

41ST PARLIAMENT



Report 65

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Overview of Petitions 1 July 2023 to 31 December 2023

Presented by
Hon Peter Foster MLC (Chair)

March 2024

Standing Committee on Environment and Public Affairs

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1 Introduction

History and function of the Committee

- 1.1 The Standing Committee on Environment and Public Affairs (Committee) was appointed by the Legislative Council on 17 August 2005.
- 1.2 The functions of the Committee are outlined in its terms of reference in Schedule 1 to the Standing Orders of the Legislative Council. At paragraph 2.3, it says:

The functions of the Committee are to inquire into and report on –

 - (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
 - (b) any Bill referred by the Council; and
 - (c) petitions.
- 1.3 This is the fifth overview report tabled by this Committee in the 41st Parliament.

Petitions

- 1.4 A petition is a formal request for action from individuals or groups. The petitions process provides a fundamental link with the community. The general public can bring issues of concern to the attention of the Parliament through this process.
- 1.5 Conforming petitions¹ presented in the Legislative Council by a Member are automatically referred to the Committee.² The promoter of the petition (known as the 'principal petitioner') must reside in Western Australia or, if a corporate body, have its registered office in Western Australia.
- 1.6 Whilst most petitions contain many signatures, this is not necessary. Petition No. 115, regarding the extension of the consultation period on proposed firearms reforms, contained 12,672 signatures. By way of contrast, Petition No. 91, concerning investigations into the murder of Stacey Thorne, contained 64. However, the Committee will deal with all petitions referred to it in the same way. Just one signature is sufficient for a petition to be regarded as conforming.
- 1.7 There has been an increasing trend for petitions, once tabled, to be followed by numerous copied and pasted emails to the Committee. These communications do not further the case of the petitioners or add value for the Committee, and take up the administrative time of Committee Members and staff whose time would be better spent on the issues raised in the petitions. This practice is not encouraged by the Committee, and ought not to be encouraged by Members.
- 1.8 The Committee is not a decision-making body, and only has the power to make recommendations for the Government to consider. It does not have the power to direct, amend or overturn the decisions of other bodies. It cannot make binding decisions to resolve the matters or issues raised in the petition. Only the Government has the power to change policy or take other action to resolve these matters.

¹ Petitions are considered to be 'conforming' if they meet the conditions set out in Standing Order 101 of the Standing Orders of the Legislative Council as to form and content, and have been certified as conforming by the Clerk.

² Standing Order 102 of the Standing Orders of the Legislative Council.

- 1.9 Therefore, a petition will not always bring about a change of policy by the Government or achieve the specific objectives desired by petitioners. A fact sheet explaining this is sent to all principal petitioners at the submission stage (paragraph 1.14).
- 1.10 However, responses received from Ministers or public bodies to the Committee's enquiries may provide petitioners with an explanation for Government decisions or actions.

Introduction of e-petitions

- 1.11 The Legislative Council agreed to trial an e-petitions system, which commenced on 1 January 2022.³ The procedures governing e-petitions are contained in the Legislative Council's Temporary Order of 9 September 2021, the effect of which was extended to 31 October 2024.⁴
- 1.12 Petitions can now be created on the Parliament's website at [Legislative Council e-Petitions](#).
- 1.13 The Committee considers e-petitions in the same way as paper petitions once they have been tabled in the Legislative Council. The majority of petitions received by the Committee are now commenced in this way (paragraphs 1.22 to 1.23).

Petitions process

- 1.14 The nature and extent of the investigation into each petition will vary depending on the nature of the issues raised. In most cases, the Committee will request a submission from the principal petitioner and the tabling Member. These submissions enable the Committee to better understand the issues involved and the action, if any, already undertaken by the petitioner to resolve the matter.
- 1.15 Once submissions are received, the Committee will usually request a response to the petition from the relevant Government Minister. The Committee may also seek responses from other organisations (such as local governments) and carry out other investigations as required.
- 1.16 In many instances, the Minister's response to the petition will provide to the Committee an explanation for the policy or action in question. Sometimes the Committee will need more information to clarify the issues to its satisfaction. These enquiries may take the form of further correspondence or a hearing to obtain more detailed evidence.
- 1.17 The Committee will regularly produce and table in the Legislative Council a report on its enquiries. On some matters raised, the Committee may resolve to conduct a formal inquiry into the matter. A full inquiry into past forced adoptive policies and practices, initiated by Petition No. 70⁵, continues as of the tabling of this report.
- 1.18 The Committee may decide to limit or conclude its consideration of a petition on the basis of reasons including the following:
- there are other ways to address the issues in the petition which have not been pursued

³ Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 9 September 2021, pp 3680-3688. This was on the recommendation of the Standing Committee on Procedure and Privileges. See Report 64, *Review of the Standing Orders*, Western Australia, Legislative Council, September 2021, pp 25-7.

⁴ Legislative Council, *Debates*, 2023, p 759. This again was on the recommendation of the Standing Committee on Procedure and Privileges. See Report 69, *Preliminary Review of E-petitions*, Western Australia, Legislative Council, February 2023.

⁵ Standing Committee on Environment and Public Affairs, report No. 61, *Terms of reference: Inquiry into past forced adoptive policies and practices*, Western Australia, Legislative Council, February 2023.

- the matter has been or is being dealt with by the relevant authority. For example, planning or environmental matters have established decision-making and appeal processes over which the Committee has minimal influence
- the issues raised in the petition will be, or have already recently been considered and/or debated by the Legislative Council
- the matter is the same or very similar to a petition or petitions the Committee has already considered
- the petition is the subject of a commercial dispute or legal action
- other reasons determined on a case-by-case basis.

1.19 This is explained to the principal petitioner in the fact sheet sent to them.

Overview of petitions

1.20 This report provides an overview of petitions finalised by the Committee during the period 1 July 2023 to 31 December 2023 (the reporting period).

