



THIRTY-NINTH PARLIAMENT

REPORT 46

**STANDING COMMITTEE ON ENVIRONMENT AND
PUBLIC AFFAIRS**

OVERVIEW OF PETITIONS

1 JANUARY 2016 TO 30 SEPTEMBER 2016

Presented by Hon Simon O'Brien MLC (Chairman)

November 2016

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:

‘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), (2) of the *Environmental Protection Act 1986*.’

Members as at the time of this inquiry:

Hon Simon O'Brien MLC (Chairman)

Hon Stephen Dawson MLC (Deputy Chair)

Hon Brian Ellis MLC

Hon Paul Brown MLC

Hon Samantha Rowe MLC

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EXECUTIVE SUMMARY

Executive summary

- 1 This report provides an overview of the petitions finalised by the Standing Committee on Environment and Public Affairs (Committee) from 1 January 2016 to 30 September 2016 (reporting period).
- 2 Petitions remain a popular method of informing Members of Parliament about issues that affect the community. The Committee's inquiries enhance the transparency of government policy and decisions. Through the petitions process, the public can bring to the attention of the Parliament and the Executive important matters that may not have been adequately addressed by other means.
- 3 During the reporting period, 26 new petitions were tabled in the Legislative Council and the Committee concluded its inquiries in relation to 28 petitions. During the reporting period, the Committee also tabled a separate report into Petition No 59 – Bio-Organics, which was tabled in the Legislative Council on 15 September 2016.
- 4 Copies of public evidence relating to petitions, including submissions and government responses, are available on the Committee's website at www.parliament.wa.gov.au/env/petitions.

CHAPTER 1

INTRODUCTION

History and function of the Committee

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

2.3 The functions of the Committee are to inquiry and report on –

(a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;

(b) any Bill referred by the Council; and

(c) petitions.

Petitions

- 1.3 A petition is a formal request for action from individuals or groups. The petitions process, through which the general public can bring issues of concern to the attention of the Parliament, provides a fundamental link between the community and the Parliament.
- 1.4 All conforming petitions tabled in the Legislative Council by a Member of the Legislative Council, except those raising a matter of privilege, are referred to the Committee. While a petition only needs one signature to be tabled, most petitions contain many signatures.
- 1.5 The Committee's consideration of petitions serves to enhance transparency and to inform the Parliament and public about current issues of concern to the community. A petition will not always bring about a change of policy by the Government or achieve the specific objectives desired by petitioners, however the Committee's inquiries ensure that petitioners are provided with an explanation for government decisions or actions. The petitions process facilitates communication between Parliament and the people.

Petitions process

- 1.6 The nature and extent of inquiries relating to each petition will vary depending on the nature of the issues raised, however in most cases the Committee will request a submission from the principal petitioner and tabling Member. These submissions enable the Committee to better understand the issues involved and the action, if any, already undertaken by the petitioner to resolve the matter.
- 1.7 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.
- 1.8 In many instances, the Minister's response to the petition will provide an explanation for the policy or action in question, although sometimes the Committee will need more information to clarify the issues to its satisfaction. These inquiries may take the form of further correspondence with the relevant parties or a hearing to obtain more detailed evidence. On occasion, the Committee will resolve to conduct a formal inquiry into the matter.
- 1.9 On occasion, the Committee will receive petitions that relate to a Bill that has been or is currently before the Legislative Council for debate. In this situation, the Committee has tended to the view that the petitioners' concerns have been brought to the attention of Members by tabling the petition in the Legislative Council and finalise the petition accordingly.¹ However, the Committee is able to further examine any petition, consistent with the Committee's terms of reference, if it so desires.

Overview of petitions

- 1.10 This report provides an overview of the petitions considered and finalised by the Committee from 1 January 2016 to 30 September 2016 (reporting period).

Separate reports on certain petitions and inquiries

- 1.11 During the reporting period, the Committee tabled a separate report in relation to Petition 59: Report 45, *Bio-Organics composting facility, Oakford*.

¹ The Committee finalised petitions relating to changes to the *Local Government Act 1995* (Petitions 26 and 33), the Mental Health Bill 2013 (Petitions 43, 47 and 48), the Aboriginal Heritage Act Amendment Bill 2014 (Petitions 76 and 80), the Taxation Legislation Amendment Bill (No. 2) 2014 (Petition 78), the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014 (Petition 84), the proposed Capital City of Perth legislation (Petition 90) on grounds that these Bills were debated in the Legislative Council.

Open petitions at 30 September 2016

1.12 At the end of the reporting period, inquiries were continuing in relation to the 10 open petitions before the Committee. Those petitions are:

- Petition No 123 – Make Perth Fringe World Festival sustainable
- Petition No 124 – Closure of Main Street jetty to Port Hedland community
- Petition No 126 – Synergy competing with private enterprise
- Petition No 127 – Proposed telecommunications tower Bell Hill Reserve
- Petition No 128 – Destruction of sensitive wetlands in Bayswater
- Petition No 129 – Esperance Tanker Jetty
- Petition No 130 – Oppose greyhound racing
- Petition No 131 – Oppose location of liquor store in South Hedland Shopping Centre
- Petition No 132 – Oppose funding cuts to the Department of Child Protection and Family Support
- Petition No 133 – Culture and operations of Port Hedland and South Hedland Police Stations.

1.13 The Committee is continuing its inquiries into these and subsequent petitions.

Committee website

1.14 The Committee's website at www.parliament.wa.gov.au/env is a central source of information about petitions tabled in the Legislative Council. It contains copies of public documents including the terms of each petition, submissions, government responses and transcripts of evidence. Hard copies are made available on request.

CHAPTER 2

PETITIONS FINALISED BETWEEN JANUARY – SEPTEMBER 2016

2.1 The Committee finalised 28 petitions between 1 January 2016 and 30 September 2016 and tabled one separate report based on a petition during this time.

Petition 59 – Bio-Organics

2.2 This petition was tabled by Hon Donna Faragher MLC on 16 September 2014, with 469 signatures in support.²

2.3 Report 45, Petition No. 59 – *Bio-Organics Composting Facility, Oakford* was tabled in the Legislative Council on 15 September 2016. Refer to the Committee’s report for further detail on the scope and detail of this petition.

Petition 72 – Domestic violence funding

2.4 This petition was tabled by Hon Alanna Clohesy MLC on 25 November 2014 and contained 627 signatures.³

2.5 The petitioners requested that the Legislative Council investigate the impact of not delivering a second refuge in Perth and cutting funding to the ‘Safe at Home’ Program on women and families in Western Australia in a domestic violence situation.

2.6 The Minister for Child Protection noted the government’s election commitment to construct two new refuges. The Minister indicated that the government is:

- Constructing a new family refuge in the Ellenbrook region which is expected to be completed in early 2016.⁴
- Re-developing the Wooree Miya Refuge in the south-east metropolitan region. The Wooree Miya Refuge will double in capacity and will be able to accommodate ten families or ten women and up to 30 children. This re-development equates to ‘*an additional family and domestic violence refuge in the metropolitan area*’.⁵

² Tabled Paper 1860, Legislative Council, 16 September 2014.

³ Tabled Paper 2305, Legislative Council, 25 November 2014.

⁴ Minister for Housing indicated that Department of Housing is building the refuge in Ellenbrook, which is funded by the Department for Child Protection and Family Support (Hon Colin Holt MLC, Minister for Housing, Letter, 26 March 2015).

⁵ Hon Helen Morton MLC, Minister for Child Protection, Letter, 17 June 2015, p 2.

