



**THIRTY-NINTH PARLIAMENT**

**REPORT 37**  
**STANDING COMMITTEE ON ENVIRONMENT AND**  
**PUBLIC AFFAIRS**  
**OVERVIEW OF PETITIONS**

Presented by Hon Simon O'Brien MLC (Chairman)

October 2014

## 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*.”

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# CHAPTER 1

## INTRODUCTION

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### **HISTORY AND FUNCTIONS OF THE COMMITTEE**

1.1 The Standing Committee on Environment and Public Affairs 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:

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

- (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;*
- (b) any Bill referred by the House; and*
- (c) petitions.*

### **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 that are tabled 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 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 Committee's consideration of petitions serves to enhance transparency and to inform the Parliament and public about current issues of concern to the community.

### **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/s 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 research as required.
- 1.8 In many instances, the Ministerial response to the petition will provide an explanation for the government policy or action in question, although sometimes the Committee will need more information to clarify the issues. 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.

### **Committee Website**

- 1.9 The Committee's website at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au) is a central source of information about petitions tabled in the Legislative Council and 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.

### **Overview of Petitions**

- 1.10 This report provides an overview of the petitions considered and finalised by the Committee from 14 May 2013 (when Parliament resumed after the last election)<sup>1</sup> and 30 June 2014 (**the reporting period**).

#### *Separate reports on certain petitions and inquiries*

- 1.11 The Committee's report, *Inquiry into the Sandalwood Industry in Western Australia* (Report No 35) was tabled in the Legislative Council on 6 May 2014.

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<sup>1</sup> All petitions that were not finalised by the Committee at the time of prorogation (the termination of the parliamentary session prior to the State election) automatically became lapsed. If a petitioner or petitioners want the Committee to consider a petition, a petition must be tabled in the new Parliament.

## CHAPTER 2

### PETITIONS FINALISED BETWEEN MAY 2013 - JUNE 2014

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- 2.1 During the reporting period, a total of 48 petitions (not counting repeat petitions)<sup>2</sup> were tabled and considered by the Committee. Of these, 26 petitions have been finalised and are summarised in this report.

#### **Petition No 1—Free Range Eggs Labelling Bill 2012**

- 2.2 This petition was tabled on 14 May 2013 by Hon Alyssa Hayden MLC and contained 6 signatures.<sup>3</sup>
- 2.3 The petition requested that the Legislative Council conduct a full inquiry into, and oppose, the *Free Range Egg Labelling Bill 2012*.
- 2.4 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalised on 7 August 2013.

#### **Petition No 2—Bassendean Fire Station**

- 2.5 This petition was tabled on 14 May 2013 by Hon Alyssa Hayden MLC and contained 2 signatures.<sup>4</sup>
- 2.6 The petition opposed the sale of the Bassendean Fire Station which houses the extensive memorabilia of the Bassendean Volunteer Fire Brigade (Brigade). The petitioners suggested that the fire station be gifted to the people of Bassendean with some assets sold to ensure the sustainability of the station as a museum.
- 2.7 The submission from the principal petitioner asserted that many local residents were concerned with the prospect of the Bassendean Fire Station being sold and the Brigade transferred to Forrestfield. The submission also outlined the long and proud history of the Brigade since its establishment in 1911.<sup>5</sup>
- 2.8 In a letter to the Committee, the Minister for Emergency Services confirmed that the Bassendean Fire Station would be sold and replaced with a new fire and rescue service facility in Kiara.<sup>6</sup>
- 2.9 The Minister advised that a committee had been established to determine the best location for the Brigade's memorabilia:

*A committee—made up of current Bassendean VFRS members and DFES [the Department of Fire and Emergency Services] has been*

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<sup>2</sup> Multiple copies of the same petition (with additional signatures) tabled in the Legislative Council.

<sup>3</sup> Tabled Paper No. 203, 14 May 2013.

<sup>4</sup> Tabled Paper No. 204, 14 May 2013. An original petition was not worded correctly and a new petition had to be drafted. The original petition had over 1 000 signatures.

<sup>5</sup> Submission from Wouterina G Klein, 5 July 2013, pp1-2.

<sup>6</sup> Letter from Hon Joe Francis MLA, Minister for Emergency Services, 16 September 2013, p1.

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*formed to determine the best location for the memorabilia to be housed and has been meeting monthly to discuss this and a range of issues to ensure the volunteers are comfortable with the whole process.*<sup>7</sup>

2.10 The Committee concluded its inquiries into the petition on 23 October 2013.

#### **Petition No 3—Roe Highway Stage 8**

2.11 This petition was tabled on 14 May 2013 by Hon Sally Talbot MLC and contained 3 signatures.<sup>8</sup> This is a re-tabled petition.<sup>9</sup>

2.12 The petition sought an inquiry into the cost-effectiveness and sustainability of the proposed Roe Highway Stage 8 and requested possible alternative routes be considered.

2.13 On 16 October 2013, the Premier announced that the Roe Highway extension would not be built in this term of government.