1.21 25 new petitions were referred to the Committee during this time.

1.22 The Committee concluded its consideration of 17 petitions, 13 of which were initiated as e-petitions, though 2 of those were presented as both e-petitions and re-tabled as paper copies. They are outlined in Part 2 of this report.

1.23 Of the 24 petitions still under consideration at the end of the reporting period (listed in Part 3), 19 came to the Committee through the e-petition system.

Committee webpage

1.24 The Committee's [webpage](#) is a central source of information about petitions tabled in the Legislative Council.⁶ It contains links to public documents including the terms of each petition, submissions, Government responses and transcripts of evidence. Hard copies are made available on request. It also advises of the status of the Committee's consideration of each petition.

⁶ Accessible under Committees at www.parliament.wa.gov.au.

2 Finalised petitions

Petition No. 68–LGBTIQA+ rights in Western Australia

Date Tabled and Tabled Paper (TP) number	18 October 2022 - TP No. 1731
Type of petition	e-petition
Number of signatures	2,941
Principal petitioner	Misty Farquhar
Tabling Member	Hon Peter Foster MLC
Date Finalised	9 August 2023

- 2.1 This petition raised concerns that the rights of LGBTIQA+ Western Australians had fallen behind the rights of LGBTIQA+ people in other Australian States. It called on the Legislative Council to inform itself of these impacts, and accordingly amend Western Australia’s laws, including by legislating to:
- implement the recommendations of the Law Reform Commission’s *Review of the Equal Opportunity Act 1984* (Project 111) to update anti-discrimination protections for LGBTIQA+ people
 - abolish the Gender Reassignment Board and ensure trans and gender diverse people can easily update their birth certificates for legal gender recognition, without the need for surgery or other invasive treatments
 - implement comprehensive protections against conversion practices that seek to change or suppress gender identity sexual orientation or gender identity in line with the SOGICE Survivor Statement, including the civil response scheme and support for survivors
 - stop deferrable medical interventions on people born with intersex variations without the informed consent of that person, in line with the Darlington Statement
 - create equality of surrogacy access for LGBTIQA+ people, particularly men and non-binary people
 - ensure whole of government inclusion in laws and policies to address social, economic, and health inequality, with clear accountability to the community.
- 2.2 A comprehensive submission in support of the petition was received from the principal petitioner, Misty Farquhar OAM (16 November 2022), together with a submission from the tabling Member (23 November 2022).
- 2.3 The Committee sought comments and responses from the Attorney General and the Minister for Health.
- 2.4 In the meantime, the Government issued a media release⁷, announcing its intention to progress legislation to repeal the *Gender Reassignment Act 2000* and abolish the Gender Reassignment Board. Under the proposed reforms, to update sex or gender information on a birth certificate, applicants would no longer be required to demonstrate that they had undertaken surgical or medical intervention. Rather, they would be able to provide a certificate from their medical practitioner or psychologist confirming they have received

⁷ Hon John Quigley MLA, Attorney General, [Reforming sex and gender recognition laws in Western Australia](#), media statement, Office of the Attorney General, Perth, 21 December 2022.

clinical treatment in relation to their sex or gender identity. The reforms, it was said, would 'bring WA into line with most other jurisdictions in Australia'.

2.5 The Minister for Health responded in detail to the Committee on 24 January 2023. She said:

Fundamental changes to legislation (reproductive technology, surrogacy, conversion therapy) are currently underway to support LGBTIQ+ rights. In addition, the government announced in 2021 five election commitments to support the implementation of the Strategy. Health response in relation to Intersex Interventions, Assisted Reproductive Technology and Surgery and Progress on Strategy implementation is outlined in Attachment 1. These changes will build a strong foundation to support the LGBTIQ+ community and we are committed to ensuring that the Western Australian health system is a safe and inclusive space for all.

2.6 In response to a further letter from the Committee regarding the Government's position on the Darlington Statement, concerning deferrable medical interventions on people born with intersex variations without the informed consent of that person, the Minister for Health wrote (1 August 2023):

I recognise the diverse experiences of people born with variations of sex characteristics and acknowledge that some people have expressed that the medical interventions they received as children, do not align with interventions they would consent to as adults.

The Western Australian Government has a strong track record in delivering legislative change to support the rights of the WA LGBTQIA+ community. Fundamental changes continue to be progressed, including a new framework for access to assisted reproductive technology, including an expansion to eligibility criteria and access to reciprocal IVF, and banning LGBTIQ+ conversion practices.

At this stage, the Western Australian Government is not able to commit to further legislative changes but remains committed to the implementation of the *Western Australia Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) Health Strategy 2019-2024* to support the health and wellbeing of the LGBTIQ+ community.

2.7 The Attorney General responded to the Committee on 7 March 2023. He confirmed that the drafting of a new Equal Opportunity Act was underway, which would take into account most of the recommendations of the Law Reform Commission's *Review of the Equal Opportunity Act 1984*, strengthening protections against discrimination of members of the LGBTIQ+ community.

2.8 On the issue of a whole of Government approach, the Attorney General wrote:

I note the whole-of-government LGBTIQ+ approach recently adopted in Victoria and South Australia, and also in place in Tasmania and the Australian Capital Territory. Whether a whole-of-government strategy would be a more effective approach in WA for achieving positive change for the LGBTIQ+ community is a matter for consideration by the Premier.

2.9 Following consideration of those responses, the Committee decided on 9 August 2023 not to conduct any further inquiries and to finalise its consideration of the petition, on the grounds that the matters raised were largely being dealt with by the relevant authorities. The question of a whole of government approach was under consideration.