- 2.7 The Minister advised that the Safe at Home Program provides ‘*support for women and children escaping domestic violence to remain in the family home when it is safe to do so*’.⁶ This program is provided by the Department for Child Protection and Family Support under the auspices of the Commonwealth-State National Partnership Agreement on Homeless (NPAH).⁷
- 2.8 The Minister noted the Commonwealth Government’s announcement on 23 March 2015 to commit \$230 million to fund the NPAH for a further two years, from 1 July 2015 to 30 June 2017. The Minister advised that the State Government is currently reviewing the Commonwealth proposal.⁸ The Minister later advised that:
- Negotiations regarding the National Partnership Agreement on Homeless 2015-17 were finalised in June 2015. All organisations providing Safe at Home services accepted extensions to their Service Agreements which included an increase in their core funding levels.*⁹
- 2.9 The Committee also received information from the Attorney General and the Minister for Housing.
- The Attorney General advised the Committee that the government has introduced Family Violence Restraining Orders, which aim to reduce the onus on the victim to provide evidence of abuse, and is examining the policy framework on family and domestic violence laws.¹⁰
 - The Minister for Housing advised the Committee that the Department of Housing’s Crisis Accommodation Program ‘*provides over 650 units of accommodation for homeless people, of which 38 units are family and domestic violence refuges*’.¹¹
- 2.10 The Committee, having considered the submissions and the responses from the Minister for Child Protection, Minister of Housing and the Attorney General, resolved to finalise this petition on 17 February 2016.

⁶ Hon Helen Morton MLC, Minister for Child Protection, Letter, undated (received 5 May 2015), p 2.

⁷ *ibid.*

⁸ *ibid.*

⁹ Hon Helen Morton MLC, Minister for Child Protection, Letter, 9 September 2015, p 2.

¹⁰ Hon Michael Mischin MLC, Attorney General, Letter, 25 March 2015, p 1.

¹¹ Hon Colin Holt MLC, Minister for Housing, Letter, 26 March 2015, p 1.

Petition 96 – Serpentine Jarrahdale Shire Council

- 2.11 This petition was tabled by Hon Robin Chapple MLC on 8 September 2015 and contained 957 signatures.¹² The same petition was also tabled on 11 May 2016 with three signatures.¹³
- 2.12 The petitioners submitted that numerous allegations had been made by members of the public against the Serpentine Jarrahdale Shire, none of which had been addressed. The petitioners requested that the Legislative Council recommend and initiate a full judicial inquiry into the affairs of the Serpentine Jarrahdale Shire Council so as to arrive at a definite conclusion to these allegations.
- 2.13 The Minister for Local Government advised the Committee that he was ‘*aware of a number of concerns that involve governance at the Shire and with the Acting Chief Executive Officer and Shire President*’.¹⁴ Accordingly, the Department of Local Government and Communities is monitoring the Shire’s Council meetings and aspects of its operations.
- 2.14 However, the Minister also advised that the department was unaware of the specific matters raised in the petitioner’s submission¹⁵ and encouraged the petitioner to raise those matters with the department directly. The Minister indicated that the department would investigate accordingly.¹⁶
- 2.15 The Committee encouraged the principal petitioner to ‘*liaise with the Minister’s department and provide the department with the details of the matters raised in... [the] submission and any accompanying evidence*’.¹⁷
- 2.16 The Committee, having considered the submissions, and the responses from the Minister of Local Government and the Shire of Serpentine-Jarrahdale, resolved to conclude its inquiries into this matter and finalise this petition on 17 February 2015.

Petition 98 – Remand Facility for Women

- 2.17 Hon Lynn MacLaren MLC tabled this petition on 9 September 2015.¹⁸ The petition contained 399 signatures.

¹² Tabled Paper 3222, Legislative Council, 8 September 2015.

¹³ Tabled Paper 4077, Legislative Council, 11 May 2016.

¹⁴ Hon Tony Simpson MLA, Minister for Local Government, Letter, 10 November 2015, p 1.

¹⁵ The principal petitioner raised concerns about several planning-related decisions made by the Shire of Serpentine-Jarrahdale and the proposed Byford Bowling Club relocation. (Mr Steven Lenz, Letter, undated, received 16 October 2015).

¹⁶ Hon Tony Simpson MLA, Minister for Local Government, Letter, 10 November 2015, p 1.

¹⁷ Hon Simon O’Brien MLC, Chairman, Legislative Council Standing Committee on Environment and Public Affairs, Letter, 17 June 2016.

- 2.18 The petitioners opposed the decision to convert part of Hakea Prison into a women's remand facility and recommended the associated funding (\$20 million) be used to fund bail and legal services for women.
- 2.19 The Attorney General advised that:
- The decision to grant or refuse bail is made in the first instance by an authorised officer, a Justice of the Peace, a magistrate or a judge. If bail is refused or cannot be met by the accused, the accused is transferred to a custodial facility of remand.*¹⁹
- 2.20 The Minister for Corrective Services advised that the concerns raised by the petitioners about bail and legal services for women would be addressed by the new Women's Remand and Reintegration Facility (facility). The facility is expected to contain 'a confidential visits area, up to date legal resources and greater services for women on remand'.²⁰ The Minister also advised that the new facility would 'relieve the population pressure at Bandyup Women's Prison and allow for...improved mental health services, and the refurbishment of older accommodation and facilities'.²¹
- 2.21 The Committee sought to obtain further information from the Attorney General, the Minister for Corrective Services and the Chief Magistrate of the Magistrates Court on the number of female offenders who were refused bail and placed in remand due to being unable to satisfy bail conditions, pay fines or attend court. The Chief Magistrate advised the Court 'does not maintain statistics which would indicate why a female offender is refused bail'.²² Further, the Chief Magistrate indicated that 'no offenders are refused bail as a result of a failure to pay fines...[as] those who are required to serve terms of imprisonment as a result of unpaid fines are not brought to Court and have no opportunity to have bail considered'.²³
- 2.22 The Committee, having considered all the information received, resolved on 17 August 2016 not to conduct any further inquiries and to finalise its consideration of the petition.

¹⁸ Tabled Paper 3242, Legislative Council, 9 September 2015.

¹⁹ Hon Michael Mischin MLC, Attorney General, Letter, 13 November 2015.

²⁰ Hon Joe Francis MLA, Minister for Corrective Services, Letter, 17 November 2015.

²¹ *ibid.*

²² Mr Steven Heath, Chief Magistrate, Magistrates Court of Western Australia, Letter, 4 July 2016.

²³ *ibid.*

Petition 100 – Totalisator Agency Board

2.23 This petition with 41 signatures was tabled on 15 October 2015 by Hon Robyn McSweeney MLC.²⁴

2.24 The petitioners expressed their view that the Totalisator Agency Board (TAB) is a vital component of, and contributor to, all three codes of racing in Western Australia and that the sale of the TAB, in any form, will be to the ongoing detriment of the racing industry. They requested the Legislative Council to ensure that any sale of the TAB does not proceed.

2.25 The Treasurer acknowledged that:

*The State Government is well aware of the related concerns of some areas of the racing industry and is consequently undertaking a consultation phase—with a strong focus on the racing industry—before determining whether to proceed to a sales process.*²⁵

2.26 The Minister for Racing and Gaming advised that he has undertaken consultation with many different stakeholders in the racing industry and that no decision has been made on the sale of the TAB at this stage and no timeframe has been set for any sale.²⁶

2.27 The Minister highlighted the competitive environment in which the Western Australian TAB operates, stating:

*The WA TAB operates in a highly competitive wagering market. All other States and Territories have sold their wagering businesses. These are now run by large wagering businesses Tabcorp Holdings Limited (Tabcorp) and Tatts Group Limited (Tatts). According to data from Ibisworld, Tabcorp has a total market share of 46.4% of the Australian wagering market while Tatts hold 19.2%. This same data shows the WA TAB has a 5.2% share highlighting the significant gap in scale between the WA TAB and its much larger competitors.*²⁷

2.28 The Minister advised that any sale of the TAB ‘will require an analysis of the potential opportunities and risks to the racing industry and the State.’²⁸ These

²⁴ Tabled Paper 3514, Legislative Council, 15 October 2015.

²⁵ Hon Dr Mike Nahan MLA, Treasurer, Letter, 12 January 2016, p 1.

²⁶ Hon Colin Holt MLC, Minister for Racing and Gaming, Letter, 29 December 2015, p 1.