2.14 The Committee finalised the petition on 23 October 2013.

#### **Petition No 4—Mangles Bay marina based tourist precinct**

2.15 This petition was tabled on 15 May 2013 by Hon Lynn MacLaren MLC and contained 8 191 signatures.<sup>10</sup>

2.16 The petition requested the Mangles Bay Marina tourist precinct proposal at Point Peron be abandoned and the land set aside as an ‘A’ class reserve. The Mangles Bay development was the subject of an earlier petition and Committee report in 2006.<sup>11</sup>

2.17 The Committee noted that the issues raised in the petition were debated at length in the Legislative Council in relation to the following motion moved by Hon Lynn MacLaren MLC:

*That the Council —*

- 1. notes the mass opposition to the proposed Mangles Bay marina tourism precinct development as evidenced by the petition bearing more than 8 000 signatures; and*
- 2. calls on the Barnett government to honour the original 1964 agreement under which the land at Point Peron, including the site of the proposed development, was transferred by the commonwealth to the state subject to the condition that its*

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<sup>7</sup> Letter from Hon Joe Francis MLA, Minister for Emergency Services, 16 September 2013, p2.

<sup>8</sup> Tabled Paper No. 205, 14 May 2013.

<sup>9</sup> The previous petition lapsed on the prorogation of Parliament.

<sup>10</sup> Tabled Paper No. 248, 15 May 2013.

<sup>11</sup> Standing Committee on Environment and Public Affairs, Report 7, *A Petition into the Proposed Marina at Point Peron*, 7 December 2006.



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*future use would be restricted to a reserve for recreation and/or park land.*<sup>12</sup>

- 2.18 The motion was defeated on 14 August 2013.
- 2.19 Given that the issues raised in the petition were the subject of extensive consideration and debate in the Legislative Council, the Committee decided not to conduct further inquiries into this matter. The petition was finalised on 21 August 2013.

**Petition No 5—Request for a Royal Commission into the Forest Products Commission**

- 2.20 This petition was tabled on 16 May 2013 by Hon Colin Holt MLC and contained 107 signatures. The petition is a complaint about the management of the sandalwood industry by the Forest Products Commission and seeks a royal commission.
- 2.21 The terms of the petition are the same as a previous petition (No 152) which lapsed at prorogation prior to the State election. The new Committee membership decided to continue the Committee's inquiries into the sandalwood industry commenced in the previous Parliament.
- 2.22 The Committee's report, *Inquiry into the Sandalwood Industry in Western Australia* (Report No 35) was tabled in the Legislative Council on 6 May 2014 and the petition was finalised on the same date.

**Petition No 6—Great Southern Institute of TAFE music and arts program**

- 2.23 This petition was tabled on 16 May 2013 by Hon Colin Holt MLC and contained 35 signatures.<sup>13</sup>
- 2.24 The petition sought continued government funding for the music and arts program at the Great Southern Institute of Technology (GSIT) and for the courses to be retained in their current format. The terms of the petition were the same as an earlier petition that lapsed at prorogation prior to the State election.
- 2.25 A response to the previous petition by the then Minister for Training and Workforce Development, Hon Murray Cowper MLA, was provided after the last Parliamentary sittings for 2012 and was therefore not considered by the current Committee membership until their first meeting in June 2013.
- 2.26 The former Minister advised that the funding issues had been resolved and the GSIT would continue to offer certificates II, III and IV in Visual Arts and Music.<sup>14</sup>
- 2.27 The petition was finalised on 7 August 2013.

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<sup>12</sup> Hon Lynn MacLaren MLC, WA, Legislative Council, *Parliamentary Debates (Hansard)*, 14 May 2013, p412d.

<sup>13</sup> Tabled Paper No. 254, 16 May 2013. This is a re-tabled petition. The previous petition lapsed on the prorogation of Parliament.

<sup>14</sup> Letter from Hon Murray Cowper MLA, Minister for Training and Workforce Development, 13 December 2012, p1.

**Petition No 8—Cessation of the chlorination of Busselton’s water supply**

- 2.28 This petition was tabled on 23 May 2013 by Hon Adele Farina MLC and contained 973 signatures.<sup>15</sup> This is a re-tabled petition. The previous petition lapsed on the prorogation of Parliament.
- 2.29 The petition opposed the chlorination of Busselton’s water supply and sought to reinstate the ultra violet (UV) disinfection system. The petitioners requested a Parliamentary inquiry that would include (among other matters) an investigation into the health risks of adding chlorine to their water.
- 2.30 The response to the petition from the Minister for Health expressed his support for the chlorination of the Busselton water supply and reiterated views expressed in his submission to the previous Committee membership:

*Despite claims made in the submission, there is simply no evidence that chlorination of the Busselton water supply has introduced any harm, nor is there evidence that it has been ineffective, nor is there any evidence that the risk management process employed by Busselton Water or its agents was inadequate or was inconsistent with the multi-barrier risk management framework set out in the ‘Australian Drinking Water Guidelines’.*

*I can confirm for the Committee that, in the absence of any evidence of a health risk presented to me by the DOH, there are no sound public policy grounds or public health grounds for acceding to the petitioners’ request to immediately cease chlorination of Busselton’s drinking water supply or to convene an Inquiry.<sup>16</sup>*

- 2.31 In relation to the handling of complaints of adverse health effects as a result of chlorination, the Minister for Health advised the Committee that:

*The Department of Health (DOH) has established a reporting process with Busselton Water to record any complaint of an alleged adverse health effects, and suggest to the complainant that they see their local general practitioner in the first instance. This is coupled with an invitation to all general practitioners in the Busselton area to refer to the DOH the medical details of patients who are willing to have their cases investigated by the DOH, where the practitioner believes on medical grounds that it would be reasonable to consider chlorination of the Busselton water supply as a factor in causing the clinical effects seen.*

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<sup>15</sup> Tabled Paper No. 279, 23 May 2013.