Petition No. 71—Protecting children from harmful hypersexualised advertising

Date Tabled and Tabled Paper (TP) number	15 November 2022 - TP No. 1806
Type of petition	e-petition
Number of signatures	2,903
Principal petitioner	Nicole Robins
Tabling Member	Hon Nick Goiran MLC
Date Finalised	13 September 2023

2.10 Petition No. 71 raised concerns about harmful advertising in Western Australia that uses obscene language, is degrading, or deals inappropriately with sex or violence, with particular concern about the impact of hypersexualised advertising on children and survivors of sexual abuse. It called on the Western Australian Government to make the protection of children a real priority, by urgently tackling such advertising in all its forms, rather than just in relation to motor vehicles (a matter that was being dealt with by the introduction into Parliament of the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022.

2.11 Responses to the petition, and to a joint submission from the principal petitioner and the tabling Member (16 December 2022) were sought from the Minister for Commerce and the Minister for Child Protection.

2.12 The Minister for Child Protection told the Committee (22 February 2023):

Mechanisms to challenge harmful messaging and negative gender stereotyping in advertising and marketing communication is a central aspect of achieving gender equality in Western Australia and supporting the long-term safety, health and wellbeing of women and girls. I note the Australian Association of National Advertisers (AANA) Children’s Advertising Code, established in 2003, was last reviewed in August 2022. The Children’s Code has current national guidelines to ensure advertisers and marketers develop and maintain a high sense of social responsibility in advertising and marketing to children in Australia. The Children’s Code places a ban on sexual appeal involving minors, and has restrictions on where sex, sexuality or nudity can be shown.

Additionally, the petition refers to the 2013 Joint Standing Committee on the Commissioner for Children and Young People’s (CCYP) report, *Sexualisation of Children*. As you may be aware, that Report advanced 14 proposals to address the sexualisation of children. Communities advises that the former Government responded to the report in 2014. This included a response to Proposal 11 of the Report - to create an offence under the *Children and Community Services Act 2004* (CSSA) to use children in sexually provocative advertising. The then Government advised that a new offence was not warranted and the CCSA provided mechanisms for addressing situations where children are used in advertising which may be considered sexually provocative. The CSSA was subject to a Statutory Review in 2017 and issues relating to Proposal 11 of the *Sexualisation of Children* report were not raised.

2.13 The Minister for Commerce responded to the Committee on 21 February 2023, and then to a further letter on 2 May 2023. In that second letter, the Minister said:

The advertising industry in Australia is primarily regulated under the Australian Consumer Law (Schedule 2, *Competition and Consumer Act 2010* (Cth) (ACL). The

Australian Association of National Advertisers (AANA) administers the self-regulation of advertising through its Ad Standards branch. Complaints about offensive advertising can be made to Ad Standards, which are assessed by the Ad Standards Community Panel against the Australian Association of National Advertisers Code of Ethics, otherwise known as the Advertising Code. You can find more detail on Ad Standards and how complaints are resolved on their website at www.adstandards.com.au.

- 2.14 In relation to advertising on public transport infrastructure or sportsgrounds, the Minister for Commerce confirmed that both the Public Transport Authority and VenuesWest were obliged to remain compliant with the National Advertising Standards. She confirmed that the Government was not considering further legislative changes to advertising rules in any of the areas raised.
- 2.15 On 13 September 2023, the Committee resolved not to conduct any further inquiries and to finalise its consideration of the petition.

Petition No. 80–Sealing the remainder of the Goldfields Highway, Meekatharra to Wiluna

Date Tabled and Tabled Paper (TP) number	14 March 2023 and 28 March 2023 - TP Nos. 2074 and 2117
Type of petition	e-petition and paper petition
Number of signatures	225 and 285
Principal petitioner	Harvey Nichols
Tabling Member	Hon Colin de Grussa MLC
Date Finalised	9 August 2023

- 2.16 This petition was tabled in the Legislative Council in both electronic and paper forms. It signalled concerns that the remaining unsealed gravel section of the State Goldfields Highway (Meekatharra Wiluna Road) continued to create road safety issues to both the travelling community and to freight transport operators. It asked the Legislative Council to initiate a parliamentary inquiry into the sealing of that remaining section of the road.
- 2.17 A comprehensive submission (5 April 2023) was received from the principal petitioner, on behalf of the Shires of Meekatharra and Wiluna, containing photographic evidence of the problems. A submission in support was received from the tabling Member, dated 18 April 2023. He recounted some of the history relating to this issue:

Members may be aware that the Goldfields Highway was identified as a strategic road in the early 2000s. The reason for this was due to mining and tourism purposes.

In 2011, the Mid West Development Commission released the 2011-2021 Mid West Investment plan which identified that the full 124 kilometre sealing of Goldfields Highway was a must-do project.

In August 2016, funding of \$60 million to finally seal the whole Goldfields Highway to make the community and road safer, help to facilitate tourism and industry and improve pathways for freight delivery was committed and I understand work was almost ready to go.

A change of Government in 2017 saw funding removed from this project and in effect replaced with a \$1 million pilot TAFE training program between Central Regional TAFE, the private sector and importantly the local Martu people.

- 2.18 On 29 March 2023, the Minister for Transport had responded to a question in the Legislative Assembly as follows:

we have secured funding along the way and we continue to work at providing state funding and trying to achieve federal funding. We are working with local Aboriginal people. It is about the success on the ground of training local people. I think we originally trained about 18 people at the TAFE. Some of them have gone off to other projects because they have been trained in road construction and have been able to secure jobs elsewhere. When I visited Wiluna, I was struck by the many mining operations in that area. We need to make sure that we have better Aboriginal engagement and provide more opportunities for Aboriginal people. I have said in this place many, many times that sometimes that means a road is not constructed as fast as possible, but it means that local people are trained and empowered. The key point for me is maintenance. We do not want to just go in, build the road and disappear. It is about making sure that the local people actually own the road, in every sense, and are also empowered to be there and can protect and maintain the road into the future.⁸

- 2.19 Responses to the petition and the submissions were sought from the Ministers for Transport, Road Safety and Training. The Minister for Training responded (12 June 2023), stating:

I can advise the training project referred to took place in 2020 as a partnership between civil construction company DM Civil, CRT and a community group representing the local Martu people. DM Civil and CRT worked together to deliver the training program in civil construction to benefit local people and to provide them with the skills, knowledge and experience on a live work community partnership project.