²⁷ *ibid.*

²⁸ *ibid.*, p 2.

opportunities and risks to the racing industry and State are currently being investigated by an industry group who are to provide a report to the government.²⁹

- 2.29 The Committee finalised the petition on 17 February 2016 and provided copies of the responses from the Treasurer and Minister for Racing and Gaming to the principal petitioner and tabling Member.

Petition 101 – Sunday community markets Canning Vale

- 2.30 This petition, tabled by Hon Kate Doust MLC on 17 November 2015, contained 201 signatures and requested that the Legislative Council support the maintenance of the Sunday community markets at Canning Vale in the event that the Perth Market in Canning Vale is sold.³⁰
- 2.31 The Committee did not receive a submission from the principal petitioner within the stipulated timeframe and resolved to finalise the petition on 17 February 2016.

Petition 102 – Aged care facilities

- 2.32 This petition with 169 signatures was tabled by Hon Alanna Clohesy MLC on 24 November 2015.³¹
- 2.33 The petitioners requested that the Legislative Council support aged care facilities in the City of Swan. Specifically, the petitioners requested that the Legislative Council call upon the State Government to work with the aged care sector to encourage them to inspect the soon-to-be-decommissioned Swan Districts Hospital to determine if it would be commercially viable to purchase part of the site and convert the existing buildings on that part, to produce a much-needed social dividend for the district in the form of a new Regional Residential Aged Care Facility.
- 2.34 The principal petitioner was concerned about the lack of aged care facilities in the City of Swan:

From the results of the research we and the City of Swan have undertaken, we have established that there are currently seven (7) residential aged care facilities in the City of Swan with a total of 587 places. Our research shows that all of those places are currently full and that there are clients registered at each of those facilities waiting for beds to become available.³²

²⁹ Hon Colin Holt MLC, Minister for Racing and Gaming, Letter, 29 December 2015, p 2.

³⁰ Tabled Paper 3607, Legislative Council, 17 November 2015.

³¹ Tabled Paper 3645, Legislative Council, 24 November 2015.

³² Submission from Mr Ron Carey, principal petitioner, 9 December 2016, p 1.

2.35 Future needs for aged care facilities were also a concern:

*The 587 aged care places available in the City of Swan are not sufficient to meet the needs of the current population which stands at approximately 112,000. With the population predicted to double in the City of Swan to 230,000 by the year 2031, it has been estimated that a further 1,050 new beds will be needed in that locality (by that year) to keep pace with demand.*³³

2.36 The City of Swan expressed its support for the intent of the petition. It advised that the former Swan Districts Hospital site has, in part at least, been identified by the City as ideally suited for ageing accommodation.³⁴

2.37 The Minister for Housing advised that the State Government is developing a whole of government Seniors' Housing Strategy under the *Affordable Housing Strategy Aiming Higher Action Plan 2015 - 2020*. As residential aged care is a Commonwealth responsibility it is not specifically addressed in the Seniors' Housing Strategy. However the Minister advised that it will consider the co-location of seniors independent living units with services and amenities, including residential aged care facilities.³⁵

2.38 The Minister for Planning advised the Committee that the Swan Districts Hospital site is surplus to government requirements and is currently being prepared for disposal as part of the Land Asset Sale Program by the Department of Lands through LandCorp. As part of this process, a number of industry groups were approached, including aged care providers, with many showing interest in the site.³⁶

2.39 The Minister also advised that LandCorp has sought expressions of interest from proponents to master plan a development at the site, which may include the re-use of all, part or none of the existing buildings. The expressions of interest period has closed, and LandCorp are now considering expressions of interest received prior to selecting a proponent to undertake the redevelopment of the site.³⁷

2.40 Having considered all the information received and given that the process to develop the site is currently in progress, the Committee concluded its inquiries into the petition on 22 June 2016 and resolved to finalise the petition on that date.

³³ Submission from Mr Ron Carey, principal petitioner, 9 December 2016, p 2.

³⁴ Mr Mike Foley, Chief Executive Officer, City of Swan, Letter, 26 February 2016, p 1.

³⁵ Hon Colin Holt MLC, Minister for Housing, Letter, 22 March 2016, p 1.

³⁶ Hon Donna Faragher MLC, Minister for Planning, Letter, 2 June 2016, p 1.

³⁷ *ibid.*

Petition 103 – Privatisation of Western Australian ports

- 2.41 This petition was tabled by Hon Paul Brown MLC on 25 November 2015 with 24 signatures of support.³⁸
- 2.42 The petitioners opposed the privatisation of Western Australian ports unless appropriate safeguards were legislated to guarantee the provision of efficient and cost effective port access for the movement of agricultural exports and inputs.
- 2.43 The petitioners called upon the Legislative Council to direct the Premier and Minister for Transport to develop and implement a long term plan to support the financial and freight infrastructure requirements of a modern and efficient agricultural industry prior to agreeing to any proposals regarding the privatisation of ports.
- 2.44 The Committee resolved to finalise the petition on 17 February 2016 as it had not received a submission from the principal petitioner within the stipulated timeframe.

Petition 104 – Rail freight network

- 2.45 This petition with 25 signatures was tabled by Hon Darren West MLC on 26 November 2015.³⁹
- 2.46 The petition requested an urgent review into the transport needs for the agricultural industry, with particular reference to the Western Australian rail freight network.
- 2.47 The Committee did not receive a submission from the principal petitioner within the stipulated timeframe and the petition was finalised on 17 February 2016.

Petition 105 – Esperance Hospital support services

- 2.48 This petition was tabled by Hon Dave Grills MLC on 1 December 2015 and had 81 signatures in support.⁴⁰
- 2.49 The petitioners expressed their support for a drug and alcohol detoxification facility and increased support services to reduce the severity of drug and alcohol harm in their community.
- 2.50 The petitioners requested that the Legislative Council recommend supporting the establishment of a detoxification unit at the Esperance Hospital, on call acute mental health services at the Esperance Hospital and increased drug and alcohol counseling services in the community.

³⁸ Tabled Paper 3653, Legislative Council, 25 November 2015.

³⁹ Tabled Paper 3666, Legislative Council, 26 November 2015.

⁴⁰ Tabled Paper 3677, Legislative Council, 1 December 2015.

2.51 The Committee wrote to the Minister for Mental Health, the Minister for Police, the Minister for Regional Development, the Minister for Housing and St John Ambulance Western Australia seeking their comment on the petition.

2.52 The Minister for Health advised that:⁴¹

- Esperance Hospital has the capacity to safely manage alcohol and drug detoxes and has been doing so.
- Working in partnership with the Community Drug and Alcohol Team, the Community Mental health team and HOPE Community Services, Esperance Hospital has set up a multi-disciplinary team to ensure that all patients who need an inpatient detox as part of their recovery obtain one in a timely manner before transferring them on to rehabilitation.
- Esperance Hospital has the capacity, within its current resources, to continue managing inpatient detox when this is a necessary component of a patient's recovery plan.
- There is no immediate or foreseeable need for a separate dedicated specialist inpatient detox unit.

2.53 Through the 2016-17 budget process, the State Government has committed an additional \$14.9 million over the next two years for the Mental Health Commission to respond to methamphetamine use, which includes:⁴²

- Expansion of existing prevention initiatives to prevent methamphetamine use.
- Provision of additional training and support for frontline workers.
- Additional community-based prevention and treatment services delivered through the state-wide network of Community Alcohol and Drug Services.
- Expansion of existing low medical withdrawal and residential rehabilitation beds at existing residential rehabilitation service providers.
- Increased specialist support services in emergency departments to provide information, support and referral options to individuals, family members and hospital staff.
- A pilot specialist amphetamine clinic to provide assessment and treatment for methamphetamine users at the Next Step Drug and Alcohol Service.

⁴¹ Hon John Day MLA, Minister for Health, Letter, 23 June 2016, pp 1-2.

⁴² Hon Andrea Mitchell MLA, Minister for Mental Health, Letter, 15 June 2016, p 1.

