in Burswood Road (Finalised on 6 June 2007).

Petition No 42 – Perth Modern School (Finalised on 6 June 2007).

Petition No 43 – Road Reserve Management in the Shire of Toodyay (Finalised on 6 June 2007).

Petition No 50 – Daylight Saving Bill (Finalised on 6 June 2007).

Petition No 44 – Policing to the Bullsbrook Community (Finalised on 19 June 2007).

Petition No 46 – Urban Development - Emu Point Drive Albany (Finalised on 19 June 2007).

Petition No 18 – Neil Winzer Prayer for Relief (Finalised on 27 June 2007).

Petition No 34 – Protection of Mature Trees on Public Land in Urban Areas (Finalised on 27 June 2007).⁶

⁶ Western Australia, Legislative Council, Environment and Public Affairs Committee, Report 10, *Overview of Petitions*, 27 September 2007.

Petition No 51 – Mental Health – Community Supported Residential Units (Finalised on 27 June 2007).

Petition No 57 – Daylight Saving (Finalised on 27 June 2007).⁷

Petition No 56 – Landcorp Development - Lot 204 Lyon Road, Aubin Grove (Finalised on 30 August 2007).

Petition No 58 – Ban Export of Lead through Port of Esperance (Finalised on 26 September 2007).

Petition No 4 – Preventing Entry and Establishment of Cane Toads in Western Australia (Finalised on 31 August 2007).⁸

Petition No 39 – Supported Accommodation Services (Finalised on 17 October 2007).

Petition No 54 – Regarding the Pluto Development on the Burrup Peninsular (Finalised on 17 October 2007).

Petition No 55 – Upgrade of Western Power Infrastructure in the Southern Suburbs (Finalised on 17 October 2007).

Petition No 60 – Genetically Modified Food Free State (Finalised on 17 October 2007).

Petition No 70 – Commercial Exploitation of Women, Men, Girls and Boys (Finalised on 17 October 2007).

Petition No 67 – Alcoa's Compensation Arrangements (Finalised on 24 October 2007).

Petition No 38 – Persecution of Falun Gong Practitioners (Finalised on 14 November 2007).

Petition No 62 – Blackmore Primary School (Finalised on 14 November 2007).

Petition No 74 – Prostitution Amendment Bill (Finalised on 28 November 2007).

⁷ Western Australia, Legislative Council, Environment and Public Affairs Committee, Report 10, *Overview of Petitions*, 27 September 2007.

⁸ The Committee has previously reported on this same issue: Western Australia, Legislative Council, Environment and Public Affairs Committee, Report 1, *A Petition into Preventing the Entry and Establishment of Cane Toads in Western Australia*, 15 September 2005.

8 REPORTS TABLED

8.1 During 2007 the Committee tabled the following three reports in the Legislative Council:

- *Report 8: Local Government Amendment Bill (No. 2) 2006* (tabled on 3 April 2007).
- *Report 9: Annual Report 2006* (tabled on 8 May 2007).
- *Report 10: Overview of Petitions Report* (tabled on 27 September 2007).

9 SEMINARS AND CONFERENCES

9.1 Between 19 and 21 September, 2007 Hon Louise Pratt MLC, Hon Bruce Donaldson MLC, Hon Robyn McSweeney MLC, Hon Kate Doust MLC, Hon Paul Llewellyn MLC and Mr Mark Warner (Committee Clerk) attended the 12th Annual Conference of the Committees Parliamentary Public Works and Environment Committees in Darwin. The total cost of attendance at the conference was \$11,800.00.

9.2 The theme of the conference was *Ancient Knowledge and Science in Contemporary Resource Management*. The agenda is extracted below:

- The Involvement of Government in Bringing Together Ancient Knowledge and Science;
- Continuing the Tradition of Looking After Country;
- Preservation and Management of Traditional Knowledge;
- Contemporary issues and Ancient Knowledge Systems;
- Innovative Partnerships;
- Tourism Bringing Together the Old and New;
- Developing Darwin Harbour.