The \$1 million funding for the project was allocated to Main Roads WA who contracted DM Civil to provide the live work component of the program, while CRT undertook the off the job training and assessment for the course participants.

The \$1 million allocated for the project was to cover the live work costs associated with sealing a 5 kilometre section of the Goldfields Highway just outside of Wiluna. I understand the project was completed sometime in 2020 or 2021.

The purpose of the program was to upskill local Aboriginal community members in civil construction to improve their chances of gaining employment in the industry with either local mining companies or Main Roads WA as new projects came online. It is understood eight of the 12 program participants gained employment as a result of the course.

It is not my understanding the funding was intended to replace in full or in part the \$60 million that had previously been allocated to seal the remaining 124 kilometres of unsealed road.

- 2.20 The Minister for Transport replied to the Committee on 20 June 2023, saying:

I acknowledge that the road is used by heavy vehicles, including the transport of iron ore from the GWR Group Ltd West Wiluna mine located south-west of Wiluna, to the port in Geraldton since late 2020. Despite the mine operators assisting Main

⁸ Legislative Assembly, *Debates*, 2023, p 1650.

Roads in maintaining the road, its condition is deteriorating rapidly from the increased heavy vehicle traffic, with more than twenty return trips daily.

To help address this issue, the Commonwealth and State Governments allocated \$20 million in October 2020, towards sealing priority sections of Goldfields Highway between Wiluna and Meekatharra. The funding followed a successful pilot project using local Indigenous businesses to seal a 5km section of the road, immediately west of the Wiluna townsite in mid-2020.

As part of the pilot project, Main Roads worked with traditional owners in Wiluna, the Tarlka Matuwa Piarku Aboriginal Corporation (TMPAC), to engage with and maximise employment of local Aboriginal people and businesses on the project.

A key objective of the \$20 million funding was to create and sustain employment and training opportunities for local Indigenous people, whether it be in road construction and maintenance, the mining and resources industry, or undertaking heritage and cultural activities on their own land (country). There is a high priority for local (Martu) Elders to have direct input into the design of training and employment programs for their people.

2.21 She went on:

Main Roads is currently finalising project development activities and obtaining the necessary heritage, environmental and other approvals to commence construction on priority sections near the Wiluna West and Rosslyn Hill mining operations and the West Creek flood crossing. Subject to obtaining approvals, work on the five kilometre section west of the Rosslyn Hill mine access (which is currently estimated to cost \$10.7 million) is proposed to commence in late 2023, with completion anticipated by mid-2024.

Project development and approval is continuing for construction of the 10km West Creek flood crossing section, 30km west of Wiluna townsite, with a current cost estimate of \$22.9 million. Work is also continuing on a further 11km section to the Shire of Wiluna boundary, which has an estimate of \$16.8 million. Once these priority sections are sealed, 97km of the road, all within the Shire of Meekatharra, would remain unsealed.

Main Roads is currently updating the business case for this route, including the design standard and cost estimate with a view to seeking further funding. Main Roads is also committed to maximising opportunities for Indigenous businesses and local communities during the delivery of this project, and will continue to work with all stakeholders including mining companies who transport products on the road to maintain it for the benefit of all road users.

2.22 Following consideration of those responses, the Committee decided on 9 August 2023 to finalise its consideration of the petition, on the grounds that the matters raised by the petitioners were being dealt with by the relevant authorities.

Petition No. 84–Religious freedom

Date Tabled and Tabled Paper (TP) number	28 March 2023 - TP No. 2118
Type of petition	e-petition
Number of signatures	6,012
Principal petitioner	Peter Abetz
Tabling Member	Hon Nick Goiran MLC
Date Finalised	9 August 2023

- 2.23 Petition No. 84 complained that some Western Australians were being attacked for their faith, feeling the use of phrases such as ‘Bible-bashers’, ‘happy-clappers’ and ‘God-botherers’ in the media and in public discourse to be repugnant descriptors for people of the Christian faith. The petition called on the Government to publicly state that it supported freedom of religion, thought and conscience, and to commit to prioritising legislation that better protects those freedoms. It requested the Legislative Council to examine the adequacy of existing remedies available to those who are subjected to these attacks and how these can be enhanced.
- 2.24 Submissions were received from the principal petitioner (30 April 2023) and the tabling Member (1 May 2023), both of which were referred to the Attorney General for his comments.
- 2.25 The Attorney General responded on 29 June 2023, focusing on the legislation that protects the freedom of religion, thought and conscience, and the existing remedies available to those who are subjected to attacks on their religious freedom and how these can be enhanced.
- 2.26 He told the Committee that, following the release of the Law Reform Commission of Western Australia’s *Review of the Equal Opportunity Act 1984*, the Government had announced its intention to broadly adopt the recommendations made and to draft a new Equal Opportunities Act. This, he said, demonstrated the Government’s commitment to delivering modern, fair, and effective anti-discrimination laws that protect the rights and freedoms of Western Australians, including religious freedoms.
- 2.27 The petition was finalised on 9 August 2023, on the grounds that the matters raised were being dealt with by the relevant authorities, and will be debated in the Legislative Council in due course.