- Establishment of a State Ice Helpline to provide specialist information, support and referral for individuals and families affected by methamphetamine use.
- 2.54 The Committee notes that the Goldfields Rehabilitation Services will receive \$2.78 million funding from the State Government's Royalties for Regions program for a drug and alcohol detoxification and rehabilitation program and the refurbishment of the existing facility and the construction of a new building in Kalgoorlie-Boulder.⁴³
- 2.55 Having considered all the information received, and having brought the matters raised in the petition to the attention of all the relevant authorities, the Committee resolved on 17 August 2016 not to conduct any further inquiries and to finalise its consideration of the petition.

Petition 106 – Kings Park status

- 2.56 This petition was tabled by Hon Simon O'Brien MLC on 1 December 2015 and contained 20 signatures.⁴⁴ The same petition was also tabled on 23 February 2016 and contained 167 signatures.⁴⁵
- 2.57 The petitioners requested that the Legislative Council oppose incorporating Kings Park into part of the proposed City of Perth district.
- 2.58 The petitioners expressed concern that incorporating Kings Park into the City of Perth would remove its national and state-wide status by making it no more than a city park. They were also concerned that it would lay Kings Park open to the encroachment of development for other purposes.
- 2.59 The second reading of the City of Perth Bill 2015 occurred in the Legislative Council on 24 November 2015, and at the time the petition was tabled and referred to the Committee the Bill was still before the Parliament.
- 2.60 Given that Members would have the opportunity to consider the issues raised in the petition when the City of Perth Bill 2015 was further debated in the Legislative Council, the Committee resolved on 17 February 2016 not to conduct any further inquiries and to finalise the petition. The principal petitioner's submission expanding on the issues raised in the petition were posted on the Committee's website to inform debate on the City of Perth Bill 2015.

⁴³ [http://www.gedc.wa.gov.au/News-and-publications/News/Goldfields-to-Benefit-from-\\$20-58-Million-Investme.aspx](http://www.gedc.wa.gov.au/News-and-publications/News/Goldfields-to-Benefit-from-$20-58-Million-Investme.aspx), Viewed 17 August 2016.

⁴⁴ Tabled Paper 3678, Legislative Council, 1 December 2015.

⁴⁵ Tabled Paper 3850, Legislative Council, 23 February 2016.

Petition 107 – Religious schools discrimination

- 2.61 This petition with seven signatures was tabled by Hon Stephen Dawson MLC on 3 December 2015.⁴⁶
- 2.62 The petitioners expressed their opposition to religious schools being able to discriminate against students or their parents on the basis of sexuality or gender history.
- 2.63 The petitioners requested that the Legislative Council remove the loophole in section 73 of the *Equal Opportunity Act (1984)* (EO Act) that allows religious schools to discriminate on the basis of sexuality and gender history.
- 2.64 Section 73 of the EO Act provides that an educational institution in Western Australia that is conducted in accordance with the doctrines and teachings of a particular religion may discriminate in good faith against a person in the areas of employment and in the provision of education and training, on one or more of the grounds of discrimination under the EO Act, in order to avoid injury to the religious susceptibilities of adherents of that religion.
- 2.65 The principal petitioner submitted that:
- Having free reign to openly discriminate against someone on the basis of their sexuality or gender history/identity sends an explicit message that lesbian, gay, bisexual, transgender and intersex (LGBTI) people are not equal, that they are ‘wrong’, that they should be excluded and feared. To legally sanction such discrimination and promote feelings of shame – particularly in a school environment where all students and families should feel safe and included – impacts on the entire community.*⁴⁷
- 2.66 Options proposed by the petitioners for amending the EO Act to remove the exemption were:⁴⁸
- Remove section 73 of the EO Act entirely.
 - Insert ‘*sexuality or gender history*’ into section 73(3) after ‘*other than the grounds of race, impairment or age*’.
- 2.67 The Committee sought comment from the Minister for Education and the Attorney General.

⁴⁶ Tabled Paper 3715, Legislative Council, 3 December 2015.

⁴⁷ Submission from Ms Beth Cole, principal petitioner, 3 January 2016, p 1.

⁴⁸ *ibid*, p 2.

- 2.68 For a non-government school to be registered in Western Australia, it is required to comply with the *2016 Standards for Non-Government Schools* and the *School Education Act 1999*.⁴⁹
- 2.69 Section 160(1)(f)(iv) of the *School Education Act 1999* requires non-government schools to be compliant with ‘*all written and other laws that apply to and in respect of the school and the operation of the school*’.⁵⁰ This includes the EO Act.⁵¹
- 2.70 If a school is assessed as non-compliant with the *2016 Standards for Non-Government Schools* or be found to have contravened any written laws, action may be taken in accordance with the *School Education Act 1999*.⁵²
- 2.71 The Attorney General explained that Parliament’s intention was to strike a balance between the rights of a person not to be discriminated against in the areas of employment and education, and the expectation of parents that they would be able to continue to raise and educate their children in accordance with their religious beliefs without interference.⁵³
- 2.72 The Attorney General acknowledged that ‘*anti-discrimination legislation across all States and Territories includes exceptions for religious bodies. These have been subject to community debate and divergent opinions*’.⁵⁴
- 2.73 In regard to the specific request in the petition to ‘*remove the loop hole*’ in section 73 of the EO Act, the Attorney General made the following remarks:
- The Government of Western Australia remains committed to the principles of equal opportunity and anti-discrimination in the Act, and it is mindful of keeping the correct balance between individuals’ religious beliefs and freedom from discrimination. In the Government’s view, section 73 maintains that delicate balance. Consequently the Government does not see a need to review the operation of section 73 and has no plans to amend it.*⁵⁵
- 2.74 Having considered the submissions and the responses from the Minister for Education and the Attorney General, the Committee resolved to conclude its inquiries into this petition on 6 April 2016, and the petition was finalised on that date.

⁴⁹ Hon Peter Collier MLC, Minister for Education, Letter, 2 March 2016, p 1.

⁵⁰ *School Education Act 1999*, s 160(1)(f)(iv).

⁵¹ Hon Peter Collier MLC, Minister for Education, Letter, 2 March 2016, p 1.

⁵² *ibid.*

⁵³ Hon Michael Mischin MLC, Attorney General, Letter, 29 March 2016, p 1.

⁵⁴ *ibid.*

⁵⁵ *ibid.*, p 2.

Petition 108 – Operation of the Department of Fire and Emergency Services

2.75 This petition with 2,131 signatures was tabled by Hon Rick Mazza MLC on 16 February 2016.⁵⁶

2.76 The petitioners expressed their gratitude and deep appreciation for all operational, ground and support crews involved in the January 2016 Waroona/Harvey bushfires, however expressed their concern about the management of the bushfires by the Department of Fire and Emergency Services (DFES).

2.77 The petitioners requested that the Legislative Council conduct a Parliamentary inquiry into the operations of DFES as they relate to the management of recent bushfire emergencies, in particular:

- communication of imminent danger to the community
- the limitations imposed on bushfire personnel and the community to make on the spot judgements for applications such as back burning or the use of appliances to immediately take action to control the threat of fire
- coordination between government departments and volunteers
- the ability for people to obtain supplies for themselves and stock and return to their properties once the emergency threat of fire is over.

2.78 In his submission the principal petitioner addressed the issues of fuel loads, firefighting methods, road blocks and closures, general communication, poor relationships between staff at DFES, members of the Association of Volunteer Bush Fire Brigades (AVBFB) and the Department of Parks and Wildlife (DPaW) and the need for the reform of firefighting regulations.

2.79 The principal petitioner submitted that:

*The points raised are intended to demonstrate the lack of efficiencies, waste of resources and the inadequacies of DFES to manage bushfires in rural areas, possibly as a result of their failure to adequately engage with DPaW and AVBFB.*⁵⁷

2.80 The tabling Member submitted his view that:

DFES should be limited in managing bush fires and a stronger alliance should be developed between DPaW, local government and volunteers. The way DFES manages bush fires has produced poor

⁵⁶ Tabled Paper 3763, Legislative Council, 16 February 2016.

⁵⁷ Mr Raymond Hull, principal petitioner, Letter, 16 March 2016, p 2.