<sup>16</sup> Letter from Hon Kim Hames MLA, Minister for Health, 11 July 2013, p1, quoting letter from Dr Kim Hames MLA, Minister for Health, 16 October 2012.

*... to date, no claim of adverse health effects has been accompanied by any medical evidence, nor has any case been referred to the DOH by a medical practitioner for investigation.*<sup>17</sup>

[And later advised, following a second approach to doctors in the Busselton area in June 2013]

*I can confirm that, to date, despite two approaches to doctors in the Busselton area, no claim of clinical effects from the chlorination of the Busselton water supply has been forwarded to the DOH by a medical practitioner for investigation.*<sup>18</sup>

- 2.32 Following consideration of all the information obtained in relation to this petition, the Committee resolved to conclude its inquiries and the petition was finalised on 23 October 2013.

### **Petition No 9—Reverse the decision to send year seven children to high school**

- 2.33 This petition was tabled on 23 May 2013 by Hon Darren West MLC and contained 4 023 signatures.<sup>19</sup>

- 2.34 The petition opposed the government's decision, made without consultation, to compulsorily move Year 7 students from primary school to high school. The principal petitioner warned of devastating effects on country families and communities:

*The taking of year 7s from small country schools will have dire consequences for these schools, towns, businesses and families. Small schools will lose teachers and other staff as government assesses their viability. Some parents, whose children are too young to board away, will leave to be with their children in Perth. Some of these will take younger siblings out of the school with them. Families will be forced to split, with dad on the farm and mum away, educating the kids. Businesses, many of which are just surviving, will close as they lose more customers.*

*Suddenly, we won't have children for junior sport on a Saturday. Sport is the main fabric of small communities.*

*... The added financial pressure on parents and families may well be the determining factor in families leaving our communities.*

*... [The Government] have not considered the social, emotional and financial effects of the demographic difference between WA, NSW and Victoria, the two states we are trying to align with. ... NSW and Victoria have a high school in every town.*<sup>20</sup>

<sup>17</sup> Letter from Hon Kim Hames MLA, Minister for Health, 11 July 2013, p2.

<sup>18</sup> Letter from Hon Dr Kim Hames MLA, Minister for Health, 1 October 2013, p1.

<sup>19</sup> Tabled Paper No. 280, 23 May 2013.

<sup>20</sup> Submission from Andrew Dunne, 8 July 2013, p1.

2.35 In his response to the petition, the Minister for Education pointed out that:

*The move of Year 7 students into secondary settings will bring Western Australia's public schools in line with the majority of other Australian States and Territories and most private schools in this State. ... Queensland has a similar geographical profile to Western Australia, and is transitioning Year 7 students into secondary schools...*<sup>21</sup>

2.36 The Minister explained the rationale for the change:

*After careful consideration, the State Government decided to place Year 7 students in secondary school settings noting that some of the content in the current WA Syllabus for Year 8 will be taught in Year 7 in the Australian Curriculum from 2015. Western Australian public school students should have access to the specialist teachers and facilities available in secondary settings to increase all students' educational opportunities.*<sup>22</sup>

2.37 In relation to families in country areas:

*The State Government recognises some families in small country areas may experience greater challenges in preparing for their children to transition into secondary school for Year 7. In recognition of the challenge for these families, the Government has extended the period for transition to 2017 for parents to plan for their child's educational future.*

*On a case-by-case basis, principals at some small country schools can offer families special consideration to help them to be able to plan the most suitable timing and arrangements for the education of their children. This special consideration is for children to remain in primary school for Year 7, and is available to families until the end of 2017.*

*Each decision about a student to remain in primary school is to be made based on the individual family's circumstances. Whole-of-school exemptions cannot be made. Parents with children enrolled in schools in or near regional towns and centres that have access to secondary schools will not have the option for this special consideration.*

*There are eight residential colleges located in country Western Australia—Albany, Broome, Esperance, Geraldton, Merredin, Moora, Narrogin and Northam. These colleges offer many country children*

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<sup>21</sup> Letter from Hon Peter Collier MLC, Minister for Education, 9 September 2013, p1.

<sup>22</sup> Ibid p2.

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*the option of staying close to home and accessing a high-quality education at the local secondary school.*<sup>23</sup>

2.38 The Committee concluded its inquiries into the petition on 23 October 2013.

**Petition No 10—Katanning District Hospital maternity services**

2.39 This petition was tabled on 26 June 2013 by Hon Jim Chown MLC and contained 4 676 signatures.<sup>24</sup>

2.40 The petition expressed concern about the lack of maternity services at the Katanning District Hospital and calls for the Government to provide effective incentives to attract medical staff so that full maternity services are resumed.