Petition Nos. 85 and 86–Racial discrimination within the justice system/Urgent review of the justice system

Date Tabled and Tabled Paper (TP) number	30 March 2023 - TP Nos. 2142 and 2143
Type of petition	e-petition and paper petition
Number of signatures	83 and 2,599
Principal petitioner	Desmond Blurton
Tabling Member	Hon Dr Brad Pettitt MLC
Date Finalised	16 August 2023

- 2.28 These 2 petitions were tabled in the Legislative Council on the same day. As they were presented by the same principal petitioner and tabling Member, and were similar in their requests, the Committee resolved to consider them together.
- 2.29 Petition No. 85 (an e-petition) called for an urgent review of the justice system, to first identify the systemic and procedural factors contributing to the over-incarceration of Aboriginal and Torres Strait Islander peoples in Western Australia, and then to make appropriate recommendations for urgent adoption by the Government. This was repeated in Petition No. 86, a paper petition.
- 2.30 Submissions in support were received from the tabling Member (12 June 2023) and the principal petitioner (20 June 2023).
- 2.31 A response to the concerns raised was sought from the Attorney General. He replied:
- Petitions 85 and 86 seek a full review of the justice system to identify systemic and procedural factors contributing to the over-incarceration of Aboriginal peoples. In relation to this request, I draw your attention to the large body of work being done to address this including through the Joint Council on Closing the Gap, Justice Policy Partnership (JPP) under the National Agreement on Closing the Gap (National Agreement). The JPP focuses on actions that will accelerate progress towards reducing Aboriginal imprisonment (Target 10) and reducing Aboriginal youth detention (Target 11) including through implementing the National Agreement's Priority Reforms.
- Furthermore, I advise that the Department of Justice has established the Aboriginal Justice Advisory Committee (AJAC) to provide advice on justice matters impacting Aboriginal people; is developing an Aboriginal Family Safety Strategy to improve the justice response to family violence in Aboriginal families and communities; and has commenced implementation of the Aboriginal Cultural Capability Training Strategy to improve the justice response to Aboriginal people throughout all Divisions of the Department. In short, this Government is progressing reform that works to identify and respond to systemic and procedural factors contributing to the over-incarceration of Aboriginal people.
- 2.32 Based on the response of the Attorney General, the Committee decided on 16 August 2023 not to conduct any further inquiries and to finalise its consideration of the petitions.

Petition No. 88–Gold-standard transparency owed on the Voice

Date Tabled and Tabled Paper (TP) number	9 May 2023 - TP No. 2185
Type of petition	e-petition
Number of signatures	7,489
Principal petitioner	Sherry Sufi
Tabling Member	Hon Nick Goiran MLC
Date Finalised	9 August 2023

- 2.33 The petitioners in this matter were concerned that the Premier had twice refused to provide Parliament with the briefing note he received about the proposed Voice to Parliament. It called on the Premier to deliver to Parliament all briefing notes and similar documents he received on the proposed Voice to Parliament prior to him making his public declaration of support. It also requested the Legislative Council to examine those documents expeditiously and determine if there is any fair reason why they should not be made public.

- 2.34 A joint submission from the principal petitioner and the tabling Member supported those requests (7 June 2023).
- 2.35 In response to the Committee (29 June 2023), the Premier wrote:
- I note the content of the petition and advise that the Western Australian (WA) Government has no comment to provide.
- 2.36 The Committee decided on 9 August 2023 to take the matter no further and finalised the petition.

Petition No. 90–Shalom House

Date Tabled and Tabled Paper (TP) number	16 May 2023 - TP. No 2209
Type of petition	e-petition
Number of signatures	758
Principal petitioner	Emma Cochrane
Tabling Member	Hon Martin Pritchard MLC
Date Finalised	9 August 2023

- 2.37 This petition raised concerns about Shalom House operating a rehabilitation facility (drug or any other use) at the Mercyville site (254 Camberwarra Dr Craigie 6025), due to its close proximity to the Whitford Catholic Primary School, and the Nido Daycare.
- 2.38 A submission was received from the principal petitioner in support of the petition (23 May 2023).
- 2.39 Whilst the Committee was considering the petition, a number of news articles appeared (Perth Now, 20 July 2023 and West Australian, 2 August 2023) which reported that the proposal to house the drug and alcohol rehabilitation centre at the site had been abandoned following a defeat at the State Administrative Tribunal.
- 2.40 In light of those various news reports, the Committee decided on 9 August 2023 not to conduct any further inquiries and to finalise its consideration of the petition.

Petition No. 91–Murder of Stacey Thorne

Date Tabled and Tabled Paper (TP) number	16 May 2023 - TP No. 2208
Type of petition	e-petition
Number of signatures	64
Principal petitioner	Robyn Cottman
Tabling Member	Hon Martin Aldridge MLC
Date Finalised	13 September 2023

- 2.41 This petition was sponsored by a licensed Inquiry Agent and Private Investigator, engaged by the family of a deceased homicide victim, Stacey Robyn Thorne. This followed a series of events whereby the person originally found guilty of her murder, Scott Austic, was released following a re-trial. The petition asked the Legislative Council to consider making the following recommendations:

- The Western Australian Police to re-open and review the case
 - The Western Australian Police to re-examine and complete forensic testing on all exhibits
 - The Western Australian Police to obtain an internationally recognised knife wound expert to review the findings made by Dr Margolius
 - A full coronial inquest
 - Disclosure of any Corruption and Crime Commission findings in relation to this matter.
- 2.42 The petition was supported by a submission from the principal petitioner (6 June 2023) and one from the tabling Member (15 June 2023).
- 2.43 In response to a letter from the Committee, the Commissioner of Police, Col Blanch, provided a detailed history of the criminal case. He added:
- Following Mr Austic’s acquittal for murder in the 2020 re-trial, and the publication of the [Corruption and Crime] Commission’s most recent (2023) report into this matter, WA Police have commenced transferring Ms Thorne’s case from the Major Crime Division (Homicide Squad – who assisted with re-trial preparation) to Special Crime Division (Special Crime Squad - Homicide). Upon receipt of the case, Special Crime Squad will review the evidence contained therein and produce a ‘Solvability Matrix’, which determines whether the case will be re-opened and progressed, and under what priority compared to other historical cases. Alternatively, the Assistant Commissioner (State Crime) can direct the case to be re-opened and investigated.
- In consideration of any future investigation, WA Police remain cognisant of Part 5A of the Criminal Appeals Act 2004, which prevents re-investigation of an acquitted accused unless approved by an authorised person (i.e. the Attorney General, Solicitor-General, State Solicitor or DPP [State or Commonwealth]).
- 2.44 He added:
- WA Police recently included Ms Thorne’s case in the \$1m reward scheme for any information leading to a conviction for her murder. As yet, no significant information has been forthcoming.
- 2.45 The Attorney General told the Committee (undated letter):
- As to the request for an inquest, I note that pursuant to section 24 of the *Coroners Act 1996* any person may ask a coroner to hold an inquest into a death by making a formal application to the coroner in writing, containing the reasons for the request. I am not aware of any such application having been made for an inquest into the death of Ms Thorne.
- 2.46 He also added:
- I am hopeful that the recent announcement of a million-dollar reward for information relating to the tragic death of Ms Thorne will lead to the discovery of new evidence which will allow for closure of the case.
- 2.47 On 13 September 2023, following consideration of those responses, the Committee decided not to conduct any further inquiries and to finalise its consideration of the petition.