*outcomes, we can't continue to replicate the mistakes over and over again. The current system is broken and needs urgent repair.*⁵⁸

- 2.81 The Committee sought comments on the petition from the Minister for Emergency Services, Minister for Environment and Minister for Regional Development.
- 2.82 The Committee also obtained a copy of the report of the special inquiry titled *Reframing Rural Fire Management: Report of the Special Inquiry into the January 2016 Waroona Fire* which was tabled in the Western Australian Parliament on 23 June 2016.
- 2.83 The objectives of the special inquiry were to identify improvements to the systems of community safety and bushfire risk management in Western Australia. The resulting report is a comprehensive examination of the January 2016 Waroona Fire, lessons learned from previous bushfire emergencies and the need for further reform.
- 2.84 The report carries 17 'Recommendations for Strategic Change' which will require whole of Government action. It also carries 23 'Agency Opportunities for Improvement' which support the Recommendations for Strategic Change and which require the attention of one or more agencies either individually or collectively.
- 2.85 Having considered all the information received, and given that the report addresses the concerns raised in the petition, the Committee resolved on 29 June 2016 not to conduct any further inquiries and to finalise its consideration of the petition.

Petition 109 – Energy operator accessing private land

- 2.86 This petition with two signatures was tabled by Hon Robyn McSweeney MLC on 17 February 2016.⁵⁹
- 2.87 The petition was expressed in the following terms:

We the undersigned residents of Western Australia support any Landowner where an existing power line is erected upon and not subject to an easement may terminate the free use by the Energy operator who owns the power line by serving a "Notice to remove the power line," or by virtue of change of ownership. The Energy Operator shall comply with the Notice to remove within a period of not more than 12 months at their cost. There shall be no appeal or compulsory acquisition of the said land awarded to the Energy operator. The decision rests solely with the Landowner who has given

⁵⁸ Hon Rick Mazza MLC, tabling Member, Letter, 15 March 2016, p 2.

⁵⁹ Tabled Paper 3832, Legislative Council, 17 February 2016.

the Energy Operator previously the use of their land for free as an admirable and appreciated public service.

Your petitioners therefore respectfully request the Legislative Council to recommend to instigate an immediate investigation into the circumstance of private land use not subject to an easement for the purpose of an electrical power line to pass through it by Licensed Energy Operators in Western Australia requiring full and public disclosure of arguments. We respectfully request that the Legislative Council investigate the Landowners ability to dispute decisions made by the Energy Operator without notice or negotiation over anything on their land to be implemented without their permission. We respectfully request that the Legislative assembly investigate the fairness to the Landowners by the current Legislation.⁶⁰

- 2.88 The Committee obtained several submissions from the principal petitioner and also sought responses to the petition from the Minister for Energy and the Minister for Lands.
- 2.89 Following consideration of the submissions and the Ministerial responses obtained, the Committee concluded its inquiries into the petition on 17 August 2016.

Petition 110 – Deregulation of retail trading hours

- 2.90 This petition was tabled on 17 February 2016 by Hon Kate Doust MLC with 9132 signatures.⁶¹
- 2.91 The petitioners opposed further deregulation of retail trading hours in Western Australia on the basis of the ‘*negative impacts longer opening hours have on the family and community*’. The petitioners also recognised the increased market share longer trading hours gives to large retailers, and the ‘*negative impact this has on local producers and independent retailers.*’
- 2.92 The petitioners requested that the Committee undertake a full and public inquiry into the costs and benefits of both the proposed changes to trading hours and previous changes.
- 2.93 The Committee obtained a response to the petition from the Ministers for Training and Workforce Development, Commerce and Small Business.

⁶⁰ Tabled Paper 3832, Legislative Council, 17 February 2016.

⁶¹ Tabled Paper 3833, Legislative Council, 17 February 2016.

2.94 The Minister for Training and Workforce Development advised that the proposed further deregulation of retail trading hours ‘*will not have an impact on training delivery and demand.*’⁶²

2.95 The Minister for Commerce was not supportive of the Committee inquiry requested in the petition, noting that the government’s policy of incremental change to trading hours implements the recommendations made by the Department of Commerce’s recent statutory review of the *Retail Trading Hours Act 1987* which had already considered other recent inquiries and reports on the costs and benefits of deregulated retail trading hours. The Minister was of the view that there would be little benefit in conducting an additional inquiry.⁶³

2.96 The Minister for Small Business referred to a recent Competition Policy Review which highlighted the anti-competitiveness of restricted trading hours and recommended the removal of regulations governing retail trading hours, noting that:

*Under the current retail trading hours framework, small retail shops in the Perth metropolitan area have been able to operate 24 hours a day, every day of the year. The Government plans to maintain this policy and has no intention of forcing small retailers to open at times it is not profitable for them to do so.*⁶⁴

2.97 The Minister for Small Business also noted that:

*The submissions to the petition cite that small retailers may feel pressured to trade longer hours to compete with larger competitors like Coles and Woolworths. Importantly, the protections in place under the Commercial Tenancy (Retail Shops) Agreements Act 1985 prohibit landlords from forcing tenants to open on Sundays and charging them operating expenses beyond the standard trading hours that they do not open. However, I do acknowledge that until penalty rates are reformed, small retailers may be at a competitive disadvantage.*⁶⁵

2.98 While the Minister sympathised with workers being forced to work longer hours or hours that conflict with family arrangements, the Minister submitted that these concerns revolve around employee-employer relations rather than the government’s policy on retail trading hours.⁶⁶

⁶² Hon Liza Harvey MLA, Minister for Training and Workforce Development, Letter, 27 April 2016, p 1.

⁶³ Hon Michael Mischin MLC, Minister for Commerce, Letter, 3 May 2016, pp 1-2.

⁶⁴ Hon Sean L’Estrange MLA, Minister for Small Business, Letter, 16 May 2016, p 1.

⁶⁵ *ibid.*

⁶⁶ *ibid.*, p 2.

2.99 Accordingly, the Committee came to the view that a Committee-run inquiry would add little to the existing literature on these well-reviewed issues, and resolved to finalise the petition on 8 June 2016.

Petition 111 – Kalbarri power supply

2.100 This petition with 455 signatures was tabled by Hon Brian Ellis MLC on 23 February 2016.⁶⁷ The principal petitioner was Hon Jim Chown MLC.

2.101 The petitioners expressed their opposition to the current standard of electricity provision by Western Power to the town of Kalbarri. They were concerned that businesses and residents of the town have experienced 77 power outages in the past two years, both planned and unplanned and claimed that this is unacceptable.

2.102 The petitioners requested that the Legislative Council support upgrading the service to enable the township, its residents, businesses and visitors to receive uninterrupted power supplies.

2.103 The principal petitioner submitted that the issue of substandard electricity services in Kalbarri has been raised in Parliament over a number of years. Successive governments have struggled to provide adequate, reliable electricity services to this town at the extreme northern point of the south west interconnected electricity network.⁶⁸

2.104 Hon Jim Chown MLC noted that Kalbarri is very much dependent upon tourism for its economy and that, in the past two years, Kalbarri has experienced 77 power outages. He noted that many of these outages occur during summer, during the peak holiday season and that these power outages impact negatively upon Kalbarri's appeal as a tourist destination.⁶⁹

2.105 Hon Jim Chown MLC submitted that '*It is simply unconscionable that in 2016 Kalbarri should continue to experience such substandard electricity supply. Power outages in Kalbarri create a massive financial impost upon its residents.*'⁷⁰

2.106 Responses from the Minister for Regional Development and the Minister for Energy indicated that the government is well aware of the power supply issues in Kalbarri and is working towards rectifying those issues. However:

Under Western Power's regulatory regime, it is necessary for capital work on the network to pass an investment efficiency test. As a town

⁶⁷ Tabled Paper 3849, Legislative Council, 23 February 2016.

⁶⁸ Submission from Hon Jim Chown MLC, principal petitioner, 24 March 2016, p 1.

⁶⁹ *ibid.*

⁷⁰ *ibid.*, p 2.

of approximately 1,300 connections, the relatively low revenue generated from Kalbarri by Western Power makes passing these regulatory imposed hurdles restrictive and hard to justify significant investment for a marginal increase in reliability.