2.41 In addition to his own submission, the principal petitioner forwarded several submissions to the Committee from people who had been impacted by the lack of maternity services in Katanning. The principal petitioner described the difficulties faced by women and their families:

*[The human impact] has been profound for the women involved and for their families. Among the submissions we have received regarding this matter, one is from a woman who gave birth on the side of the road because she was unable to get to Albany Regional Hospital in time. Another is from a family that had to relocate to Albany for more than a month because of complications late in the pregnancy, and the financial stress that caused. Katanning is a town with a number of migrants. One young family, without the support networks many others take for granted and in this case without a car or a driver licence, were forced to take a taxi service to Narrogin for weekly checkups – a round trip of 210 kilometres. The pressure on the volunteer St John’s Ambulance Service, which is often called on to take women to either Albany or Narrogin and therefore not available for significant periods of time, means there is no ambulance cover and other lives at risk.*

*This is an issue of extreme importance and urgency to all people of Katanning. ... For a regional centre the size of Katanning, it seems incomprehensible that a solution cannot be found.*<sup>25</sup>

2.42 The response to the petition from the Minister for Health acknowledged the significant concern of the community and outlined the steps being taken to address the situation:

*I have been assured by WA Country Health Service (WACHS) – Great Southern that all avenues for re-commencing a safe and affordable*

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<sup>23</sup> Letter from Hon Peter Collier MLC, Minister for Education, 9 September 2013, pp2-3.

<sup>24</sup> Tabled Paper No. 377, 26 June 2013.

<sup>25</sup> Submission from Rick Wilson, 1 September 2013, p1.

*service are being pursued. Until the services can recommence the following actions have been undertaken by WACHS–Great Southern:*

- *Ongoing recruitment program through the Southern Inland Health Initiative, Rural Health West, WACHS–Great Southern and the Department of Health’s International Recruitment Bureau to recruit appropriate staff to resume services.*
- *Comprehensive antenatal and postnatal care continues to be provided by Katanning Hospital midwives, including a home visiting midwifery service.*
- *Engagement with the local General Practice to provide antenatal and shared care clinics in group and one to one sessions with mothers.*
- *Use of Telehealth technology to reduce the need for mothers to travel during their pregnancy when engaging with clinicians.*

*St John Ambulance will be trialling an inter-hospital patient transport service pilot program in Katanning from October 2013, which will provide support to volunteer ambulance officers. The new service will allow St John Ambulance to employ casual transport officers to undertake hospital to hospital patient transfers.*

*Strategies to address the current situation will be regularly reviewed and refined; however are contingent on recruiting the appropriately trained and skilled GP workforce to work in Katanning.<sup>26</sup>*

2.43 The Committee concluded its inquiries into the petition on 23 October 2013.

#### **Petition No 11—New rail yards at Claisebrook**

2.44 This petition was tabled on 7 August 2013 by Hon Ken Travers MLC and contained 167 signatures.<sup>27</sup>

2.45 The petition objected to the new rail yards at Claisebrook Village Precinct and sought an investigation into whether:

- the proposed rail yards are required;
- the rail yards will adversely impact on the Government’s vision for the area; and
- expenditure on the rail yards is a waste of tax-payers funds in light of a proposed new rail depot.

<sup>26</sup> Letter from Hon Kim Hames MLA, Minister for Health, 2 October 2013, pp1-2.

<sup>27</sup> Tabled Paper No. 495, 7 August 2013.

- 2.46 A submission from the principal petitioner criticized inadequacies in the Public Transport Authority's application for development approval to the Metropolitan Redevelopment Authority (MRA) and explained that the negative impact of the development on local residents would include increased noise and vibration, real estate devaluation and loss of amenity and lifestyle.<sup>28</sup>
- 2.47 The response to the petition from the Minister for Transport explained that the MRA had undertaken a preliminary assessment of the proposal and it had also been referred to the City of Perth and the Department of Environment and Regulation (Noise Management Branch) for consideration.<sup>29</sup>
- 2.48 The Minister addressed the three issues raised in the petition as follows:
- Are the proposed rail yards required?  
*the need to efficiently service and stow the entire "A" Series railcar fleet at the Claisebrook Depot for the exclusive use on the Armadale, Fremantle and Midland lines requires the construction of additional stowage capacity for eight individual railcars or four x two railcar sets.*<sup>30</sup>
  - Will rail yards at this location adversely impact on the Government vision for this corridor?  
*the stabling of railcars will not impact the current visual amenity and entry statement into the City via the Graham Farmer Freeway as the proposed addition to the Claisebrook Depot has been designed to minimize such impacts.*<sup>31</sup>
  - Is expenditure on these rail yards a waste of tax payers funds in light of a proposed new rail depot?  
*There is no requirement or plans to construct a Depot for the Forrestfield-Airport Link as the PTA anticipates that the supply of rolling stock for this service will be provided from the existing Depots.*<sup>32</sup>
- 2.49 The Minister for Transport added that 'these proposed works to increase stowage capacity at the Claisebrook Depot are a vital part of the public transport infrastructure requirements for this City into the future'<sup>33</sup> and provided an assurance that the Public Transport Authority will comply with all regulations and policies

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<sup>28</sup> Submission from Lesley Richardson, 23 August 2014, p1.