Petition No. 93–Amending the Cat Act

Date Tabled and Tabled Paper (TP) number	15 June 2023 - TP No. 2291
Type of petition	e-petition
Number of signatures	6,195
Principal petitioner	Anna-Marie Jackson
Tabling Member	Hon Stephen Pratt MLC
Date Finalised	13 September 2023

2.48 The petitioners in this case were concerned about the ongoing, extensive destruction of native wildlife due to roaming cats. This problem worsens, they said, as residential expansion destroys native habitats and adds to the population of domestic and feral cats. Confinement of cats to premises would reduce the deaths of native fauna, alleviate public nuisance problems caused by cats and also provide a safe haven for them. Amendments to the *Cat Act 2011* to provide for such confinement were requested.

2.49 A fulsome submission in support was provided to the Committee by the principal petitioner (13 July 2023).

2.50 A response to the petition and submission that dealt with the Government’s treatment of feral cats was received from the Minister for Environment (1 September 2023).

2.51 A response on the matter of domestic cats was received from the Minister for Local Government, dated 28 August 2023. He explained that a number of local governments had sought to make provision for the regulation of domestic cats within their districts using local law-making powers, but those local laws had been disallowed by the Parliament Joint Standing Committee on Delegated Legislation (JSCDL). The Minister said:

I understand that local governments are continuing to engage with the JSCDL in relation to its interpretation of relevant provisions of the Cat Act.

However, I recognise that there is some uncertainty regarding the powers that local governments may have to make local laws under the Cat Act.

2.52 In the circumstances, he said:

Accordingly, the State Government has commenced early work to consider potential options to further assist local governments manage domestic cats.

The early work related to the Cat Act, and the implementation of the CRS [Centralised Registration System], is expected to enable the next statutory review of the Cat Act to consider a range of important issues in significant detail.

Once the review of the Cat Act formally commences, feedback and information will be sought from the community and other stakeholders to inform potential further changes. Significant work and consultation are expected to be conducted to ensure that a diverse range of views are considered and that any further reforms align with broad community expectations.

2.53 Following consideration of those 2 letters, the Committee finalised the petition on 13 September 2023.

Petition No. 94–Aboriginal Cultural Heritage Act

Date Tabled and Tabled Paper (TP) number	21 June 2023 - TP No. 2318
Type of petition	e-petition
Number of signatures	29,714
Principal petitioner	Tony Seabrook
Tabling Member	Hon Neil Thomson MLC
Date Finalised	9 August 2023

- 2.54 This petition called on the State Government for a delay in the implementation of the *Aboriginal Cultural Heritage Act 2021*. This statute had passed through both Houses of the Parliament and was Assented to on 22 December 2021. It came into effect on 1 July 2023.
- 2.55 The petitioners claimed that necessary approvals systems were not yet in place, and as a result the provisions of the Act were imposing an extreme level of uncertainty on Western Australian landowners, business owners and individuals.
- 2.56 The tabling Member provided a submission in support of the petition (21 July 2023), in which he asked the Legislative Council to urge the Government to delay the promulgation of the Act in order to achieve certain milestones:
1. Establish a working approvals system which allows for a reasonable period of online interaction, lodgement, and approval of permits so proponents can:
 - a. Familiarise themselves with the system and provide training for their staff and business teams.
 - b. Apply for the continuation of existing business activities reducing risk of business disruption.
 - c. Apply for new planned activities before the promulgation of the Act allowing for ongoing mobilisation and business continuity.
 - d. Adjust contracts for existing and future works noting activities may have to be amended or redesigned as a result of the promulgation of the Act.
 - e. Meet obligations of referral agencies, particularly local governments, and State agencies, in a timely way when seeking any form of development approval.
 2. Finalisation of guidance notes by the DPLH [Department of Planning, Lands and Heritage] so all parties, including LACHS [Local Aboriginal Cultural Heritage Services], referral agencies, inspectors, local governments, business owners, landowners and staff and anyone else who might be subject to the new laws, can be familiarised with their obligations appropriately.
 3. Establishment of appropriately resourced, governed, and trained LACHS' across the State.

2.57 On 8 August 2023, the Government announced that it was to repeal the Act in question.⁹ In light of that, the Committee decided on 9 August 2023 not to conduct any further inquiries and to finalise its consideration of the petition.

Petition No. 96–Medically monitored injection room

Date Tabled and Tabled Paper (TP) number	8 August 2023 – TP No. 2404
Type of petition	e-petition
Number of signatures	85
Principal petitioner	Hon Sophia Moermond MLC
Tabling Member	Hon Dr Brian Walker MLC
Date Finalised	29 November 2023

2.58 Petition No. 96 asked the Legislative Council to inquire into the provision of medically supervised injection rooms for the following reasons:

- It would allow drug users to connect with medical professionals, social workers, and other support services
- Safe injection sites provide drug users with a location where they can use their drug under supervision and with clean supplies
- Research shows that mortality rates are reduced and reliance on emergency services is lessened, thereby reducing stress on the healthcare system
- A specialised medically supervised facility allows for users to inject out of the public eye
- Safe injection spaces allow for dissemination of accurate information around health, drug use, and the long term effects.