...Western Power has finite funding levels and on this basis has to consider broader network needs. Safety considerations are the investment priority of the business and this stance is supported by Government.⁷¹

- 2.107 The Minister for Energy advised that Western Power is undertaking extensive work on the Kalbarri feeder, and in February 2016 he approved Western Power to invest \$300,000 towards a feasibility study to develop a micro grid to improve the town's power reliability. The study is expected to finish in September 2016.⁷²
- 2.108 The Committee was satisfied that the matters raised in the petition were being addressed by the government and resolved to conclude its inquiries into this matter on 8 June 2016. The petition was finalised on that date.

Petition 112 – Oppose fish traps Gascoyne region

- 2.109 Hon Jacqui Boydell MLC tabled this petition with 2207 signatures on 16 March 2016.⁷³ The principal petitioner was Hon Vince Catania MLA.
- 2.110 The petitioners expressed their opposition to fish traps from Shark Bay to Coral Bay as they were concerned they would have a detrimental impact on marine ecology and their tourism and recreational fishing economy. The petitioners requested that the Legislative Council do not support the use of fish traps in the Gascoyne region.
- 2.111 The principal petitioner advised the Committee that the fish trap proposal is extremely unpopular in the Gascoyne. He submitted that fish traps are not acceptable for the Gascoyne region due to the sensitive environment that they are proposed for, from Shark Bay to Coral Bay in coral and sea grass areas and two world heritage areas. He expressed concern that if lost, fish traps will continue fishing 'forever' and '*this alone poses an unacceptable environmental risk*'.⁷⁴
- 2.112 Hon Vince Catania MLA expressed concern that any increased short term economic gain from the commercial fishing sector will be minimal in comparison with the loss from the tourism and recreational fishing sector.⁷⁵

⁷¹ Hon Dr Mike Nahan MLA, Minister for Energy, Letter, 3 May 2016, p 1.

⁷² *ibid*, p 2.

⁷³ Tabled Paper 3896, Legislative Council, 16 March 2016.

⁷⁴ Submission from Hon Vince Catania MLA, principal petitioner, 12 April 2016, p 1.

⁷⁵ *ibid*.

2.113 The Minister for Fisheries responded to the petitioner's concerns as follows:

- In late 2015, licence holders in the Gascoyne Demersal Scalefish Fishery approached the Department of Fisheries (DoF) with a proposal to trial the use of fish traps in the fishery in a bid to improve economic viability and reduce overall fishing mortality as a result of shark predation.
- The DoF consulted with the recreational fishing sector through Recfishwest.
- The proposal generated significant public interest and debate between the commercial and recreational fishing sectors.
- Following consideration of the views, the then Minister for Fisheries did not support the proposal to trial fish traps in the Gascoyne.⁷⁶

2.114 The then Minister appointed an independent mediator to work with the commercial and recreational fishing sectors and the DoF on a contemporary harvest strategy for scalefish off the Gascoyne coast.⁷⁷

2.115 The Minister advised that this process is currently underway and it is anticipated that a draft harvest strategy will be released for broader public consultation in August 2016.⁷⁸

2.116 Given that there is no current proposal to trial fish traps in the Gascoyne and that a process is currently underway to determine a contemporary harvest strategy for scalefish off the Gascoyne coast, the Committee resolved on 22 June 2016 to finalise the petition.

Petition 113 – Review Mining Amendment Bill 2015

2.117 This petition with 562 signatures was tabled by Hon Stephen Dawson MLC on 16 March 2016.⁷⁹

2.118 The petitioners requested that the Legislative Council review the proposed changes to the Mining Amendment Bill 2015 and direct a committee of the Legislative Council to conduct an independent review that will take into consideration the genuine concerns of small miners and the effects the increased regulation will have on their operations financially.

⁷⁶ Hon Joe Francis MLA, Minister for Fisheries, Letter, 13 June 2016, p 1.

⁷⁷ *ibid*, p 2.

⁷⁸ *ibid*.

⁷⁹ Tabled Paper 3897, Legislative Council, 16 March 2016.

2.119 The Committee noted that on 23 February 2016 the Legislative Council referred the Mining Legislation Amendment Bill 2015 to the Standing Committee on Legislation for inquiry.

2.120 On 23 March 2016 the Committee resolved to refer the petition to the Standing Committee on Legislation and conclude its inquiries on the matter.

Petition 114 – Burial on country

2.121 This petition was tabled by Hon Robin Chapple MLC on 16 March 2016 and was supported by 20 signatures.⁸⁰

2.122 The petitioners noted the unsuccessful application by the principal petitioner and her children to lay her deceased husband to rest on country. They requested that the Legislative Council conduct an inquiry into why the application was not approved by the government.

2.123 The Committee sought comment from the Minister for Aboriginal Affairs and the Minister for Local Government.

2.124 Due to the sensitive nature of this petition, the Committee resolved to keep private the evidence it received.

2.125 While sympathetic to the principal petitioner's situation, the Committee was satisfied that the correct procedures had been met in this instance. The Committee resolved on 22 June 2016 to finalise the petition and advised the principal petitioner and tabling Member of its decision.

Petition 115 – Oppose abortion

2.126 This petition with 2,139 signatures was tabled in the Legislative Council on 23 March 2016 by Hon Nick Goiran MLC.⁸¹

2.127 The petitioners requested the Legislative Council to support the following action:

- To recognise at law the separate legal persona of the unborn.
- To appoint with respect to each unborn child an independent advocate who is granted an opportunity to plead for their life to a court of law prior to any abortion being performed.

2.128 The Attorney General noted that '*the question of when an unborn foetus attains legal personality is both morally and legally complex.*'⁸² He noted that the criminal law in

⁸⁰ Tabled Paper 3898, Legislative Council, 16 March 2016.

⁸¹ Tabled Paper 3927, Legislative Council, 23 March 2016.

Western Australia makes it clear that a child becomes a person capable of being killed only when it has completely proceeded from the mother (section 269 of the *Criminal Code*.)⁸³

- 2.129 The Attorney General advised that section 269, and other provisions, of the *Criminal Code* articulate a longstanding, cornerstone legal principle upon which our criminal law is framed. He stated that any disruption to this principle would affect the existing rights of women to make decisions about their pregnancy and may have other unintended legal consequences.⁸⁴
- 2.130 Given the above, the Attorney General submitted that there is no basis upon which the first issue raised by the petition can be supported. For the same reason, there is no proper legal basis for the appointment of any sort of ‘independent advocate’ to represent an unborn foetus in court.⁸⁵
- 2.131 As the concerns in the petition had been brought to the attention of, and considered by, the responsible Minister, the Committee resolved on 14 September 2016 to finalise the petition.

Petition 116 – Point Moore, Geraldton leases

- 2.132 This petition was tabled in the Legislative Council on 24 March 2016 by Hon Paul Brown MLC. It contained 180 signatures.⁸⁶
- 2.133 The petitioners called on the Minister for Planning and the Minister for Lands to ‘*allow the residents of Point Moore, Geraldton, to continue to live a life of quiet enjoyment in the homes in which we have invested much of our life savings.*’⁸⁷
- 2.134 Currently there are 176 beach cottage blocks and a commercial caravan park under lease with the City of Greater Geraldton. There are three different lease expiry dates, namely 2025 and 2028 (for the beach cottages) and 2042 for the Belair Caravan Park and Lifestyle Village.⁸⁸ The residents of Point Moore sought consistency across the various lease conditions to ensure equity. Point Moore residents requested that their residential leases are consistent with the Belair Caravan Park and extended until 2042.⁸⁹

⁸² Hon Michael Mischin MLC, Attorney General, Letter, 16 August 2016, p 1.

⁸³ *ibid.*

⁸⁴ *ibid.*

⁸⁵ *ibid.*

⁸⁶ Tabled Paper 3974, Legislative Council, 24 March 2016.

⁸⁷ *ibid.*

⁸⁸ Submission from Hon Paul Brown MLC, tabling Member, 11 May 2016, pp 1-2.