<sup>29</sup> Letter from Hon Troy Buswell MLA, Minister for Transport, 6 November 2014, p1.

<sup>30</sup> Ibid p2.

<sup>31</sup> Ibid p3.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

associated with the development application before the Metropolitan Redevelopment Authority.

2.50 The Committee finalised this petition on 20 November 2013.

### **Petition No 12—Specific dog breed restrictions**

2.51 This petition was tabled on 7 August 2013 by Hon Darren West MLC and contained 217 signatures.<sup>34</sup> Four further petitions in the same terms were subsequently tabled in Parliament. The five petitions tabled contained a total of 893 signatures.

2.52 The petition sought to replace the current dog breed restrictions proposed under the Dog Amendment Bill 2013 with a system to deem dogs dangerous based on veterinary and canine behaviour science. The petitioners also recommend ownership education programs and dog safety education for all people in the community.

2.53 The submission from the principal petitioner added that recent attacks in this State have proven that dog attacks are not breed specific—any breed of dog can cause great harm to humans. The petitioner argued that science and statistics have proven that dog breeds currently listed as dangerous are no more prone to attacking people than non-restricted breeds, and that breed specific legislation in other jurisdictions has not reduced dog attacks.<sup>35</sup>

2.54 In the principal petitioner's view, restrictions on dog breeds are unfair, unethical and unjustified. The petitioner argued that the proposed restrictions on certain dog breeds were not supported by animal industry professionals, animal welfare organisations or rescue groups.<sup>36</sup>

2.55 The response to the petition from the Minister for Local Government outlined the consultation process undertaken in relation to the Bill:

*[The Bill is] the result of extensive consultation undertaken over the past ten years. Consultation phases resulted in 1500 submissions from the public and key stakeholders including the Western Australian Local Government Association, Western Australian Rangers Association and the Royal Society for the Prevention of Cruelty to Animals WA.*<sup>37</sup>

2.56 The Bill received Royal Assent on 29 October 2013 and the Committee concluded its inquiries on 27 November 2013.

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<sup>34</sup> Tabled Paper No 496, 7 August 2013.

<sup>35</sup> Submission from Ashleigh Leece, 4 September 2013, p2.

<sup>36</sup> Ibid p1.

<sup>37</sup> Letter from Hon Tony Simpson MLA, Minister for Local Government, 22 November 2013, p1.



**Petition No 13—Suspension of the Council of the City of Bunbury**

- 2.57 This petition was tabled on 10 September 2013 by Hon Adele Farina MLC and contained 1 394 signatures.<sup>38</sup>
- 2.58 The petition requested the Legislative Council recommend that the Minister for Local Government suspend the City of Bunbury Council, and any members of the executive management team he deems appropriate, pending an inquiry into the City, its operations and affairs.
- 2.59 A submission from the principal petitioner asserted that the petition was the result of the community's lack of trust regarding the City's management. The petitioner called for an investigation that would examine various issues including dysfunction within and between the Council and the executive management team, the performance of the chief executive officer, as well as procedural and governance issues.<sup>39</sup>
- 2.60 The Minister for Local Government informed the Committee that the Department of Local Government and Communities had taken steps to address the issues affecting the Council of the City of Bunbury. The strategy adopted included the appointment of an independent assessment officer to deal with allegations of misconduct and a communication strategy for members and staff.<sup>40</sup>
- 2.61 The Minister advised that he does not have the power to suspend the executive management team. His assessment of the situation did not warrant the suspension of the Council, however the Department would continue to liaise with and advise the City.<sup>41</sup>
- 2.62 The Committee concluded its inquiries on 19 February 2014.

**Petition No 14—Quarantine seed inspection fee**

- 2.63 This petition was tabled on 10 September 2013 by Hon Darren West MLC and contained 1 signature.<sup>42</sup>
- 2.64 The petition opposed the government's introduction of a quarantine seed inspection fee for non-commercial seed purchases outside of Western Australia and questioned the validity of inspecting seeds that had already been quarantined in the Eastern States.
- 2.65 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalised on 20 November 2013.

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<sup>38</sup> Tabled Paper No. 540, 10 September 2013.

<sup>39</sup> Submission from Glen Willetts, received 16 October 2013, p1.

<sup>40</sup> Letter from Hon Tony Simpson MLA, Minister for Local Government and Communities, 18 November 2013, p1.

<sup>41</sup> Ibid pp1-2.

<sup>42</sup> Tabled Paper No. 541, 10 September 2013.

**Petition No 15—Opposing increases to firearms license fees**

- 2.66 This petition was tabled on 11 September 2013 by Hon Darren West MLC and contained 449 signatures.<sup>43</sup>
- 2.67 The petition opposed increases to licences fees for gun owners and requested that the Legislative Council examine whether the fees truly reflect the cost of providing firearm licences.
- 2.68 The Committee finalised this petition on 19 September 2013 as the matter was being investigated by the Joint Standing Committee on Delegated Legislation.