2.59 Submissions from the principal petitioner (31 August 2023) and the tabling Member (13 September 2023) were sent, along with the petition, to the Minister for Health.

2.60 She replied (undated) that, whilst she acknowledged the positive impact that medically monitored injection rooms (MMIRs) have had in other jurisdictions, she was conscious that the current literature notes that MMIRs are only considered warranted in areas where there are well-established, street-based drug using cultures.

2.61 She agreed with the principal petitioner that MMIRs afford opportunities to provide or facilitate engagement with essential healthcare and support services for people who inject drugs.

2.62 However, she told the Committee:

All alcohol and other drug services funded by the Mental Health Commission (the Commission) are available to people who inject drugs. The provision of harm reduction education is integrated into all alcohol and other drug treatment programs. Services include residential programs, telephone support and counselling, outpatient counselling and support for individuals, and their families and transitional support services for people exiting residential programs.

⁹ Government of Western Australia, *Laws overturned: Aboriginal cultural heritage legislation replaced*, 2023, accessed 22 November 2023.

2.63 The Minister went on to list the range of targeted harm reduction strategies to reduce drug related harms and deaths in the Western Australian community, funded by the State Government, adding:

The Commission will continue to monitor the injecting drug landscape to be responsive to the developing needs of people who inject drugs and make recommendations for harm reduction strategies as appropriate.

2.64 On the basis of the Minister’s letter, the Committee finalised its consideration of the petition on 29 November 2023.

Petition No. 98–Upgrade of East Road and Wanneroo Road intersection

Date Tabled and Tabled Paper (TP) number	8 August 2023 - TP No. 2402
Type of petition	e-petition
Number of signatures	1,172
Principal petitioner	Jordan Wright
Tabling Member	Hon Martin Aldridge MLC
Date Finalised	18 October 2023

2.65 The signatories to this petition expressed their concern regarding traffic management at the East Road and Wanneroo Road intersection in the City of Wanneroo, which they said was causing safety concerns for pedestrians, drivers, and the wider community. They called on the Legislative Council to consider measures to improve the intersection, and to undertake works to deliver these necessary improvements.

2.66 Submissions were received from the principal petitioner (12 August 2023) and the tabling Member (8 September 2023). A response was sought from the Minister for transport. She replied on 2 October 2023:

I am advised that Main Roads is currently undertaking design investigations in response to a Public Transport Authority request to improve sight lines at this intersection, which are impacting bus and general traffic turning movements from East Road into Wanneroo Road north bound. This work will also investigate and consider the concerns raised in the petition.

Main Roads is preparing documentation to nominate this intersection for funding as part of the Black Spot Program.

2.67 Given that response, the Committee was content that the issue was being dealt with by the appropriate authorities and finalised the petition on 18 October 2023.

Petition No. 99–Discrimination against unborn children with Down Syndrome

Date Tabled and Tabled Paper (TP) number	8 August 2023 - TP No. 2401
Type of petition	e-petition
Number of signatures	3,023
Principal petitioner	Lisa Kossen
Tabling Member	Hon Nick Goiran MLC
Date Finalised	18 October 2023

- 2.68 Petition No. 99 informed the Committee that, of the 8,551 abortions performed in Western Australia, 71 were said to be 'justified' because the unborn child was suspected of having Down Syndrome. It requested that the Legislative Council ensure any amendment legislation enshrines the safety, privacy and dignity of unborn children suspected of having Down syndrome and other conditions compatible with life.
- 2.69 The petition was supported by a submission from the tabling Member (8 September 2023).
- 2.70 The Abortion Legislation Reform Bill 2023 completed its passage through the Legislative Assembly on 17 August 2023, and was first and second read into the Legislative Council on the same day.
- 2.71 The Committee noted that the tabling Member had introduced proposed amendments to the Bill during the Bill's passage which reflected the concerns of the petitioners. The Bill was given its third reading on 20 September 2023, and given Royal Assent on 27 September 2023.
- 2.72 The Committee decided on 18 October 2023 not to conduct any inquiries into this matter and to finalise its consideration of the petition, on the basis that the issues raised had recently been dealt with by the Legislative Council.

Petition No. 100–Proposed Great Southern Landfill Site (York)

Date Tabled and Tabled Paper (TP) number	9 August 2023 - TP No. 2420
Type of petition	Paper petition
Number of signatures	771
Principal petitioner	Kay Marie Davies
Tabling Member	Hon Darren West MLC
Date Finalised	8 November 2023

- 2.73 The petition involved a proposed landfill site at Allawuna Farm, on the Great Southern Highway, St Ronans, in the Shire of York (Great Southern Landfill). Local residents were concerned on a number of grounds:
- The potential for leachate and contaminants to pollute the Mundaring Weir catchment area, National Forest & Parks, environmentally sensitive areas, ground water and river systems