10 ONGOING PETITIONS OF INQUIRY AS AT 31 DECEMBER 2007

10.1 The following petitions were the subject of ongoing inquiries by the Committee:

Petition No 22 – Utility Consumer Hardship. Petition tabled by Hon Sally Talbot MLC on 15 November 2005 [TP#1001].

Petition No 36 – South Cardup Landfill. Petition tabled by Hon Giz Watson MLC on 17 October 2006 [TP#2085].

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- Petition No 47 – Proposed High Voltage Transmission Lines - Muja to Wellstead. Petition tabled by Hon Giz Watson MLC on 20 March 2007 [TP#2382].
- Petition No 59 – Regional Resource Recovery Centre in Canning Vale. Petition tabled by Hon Simon O’ Brien MLC on 26 June 2007 [TP#2835].
- Petition No 63 – The Rezoning of A Class Reserve in Claremont. Petition tabled by Hon Peter Collier MLC on 28 August 2007 [TP#3023].
- Petition No 64 – Western Power Transmission Lines - Narrikup. Petition tabled by Hon Robyn McSweeney MLC on 28 August 2007 [TP#3024].
- Petition No 65 – Wanneroo Road Upgrade. Petition tabled by Hon Ray Halligan MLC on 29 August 2007 [TP#3075].
- Petition No 66 – Whitfords Road Reserves and Bus Services. Petition tabled by Hon Ray Halligan MLC on 29 August 2007 [TP#3076].
- Petition No 68 – Multipurpose Taxis - People with Disabilities. Petition tabled by Hon Ken Travers MLC on 19 September 2007 [TP#3137].
- Petition No 69 – Development of Foreshore Land in Busselton. Petition tabled by Hon Giz Watson MLC on 19 September 2007 [TP#3139].
- Petition No 71 – Alcoa’s Compensation Arrangements. Petition tabled by Hon Giz Watson MLC on 23 October 2007 [TP#3421];
- Petition No 72 – Siting of a New Busselton Hospital. Petition tabled by Hon Robyn McSweeney MLC on 24 October 2007 [TP#3434].
- Petition No 73 – Allenswood Primary and East Greenwood Proposed Amalgamation. Petition tabled by Hon Ray Halligan MLC on 20 November 2007 [TP#3507].
- Petition No 75 – Legislation to improve Cat Welfare. Petition tabled by Hon Giz Watson MLC on 20 November 2007 [TP#3509].
- Petition No 76 – West Coast Demersal Scalefish Management Plan Metropolitan Fishing Zone. Petition tabled by Hon Bruce Donaldson MLC on 20 November 2007 [TP#3510].
- Petition No 77 – Relocation of Governor Stirling Senior High School. Petition tabled by Hon Donna Faragher MLC on 24 November 2007 [TP#3545].

Petition No 78 – State Government Proposal to Amend the *Prostitution Act 2000*.
Petition tabled by Hon Barry House MLC on 27 November 2007
[TP#3546];

Petition No 79 – Human Reproductive Technology Amendment Bill 2007. Petition
tabled by Hon Helen Morton MLC on 4 December 2007
[TP#3573].

Petition No 80 – Western Power Eastern Terminal Substation. Petition tabled by
HonHelen Morton MLC on 4 December 2007 [TP#3574].

Petition No 81 – Teacher Supply and Salaries and Allowances. Petition tabled by
Hon Matthew Benson-Lidholm MLC on 5 December 2007
[TP#3589].

Petition No 82 – Smoking Ban at Graylands. Petition tabled by Hon Helen Morton
MLC on 6 December 2007 [TP#3600].

11 CONCLUSION

- 11.1 During 2007 the Committee completed its inquiry into the Local Government Amendment Bill (No. 2) 2006 and has continued to work effectively and efficiently in considering petitions referred by the House under Standing Orders.
- 11.2 The Committee considers that through the process of conducting its inquiries, matters are brought into sharper focus in the public arena, and that government responses often occur prior to the tabling and publication of reports containing recommendations.
- 11.3 The Committee is continuing inquiring into petitions and has a number of potential lines of inquiry that it is considering. The Committee looks forward to continuing its work in 2008.



Hon Sheila Mills MLC
Chair