**Petition No 16—Midland Railway workshop site**

- 2.69 This petition was tabled on 19 September 2013 by Hon Alanna Clohesy MLC and contained 324 signatures.<sup>44</sup> A further petition in the same terms was tabled on 20 November. The two petitions contained a total of 696 signatures.
- 2.70 The petition requested that the State Government create a Railway Museum on the grounds of the Midland Railway Workshop site.
- 2.71 A submission from the principal petitioner outlined the history of the workshop and explained that the site was an integral part of the State's heritage. The petitioner called for the government to build a working museum inclusive of the Interpretive Centre which closed in 2008.<sup>45</sup>
- 2.72 The response to the petition from the Minister for Planning pointed out that the former Midland Redevelopment Authority had for several years considered the feasibility of a Rail Heritage Centre. Ultimately, however, following a number of reviews and advice:

*the Authority shifted focus away from a Rail Heritage Centre toward delivery of a mixed use urban village with interpretation of the rail story at the Workshops, heritage protection of assets and artefacts and high levels of public access.*<sup>46</sup>

- 2.73 The Minister advised that the Interpretative Centre has been retained with the intention that it will open on an occasional basis to coincide with events at the Workshops, such as the Midland Open Day.<sup>47</sup>
- 2.74 In relation to funding for a museum, the Minister told the Committee that:

*To date over \$50million has been invested in site remediation of industrial contamination, removal of asbestos roofing and building conservation works to protect the Workshops and prepare the site for*

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<sup>43</sup> Tabled Paper No. 612, 11 September 2013.

<sup>44</sup> Tabled Paper No. 651, 19 September 2013.

<sup>45</sup> Submission from Neil Byrne, 16 October 2013, pp1-2.

<sup>46</sup> Letter from Hon John Day MLA, Minister for Planning, 16 January 2014, p2.

<sup>47</sup> Ibid p3.

*the next 100 years of use. ... The MRA does not have the necessary capital or recurrent funding for a Rail Heritage Centre and it is noted that State government museum funding priorities in the foreseeable future are directed to the new WA Museum in the Perth Cultural Centre.*<sup>48</sup>

2.75 The Committee concluded its inquiries into the petition on 19 February 2014.

### **Petition No 18—Proposed Aquatic Resources Management Bill**

2.76 This petition, tabled on 16 October 2013 by Hon Robin Chapple MLC, contained 98 signatures.<sup>49</sup>

2.77 The petition protested that the government had limited its consultation on the draft Aquatic Resources Management Bill (ARMB) to the commercial and recreational fishing sectors. The petition sought an inquiry into the most appropriate legislation for the conservation of aquatic biodiversity including protected species of reptiles, birds and mammals.

2.78 The submission from the principal petitioner asserted that:

*we do not support an approach that enables and promotes the utilisation of resources over all other considerations. We believe there is an inherent conflict of interest between biodiversity conservation and exploitation of aquatic resources where the accountability and responsibility for both functions lies within the same government department.*<sup>50</sup>

2.79 The response to the petition from the Minister for Fisheries stated:

*The ARMB, like the FRMA, [Fish Resources Management Act 1994] has been framed around the principles of Ecologically Sustainable Development (ESD). The principles of ESD are the subject of international and national agreements in relation to management aquatic (and terrestrial) resource use and conservation.*<sup>51</sup>

2.80 In relation to consultation, the Minister provided the following information to the Committee:

*A draft of the ARMB and explanatory notes was released by the Minister for Fisheries for targeted consultation in June 2013 with peak bodies representing the interests of the commercial and recreational fishing sectors, following approaches by these bodies. This consultation had the purpose of clarifying the approach to be taken on very specific areas of the legislation which would directly*

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<sup>48</sup> Letter from Hon John Day MLA, Minister for Planning, 16 January 2014, p3.

<sup>49</sup> Tabled Paper No. 878, 16 October 2013.

<sup>50</sup> Submission from Conservation Council of Western Australia, 15 November 2013, p1.

<sup>51</sup> Letter from Hon Ken Baston MLC, Minister for Fisheries, 17 February 2014, p2.

*affect these sectors, in particular such things as powers of compliance, evidentiary requirements, fishing access rights and licensing matters and other operational parts of the legislation.*<sup>52</sup>

2.81 The Committee concluded its inquiries into the petition on 26 February 2014.

#### **Petition No 21—Funding and staff cuts to State Schools**

2.82 This petition was tabled on 26 November 2013 by Hon Sue Ellery MLC and contained 3 089 signatures.<sup>53</sup> Two further petitions in the same terms were subsequently tabled in Parliament. The three petitions contained a total of 3 183 signatures.

2.83 The petition opposed funding cuts to public schools. The petitioners express concern about the impact the changes will have on the quality of education, particularly literacy, numeracy and programs for children with special needs.