- The proposal was not consistent with the Shire of York's 2018 Local Planning Scheme and was not supported by the Mid-West Wheatbelt Joint Development Assessment Panel
 - The site was of significant importance to the Noongar, Ballardong people
 - The transport of waste on the Great Southern Highway (Chidlow/York M010)
 - The proposal did not align with the objectives of the Australian National Waste Policy and the Draft Western Australia State Waste Infrastructure Plan
 - The proposal had significantly changed from the original SITA (SITA Australia Pty Ltd) proposal and had been warehoused since 2012
 - The area relied entirely on surface and ground water. The ground water had not been mapped in this region.
- 2.74 The petitioners therefore requested the Legislative Council oppose the Great Southern Landfill. They also requested an inquiry into waste management planning for the metropolitan area and risk management of the location of landfill sites in regional areas.
- 2.75 Having received submissions in support from the principal petitioner and the tabling Member, the Committee sought a response from the Minister for Planning.
- 2.76 The Minister (24 October 2023) explained that:
- Such a facility requires approval under several legislative frameworks prior to commencing operations. This includes development approval pursuant to the *Planning and Development Act 2005* (PD Act), along with environmental works approvals and licenses pursuant to the *Environmental Protection Act 1986* (EP Act).
- 2.77 He went on to say:
- the proposed facility has been subject to multiple Joint Development Assessment Panel (JDAP) and State Administrative Tribunal (SAT) decisions. SAT granted the original development approval in March 2016.
- 2.78 He duly listed the landmarks in the planning processes between 2014 and 2023. He then commented on other aspects of the petition, telling the Committee that:
- the EPA had considered potential emissions and associated environmental impacts in its assessment of the proposal and documented this in its report and recommendations to the Minister for Environment
 - he was advised that the area of the proposed landfill did not intersect with any registered Aboriginal heritage sites
 - he was further advised that there were no outstanding historical heritage issues and no referrals had been made to the Heritage Council
 - Main Roads Western Australia (MRWA) is responsible for the management of the Great Southern Highway and had been consulted on the planning applications lodged to date. No objections were received from MRWA on the basis that traffic impacts can be managed through access upgrade conditions.
- 2.79 He concluded by saying:
- The SAT will independently manage the matters in accordance with its legislation and having regard to the relevant planning framework.

2.80 On that basis, the Committee decided on 8 November 2023 not to conduct any further inquiries and to finalise its consideration of the petition, on the grounds that the matter was being dealt with by the appropriate authorities.

Petition No. 104–Abortion Legislation Reform Bill 2023

Date Tabled and Tabled Paper (TP) number	29 August 2023 - TP No. 2465
Type of petition	e-petition
Number of signatures	5,394
Principal petitioner	Maryka Groenewald
Tabling Member	Hon Kate Doust MLC
Date Finalised	18 October 2023

2.81 This was another petition involving the Abortion Legislation Reform Bill 2023 (see Petition No. 99 above). It called for the Legislative Council to adopt a number of provisions from the equivalent legislation in South Australia (the *Termination of Pregnancy Act 2021 (SA)*), being:

- medical care for babies born alive after a failed abortion
- a ban on sex-selective abortion
- a requirement for women to receive information on counselling services
- mandatory considerations to be taken into account prior to any late-term abortion.

2.82 As with Petition No. 99, the Committee noted that the tabling Member had introduced proposed amendments to the Bill during its passage which reflected the concerns of the petitioners.

2.83 The Committee decided on 18 October 2023 not to conduct any inquiries into this matter and to finalise its consideration of the petition, on the basis that the issues raised had recently been dealt with by the Legislative Council.

Petition No. 110–Leave faith-based schools alone

Date Tabled and Tabled Paper (TP) number	17 October 2023 – TP No. 2720
Type of petition	e-petition
Number of signatures	5,165
Principal petitioner	Nicole Robins
Tabling Member	Hon Nick Goiran MLC
Date Finalised	29 November 2023

2.84 This petition was another regarding the protection of faith-based schools, similar to Petition No 75, dealt with in the Committee’s Overview of Petitions 1 January – 30 June 2023 (Report 64).¹⁰

¹⁰ Standing Committee on Environment and Public Affairs, report 64, *Overview of Petitions 1 January – 30 June 2023*, Western Australia, Legislative Council, September 2023, pp 19-20.

- 2.85 The Committee resolved to finalise this petition on 29 November 2023 without taking evidence, on the basis that:
- the matter is the same or very similar to a petition that the Committee has already considered, and
 - the issues raised in the petition will be considered and/or debated by the Legislative Council.

3 Petitions subject to ongoing enquiries

3.1 At the end of the reporting period, the Committee was continuing its enquiries into the following petitions:

- Petition No. 72 – Stolen generations compensation
- Petition No. 81 - Air-conditioning at Roebourne Regional Prison
- Petition No. 87 - Royal Commission to evaluate our health system
- Petition No. 89 - Wittenoom Memorial
- Petition No. 92 - Extension and replacement of the Beenyup treated sewage outfall
- Petition No. 95 - Firearms Act reform
- Petition No. 97 - Threat to Broome lifestyle and livelihoods
- Petition No. 101 - Midwest Aeromedical Rescue Helicopter
- Petition No. 102 - Western Australian Truth-Telling and Justice Commission
- Petition No. 103 - Call for rejection of the EastLink Highway
- Petition No. 105 - Electoral Reform
- Petition No. 106 - Lack of accessible dental services in Hedland
- Petition No. 107 – Kimberley crime
- Petition No. 108 – Binningup Golf Course
- Petition No. 109 - The introduction of daylight saving time
- Petition No. 111 - Muja coal-fired power station closure
- Petition No. 112 - The new Women and Babies Hospital location
- Petition No. 113 - Say No to race-dividing “Voice” in WA Constitution
- Petition No. 114 - Patient Assisted Travel Scheme
- Petition No. 115 - Extending consultation period on proposed firearms reform
- Petition No. 116 - Assaults on retail and fast-food workers
- Petition No. 117 – Firearm reform
- Petition No. 118 – Building industry and stimulus grants
- Petition No. 119 – Protect the wetland in the Perth Cultural Centre



Hon Peter Foster MLC
Chair

GLOSSARY

Term	Definition
Committee	Standing Committee on Environment and Public Affairs
Principal petitioner	The promoter of the petition
Reporting period	1 July 2023 to 31 December 2023
TP	Tabled Paper number
Tabling Member	The Member of the Legislative Council that presents the petition to the House under Standing Order 102 of the Standing Orders of the Legislative Council







Standing Committee on Environment and Public Affairs

Date first appointed:

23 May 2017

Terms of Reference:

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

'2. Environment and Public Affairs Committee

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



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