⁸⁹ *ibid.*, p 2.

- 2.135 The Committee sought comment from the Minister for Local Government, Minister for Planning, Minister for Lands and the City of Greater Geraldton.
- 2.136 The City of Greater Geraldton (CGG) has indicated that it will not renew residential leases beyond 2028 until detailed studies are prepared on what the CGG considers to be the following risk factors:⁹⁰
- Coastal inundation/coastal protection assessment
 - Environmental assessment
 - The unknown conformity with state coastal legislation requirement of the septic tank systems used in Point Moore.
- 2.137 The Minister for Lands advised that the CGG has engaged specialist coastal and port engineers to undertake a Coastal Inundation and Processes Allowances Study (Inundation Study) for the Point Moore area to inform decision-making in relation to the ongoing habitation of the land.⁹¹ The report details the likelihood of inundation and the impact of coastal processes on the area over the 100 year planning timeframe.⁹²
- 2.138 The Minister advised that the CGG, the Department of Lands and the Department of Planning have collectively agreed that the results of the Inundation Study suggest that the level of coastal hazard risk to the affected Point Moore community is increasing in both extent and depth and there is sufficient evidence to conclude that suitable adaptation measures should be put in place including the non-renewal of the residential leases beyond the 2028 expiry date.⁹³
- 2.139 The Minister also noted that the CGG is responsible for the care, control and management of the land and is the ultimate decision maker with respect to modifying the current lease agreements as well as permitting the renewal of the Point Moore leases beyond the current expiry dates.⁹⁴
- 2.140 The CGG confirmed that it has been undertaking studies in the area that will inform Council on the possible options into the future. That process is still underway.⁹⁵

⁹⁰ Submission from Hon Paul Brown MLC, tabling Member, 11 May 2016, p 1.

⁹¹ Hon Terry Redman MLA, Minister for Lands, Letter, 16 June 2016, p 2.

⁹² *ibid.*

⁹³ *ibid.*

⁹⁴ *ibid.*

⁹⁵ Mr Phil Melling, Director of Development and Community Services, City of Greater Geraldton, Letter, 17 June 2016, p 2.

2.141 The Committee was mindful that the CGG is currently undertaking studies in relation to Point Moore which will inform the Council on the possible options for the land into the future. Given the decision making process is still currently in progress, and having brought the petitioners' views to the attention of all the relevant decision makers, the Committee resolved on 17 August 2016 not to conduct any further inquiries and to finalise its consideration of the petition.

Petition 117 – Southgates Sand Dunes, Geraldton

2.142 This petition was tabled by Hon Paul Brown MLC on 6 April 2016 with 1301 signatures.⁹⁶

2.143 The petitioners were opposed to the re-zoning of the Southgates sand dunes for the purposes of a potential residential redevelopment. They requested the Legislative Council to recommend an inquiry into the decision by the Ministers for Planning and Environment to approve the re-zoning of this area from its current recreational use.

2.144 Evidence to the Committee was that the Geraldton coast is currently subject to a number of coastal erosion issues that are affecting communities and facilities along the beaches to the north of the Southgates area due to the poorly understood impacts of previous coastal developments.⁹⁷ It was put to the Committee that:

*The belief that stabilisation needs to occur and will be best achieved by rezoning the dunes from Reserve for the purposes of recreation to one of residential land displays a distinct lack of understanding of the desire of the Geraldton community to ensure that the dunes remain as a valuable public asset.*⁹⁸

2.145 As part of its inquiries into the terms of the petition, the Committee sought comment from the Minister for Planning, Minister for Lands, Minister for the Environment and the City of Greater Geraldton.

2.146 The Minister for Planning advised the Committee that the scheme amendment process is still underway. She advised in June 2016 that:

*I anticipate making a final decision on the proposed reclassification of the land shortly. In doing so I will consider all relevant matters including the City of Greater Geraldton's resolution on the proposal, all public submissions and the recommendation of the Western Australian Planning Commission.*⁹⁹

⁹⁶ Tabled Paper 3995, Legislative Council, 6 April 2016.

⁹⁷ Hon Paul Brown MLC, Tabling Member, Letter, 12 May 2016, p 1.

⁹⁸ *ibid*, p 2.

⁹⁹ Hon Donna Faragher MLC, Minister for Planning, Letter, 16 June 2016, p 2.

2.147 The Committee noted that the scheme amendment process was still underway and that the petitioners' concerns had been raised with, and considered by, the appropriate authorities as part of that process. For these reasons, the Committee resolved on 14 September 2016 to finalise the petition.

Petition 118 – White set plaster

2.148 This petition with two signatures was tabled on 7 April 2016 by Hon Sue Ellery MLC on behalf of Hon Kate Doust MLC.¹⁰⁰

2.149 The petitioners' expressed concerns about the quality of white set plaster in Western Australia and paint not adhering to walls, and requested that the Legislative Council investigate the impact of this on consumers. They also requested that the Legislative Council investigate the Building Commission's delay in making the government aware of the true nature and extent of the issue and the urgency required to ensure current and future home owners are not disadvantaged by substandard white set plaster.

2.150 The principal petitioner submitted that there is an urgent need for:

- the regulation of building inspectors
- a 'gold card' system for trades, as in Queensland
- the introduction of quality standards for Western Australia (including the Australian Consumer Law).

2.151 According to her submission to the Committee, Hon Kate Doust MLC considered that the question to be resolved is how consumers can assure themselves that the white set plaster in their home is sound. She further questioned how consumers who have concerns about the plaster in their homes can satisfy themselves as to its quality without a costly application to the Building Commission. She submitted that at the core of the issue is how to ensure consumers are aware of the need to have their white set plaster wall harden to a finish which is sturdy and to which paint adheres.

2.152 The Minister for Commerce advised that a working group had been established by the Master Painters and Decorators Association (MPDA) in response to failures associated with internal paint work on white set plaster walls in residential dwellings.

2.153 The Minister noted that whilst the MPDA is yet to provide a report of the working group's findings, the initial tests conducted indicate that white set plaster applied in accordance with the existing standards and manufacturer's recommendations will provide a hard durable surface suitable for receiving a paint coating.

¹⁰⁰ Tabled Paper 4012, Legislative Council, 7 April 2016.

- 2.154 Figures provided by the Minister indicate that at most there have been 16 complaints lodged with the Building Commission in a two-year period that may be considered as possibly relating to soft plaster. The majority of complaints relate to surface imperfections and uneven application.
- 2.155 The Minister advised that although the MPDA is yet to release the working group's findings, the group has reaffirmed that the current Australian Standard HB161-2005 *Guide to plastering* is the minimum industry standard. This standard has been in force since 2005 and has been used by the Building Commission when assessing plastering related complaints.
- 2.156 The Minister advised that the Building Commission intends to reinforce the use of this guide in an Industry Bulletin to be provided to builders and painters following the release of the MPDA report to ensure the group's concerns are taken into account in the Industry Bulletin.
- 2.157 The Minister concluded that the Building Commission is not aware of any evidence indicating soft plaster is a widespread issue warranting particularly concern.
- 2.158 On the basis on the information provided, the Committee was of the view that there appears to be no widespread issue with soft white set plaster. Further, given that the matters raised in the petition were actively being considered, the Committee resolved on 29 June 2016 not to conduct any further inquiries and to finalise its consideration of the petition.

Petition 119 – Building Commission and State Administrative Tribunal

- 2.159 This petition was tabled by Hon Adele Farina MLC on 7 April 2016 with two signatures.¹⁰¹
- 2.160 The petitioners' requested that the Legislative Council investigate whether the transfer of disputes by the Building Commissioner to the State Administrative Tribunal (SAT) has resulted in disputes being resolved in an impartial, professional, timely and consistent fashion.
- 2.161 The Committee received a submission from the principal petitioner as well as from Mr Peter Wrobel, Industrial Chemist and Consultant, and Janine Freeman MLA, in support of the petition.
- 2.162 Mr Wrobel submitted that in his experience there is an urgent need for clarity and consistency within both the Commission and the Tribunal in matters related to the Western Australian building industry.