2.84 The Minister for Education's response to the petition provided detailed information about base FTE changes for all public schools in Western Australia<sup>54</sup> and provided the following general comment about the changes:

*The 2014 school resourcing adjustments include maintaining 2013 full-time equivalent (FTE) teacher numbers in 2014, reductions to some education assistant allocations and reductions to some school cash allocations. The maintenance of 2013 teacher FTE numbers in 2014 has resulted in a small increase in average class sizes, however, the average class size remains below those levels prescribed by the School Education Act Employees (Teachers & Administrators) General Agreement 2011... Changes to school cash allocations represent less than 1.5% of total school resourcing on average.*<sup>55</sup>

2.85 In relation to students with special needs, the Minister advised that:

*changes to education assistant allocations do not impact students who are eligible for an Education Assistant (Special Needs). All students with a genuine assessed need for an education assistant continue to have access to that support.*<sup>56</sup>

2.86 The Committee concluded its inquiries into the petition on 26 February 2014.

#### **Petition No 22—Opposing change to local government boundaries**

2.87 This petition was tabled on 3 December 2013 by Hon Kate Doust MLC and contained 826 signatures.<sup>57</sup>

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<sup>52</sup> Letter from Hon Ken Baston MLC, Minister for Fisheries, 17 February 2014, p8.

<sup>53</sup> Tabled Paper No. 1042, 26 November 2013.

<sup>54</sup> Letter from Hon Peter Collier MLC, Minister for Education, 6 June 2014, Attachment 2.

<sup>55</sup> Letter from Hon Peter Collier MLC, Minister for Education, 6 June 2014, p1.

<sup>56</sup> Ibid p2.

<sup>57</sup> Tabled Paper No. 1071, 3 December 2013.

2.88 The petition requests the Legislative Council oppose changes to local government boundaries where the proposed new local governments traverse the Swan River.

2.89 A submission from the principal petitioner, Mr Trevor Vaughan, Mayor of the Town of Victoria Park, maintained that:

*The Swan River is the single most significant physical feature in the Perth region and is used as a transect of division for almost all administrative, governance and operational boundaries for government across the metropolitan region.*<sup>58</sup>

2.90 The Committee advised the petitioner that the proposed changes to local government boundaries are not brought before or evaluated by the Legislative Council—they are assessed by the Local Government Advisory Board (Board), a statutory body that provides advice to the Minister for Local Government. The Committee understands that the Board's assessment will take into account factors such as physical and topographical features, economic factors and the history of an area.

2.91 The petition was finalised on 19 February 2014.

#### **Petition No 24—Protect health and environment**

2.92 This petition was tabled on 4 December 2013 by Hon Lynn MacLaren MLC and contained 374 signatures.<sup>59</sup>

2.93 The petition seeks to draw the Parliament's attention to the petitioners' call for measures to be adopted by all levels of government (local, state and federal) to protect health and environment. Measures include banning further clearance of remnant bushland and the removal of mature trees from public land, adopting alternative methods to pesticides for controlling weeds and limiting the sale and use of pesticides.

2.94 The Committee noted that the concerns of the petitioners had been brought to the attention of the Parliament through the reading of the petition in the Legislative Council. It was further noted that the principal petitioner was the promoter of another petition, still under consideration by the Committee, which raised overlapping issues regarding pesticide use on public land.

2.95 The Committee concluded its inquiries into the petition on 19 February 2014.

#### **Petition No 26—Removal of rights under the Local Government Act 1995**

2.96 This petition was tabled on 11 December 2013 by Hon Adele Farina MLC and contained 304 signatures.<sup>60</sup>

2.97 The petition opposed the removal of provisions in the *Local Government Act 1995* (Schedule 2.1) that allows local governments and residents to make submissions on

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<sup>58</sup> Submission from Mr Trevor Vaughan, 15 January 2014, p1.

<sup>59</sup> Tabled Paper No. 1085, 4 December 2013.

<sup>60</sup> Tabled Paper No. 1125, 11 December 2013.

proposals for boundary changes to the Local Government Advisory Board and the requirement for the Board consider such submissions.

- 2.98 The principal petitioner submitted that “*the stated objectives of local government reform, regardless of whether they are justified or not, can be achieved under existing law without amendment.*”<sup>61</sup>
- 2.99 According to the tabling Member:

*The inclusion of schedule 2.1 in the Local Government Act 1995 is indicative of the intent to ensure community members in a local government area have a voice in what constitutes that local government, to engage them in processes that directly affect where they live and how that impacts on their day to day lives. The Local Government Amendment Bill 2013 seeks to undermine that intent and the rights it embraces, but only for some residents in Western Australia and only for a limited period. It seeks to do this at the very time those rights are most likely to be exercised and will restore them when their capacity to affect change has been diminished.*<sup>62</sup>

- 2.100 In finalising the petition, the Committee informed the petitioner that the Bill would be considered and debated in the Parliament. Through the tabling of the petition, the issues raised by the petitioners about certain aspects of the Bill had been brought to the attention of the Members of the Legislative Council.
- 2.101 The Committee concluded its inquiries into the petition on 19 February 2014.

#### **Petition No 27— Opposing Great White shark cull**

- 2.102 This petition was tabled on 11 December 2013 by Hon Lynn MacLaren MLC and contained 381 signatures.<sup>63</sup>
- 2.103 The petition urged the Legislative Council to oppose the government’s plan to preemptively kill Great White sharks and to investigate alternative science-based approaches to managing shark-human interactions.
- 2.104 The submission from the principal petitioner argued that:

*Increased understanding of the behaviour and biology of target species is necessary for evaluation of the effectiveness of any public safety policy. Acoustic telemetry, conventional tagging, and studies on population dynamics may be used to obtain data about activity patterns, distribution, and population parameters, providing information useful for reducing the risk of shark attack.*<sup>64</sup>

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<sup>61</sup> Submission from Mr Malcolm Mummery, 27 December 2013, p1.