¹⁰¹ Tabled Paper 4013, Legislative Council, 7 April 2016.

- 2.163 Janine Freeman MLA submitted that while the SAT had replaced the dispute resolution process of the Building Disputes Tribunal which had improved the integrity of the processes, the aim of making it more user friendly, less legalistic, low cost and timely had been questioned. She also expressed concern about the role of building sessional - non legal members of the tribunal and how their position on the SAT can be assured to be without conflict of interest if they are working in the building industry and determining disputes concurrently.
- 2.164 Another concern expressed by Janine Freeman MLA was the resourcing of the SAT and what she claimed to be the emphasis on meeting milestones and target statistics with an eye to efficiency, which she was concerned may undermine the procedural justice afforded to (or appearing to be afforded to) the parties.
- 2.165 As part of its inquiries into the petition, the Committee wrote to the Minister for Commerce, Hon Michael Mischin MLC, seeking his views on the petition.
- 2.166 The Minister addressed the matters raised in the submissions, including providing statistics relating to the time taken by the SAT and the Building Commission to finalise complaints, which compared favourably to the time taken by the former Building Disputes Tribunal. The Minister also advised that all SAT Sessional Members are educated about declaring possible conflicts of interest.
- 2.167 Having considered the information received, and given the *Building Services (Complaint Resolution and Administration) Act 2011* will be due for review shortly, the Committee resolved on 22 June 2016 not to conduct any further inquiries and to finalise its consideration of the petition.

Petition 120 – Commissioner for Seniors

- 2.168 This petition was tabled by Hon Simon O'Brien MLC on 10 May 2016 with 2501 signatures.¹⁰²
- 2.169 The petitioners were concerned about the lack of co-ordinated advice and protection for senior West Australians. They requested the Legislative Council to recommend the government appoint a Commissioner for Seniors, to fill a similar role to the Commissioner for Children. The Commissioner should report to the Parliament and be appointed for a four year term.
- 2.170 The Minister for Seniors advised that the Liberal-National Government had put in place a range of initiatives to support seniors within the community. He noted that the Seniors Ministerial Advisory Council advises the government on a wide range of

¹⁰² Tabled Paper 4059, Legislative Council, 10 May 2016.

issues affecting seniors and assists in determining priorities that need to be addressed.¹⁰³

2.171 The Minister also advised that Western Australia is the first Australian jurisdiction to implement an Age-friendly Communities Strategic Planning Framework. He also advised that the Government leads the Age-Friendly Interagency Group, which brings together State and local government representatives to identify and share information on key issues affecting Western Australian seniors and develop collaborative responses to ageing.¹⁰⁴

2.172 The Minister also advised that:¹⁰⁵

- On 28 June 2016 the Liberal National Government held the Age-Friendly Western Australia Workshop which brought together over 80 representatives from State and local governments, universities and community service organisations to share information on key issues affecting the Western Australian ageing population.
- Since 2006, \$473,200 has been distributed among 70 local governments to optimise opportunities for seniors' health, participation and security by establishing policies, services and structures that enhance the quality of life for community members as they age.
- In 2015-16 the Liberal National Government invested more than one million dollars in a wide range of projects and initiatives that support seniors' inclusion, participation and security.
- The Liberal National Government also provides direct support to seniors through the Seniors Card program. Approximately 370, 000 Western Australian Seniors Card holders can access State Government concessions and rebates worth around \$1, 100 annually for local government rates and water services charges, and public transport.

2.173 The Liberal National Government's view is that the work currently being done by various groups and bodies serve to ensure the needs of Western Australian seniors are addressed now and into the future. He was not convinced that appointing a Western Australian Commissioner for Seniors would be on any tangible benefit.¹⁰⁶

¹⁰³ Hon Tony Simpson MLA, Minister for Seniors, Letter, 26 July 2016, p 1.

¹⁰⁴ *ibid.*

¹⁰⁵ *ibid.*, pp 1-2.

¹⁰⁶ *ibid.*, p 2.

2.174 The Committee, having brought the matters raised in the petition to the attention of the responsible Minister, resolved on 14 September 2016 to finalise its consideration of the petition.

Petition 121 – Pesticides and harm to public health

2.175 This petition was tabled on 19 May 2016 by Hon Lynn MacLaren MLC and contained 163 signatures in support.¹⁰⁷ The petitioners requested that the Legislative Council support and initiate a number of actions in relation to pesticides, including:

- a royal commission into the regulation, importation, sale and use of pesticides, related illnesses and environmental harm
- explore systemic failure and evidence of harm to humans, animals and environment
- a moratorium on the use of pesticides on public land in urban areas, including Glyphosate
- a moratorium on the growing of pesticide reliant genetically modified crops such as Roundup Ready GM Canola
- laws to restrict government land management policies and practices that promote the use of pesticides and that result in greater pesticide residues in our bodies and natural environment, serious human illness and tree disease.

2.176 The Committee noted that the Legislative Council had been informed of the petitioners' concerns by the tabling of similar petitions relating to the use of pesticides and their potential harm. Similarly, their request for laws to restrict government land management policies and practices that promote the use of pesticides and for a moratorium on the use of pesticides on public land in urban areas have been discussed at length in previous petitions tabled in the Legislative Council.

2.177 The Committee also noted that the issue of genetically modified crops is being actively considered by the Legislative Council in relation to the Genetically Modified Crops Free Areas Repeal Bill 2015.

2.178 Although the petitioners' request for the establishment of a Royal Commission is outside the Committee's Terms of Reference, the Committee wrote to the Premier to advise him of the request for his consideration.

2.179 The Committee resolved on 22 June 2016 to finalise the petition.

¹⁰⁷ Tabled Paper 4133, Legislative Council, 19 May 2016.

Petition 122 – Bunara Maya Hostel, Port Hedland

- 2.180 This petition with 161 signatures was tabled by Hon Stephen Dawson MLC on 21 June 2016.¹⁰⁸
- 2.181 The petitioners requested the Legislative Council to undertake an inquiry into the need for ongoing funding for the Bunara Maya hostel which assists the community in providing a valuable service to the homeless in Port Hedland that would otherwise not be helped.
- 2.182 The Committee did not receive a submission from the principal petitioner within the stipulated timeframe and resolved to finalise the petition on 17 August 2016.

Petition 125 – Biodiversity Conservation Bill 2015

- 2.183 This petition was tabled twice: both on 17 August 2016, firstly by Hon Sue Ellery MLC (264 signatures)¹⁰⁹ and secondly by Hon Lynn MacLaren MLC (207 signatures).¹¹⁰
- 2.184 The petitioners were opposed to the Biodiversity Conservation Bill 2015 (Bill) in its current form and expressed their belief that the Bill requires extensive amendments to be able to adequately protect Western Australia's highly valued and unique wildlife. They expressed the view that the amendments must be developed in consultation with science experts, the conservation sector and the broader community.
- 2.185 The petitioners requested the Legislative Council to recommend that the Bill be sent to the Committee for examination, with opportunity for public submissions, and a thorough examination of its strengths and weaknesses.
- 2.186 A motion to refer the Bill to the Committee was debated in the Legislative Council on 18 August 2016. The motion was not passed.
- 2.187 The Committee considers every petition referred to it on a case by case basis. It is open to the Committee to determine whether to inquire into any petition referred to it and to conduct any inquiries it considers appropriate.
- 2.188 In this case the Committee noted that the matters raised in the petition had been brought to the attention of the House by the petition's tabling; further that the petitioners' views had been considered at length by the Legislative Council during the Second Reading debate and the motion to refer the Biodiversity Conservation Bill 2015 to the Committee.

¹⁰⁸ Tabled Paper 4181, Legislative Council, 21 June 2016.

¹⁰⁹ Tabled Paper 4383, Legislative Council, 17 August 2016.

¹¹⁰ Tabled Paper 4385, Legislative Council, 17 August 2016.

2.189 The Committee resolved on 24 August 2016 to finalise the petition.



Hon Simon O'Brien MLC

Chairman

9 November 2016