<sup>62</sup> Submission from Hon Adele Farina MLC, tabling Member, 15 January 2013, p2.

<sup>63</sup> Tabled Paper No 1126, 11 December 2013.

<sup>64</sup> Submission from Jenita Enevoldsen, The Wilderness Society WA Inc, 17 January 2014, p3.

2.105 The Committee requested a response to the petition from the Minister for Fisheries and considered a range of information from submissions, research evidence and the Environmental Protection Authority's (EPA) determination.

2.106 The Committee noted the following:

- The Western Australian government obtained the necessary exemptions required under the Commonwealth and State Acts to conduct the drum line program.
- Mitigation measures adopted include large hook size, depth of hooks, timing of the program and daily patrols.
- The EPA determination is not an endorsement of an extended programme and there is an expectation by the EPA that a continuation of the program beyond 30 April 2014 would be referred for consideration.<sup>65</sup>
- The Minister for Fisheries confirmed that the Western Australian government would refer the continuation of the drum line program to the Commonwealth for consideration under the *Environmental Protection and Biodiversity Conservation Act 1999*.

2.107 In light of the above considerations, the Committee concluded its inquiries into the petition on 2 April 2014.

#### **Petition No 28—Quality education and art**

2.108 This petition was tabled on 12 December 2013 by Hon Sue Ellery MLC and contained 1 signature.<sup>66</sup>

2.109 The petition expressed concern that the Westminster Primary School may lose its Art Specialist Teacher because she was not a permanent employee of the Education Department.

2.110 The Committee did not receive a submission from the petitioner within the requested timeframe and the petition was finalised on 19 February 2014.

#### **Petition No 29—Increased access to ultrasound facilities in the Pilbara Region**

2.111 This petition was tabled on 18 February 2014 by Hon Stephen Dawson MLC and contained 535 signatures.<sup>67</sup>

2.112 The petition sought increased ultrasound services in the Pilbara including the extension of the one day per week service in Tom Price and Newman.

2.113 According to the principal petitioner:

*I along with a number of community members are concerned with the lack of ultrasound facilities in the Pilbara. Having to travel as far as*

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<sup>65</sup> Environmental Protection Authority, Media Statement, 12 March 2014.

<sup>66</sup> Tabled Paper No. 1126, 11 December 2013.

<sup>67</sup> Tabled Paper No. 1175, 18 February 2014.

*Perth or to surrounding areas adds a lot of stress to an already stressful situation.*

*Providing obstetrics and increased ultrasound facilities would certainly lower the stress of pregnancy, fertility treatments and other conditions that comes with living remotely.*<sup>68</sup>

2.114 In response to the petition, the Minister for Health advised that the Hedland Health Campus and the Nickol Bay Hospital both provided a five day a week ultrasound service, while there is a one day a week fly in-fly out service in the smaller communities of Tom Price and Newman.<sup>69</sup>

2.115 The Minister explained that some services such as In Vitro Fertilisation support, which require specialist training and a certain volume of work to maintain necessary skills, “*could not be sustained in the communities of Tom Price and Newman.*”<sup>70</sup>

2.116 Population and demand for services are critical considerations in the provision of specialist medical services. The Minister advised the Committee that:

*Taking into account the need to maximise the available resources, a 24/7 emergency ultrasound services is unable to be provided based on the current demand. In matters of emergency WACHS has a proven process for urgent patient transfer either by road or air.*<sup>71</sup>

2.117 The Committee concluded its inquiries on 7 May 2014.

### **Petition No 30—Great Eastern Highway section between The Lakes Roadhouse and Northam Bypass**

2.118 This petition was tabled on 19 February 2014 by Hon Paul Brown MLC and contained 177 signatures.

2.119 The petition voiced concern that the section of Great Eastern Highway between the Lakes Roadhouse and the Northam Bypass was dangerous because it had limited overtaking lanes and a number of sharp bends with limited visibility. The petitioners sought the Legislative Council’s support for improvement of the highway.

2.120 The submission by the principal petitioner made the following comments about the highway:

*The general conditions and construction of this road makes it absolutely impossible for cars, of any size to travel in safety. There is nowhere to safely pass a truck or to pull off in cases of emergency.*<sup>72</sup>

[and]

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<sup>68</sup> Submission from Ms Emma Nicholls, 3 March 2014.

<sup>69</sup> Letter from Hon Dr Kim Hames MLA, Minister for Health, 8 April 2014, p1.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Submission from Samantha Mudgway, 26 March 2014, p1.



*vehicles travelling along this major route are placed in danger due to the inadequate nature of the road, its narrowness, winding path, lack of lighting, lack of pull off zones, volume and speed of traffic making this an extremely dangerous area of road.*<sup>73</sup>

- 2.121 The response to the petition from the Minister for Transport informed the Committee that the highway was “*primarily the funding responsibility of the Commonwealth Government*”.<sup>74</sup>
- 2.122 However, the Minister advised that Main Roads had recently completed some widening works and there were plans to improve the alignment of the highway and make other improvements in the future.<sup>75</sup>
- 2.123 The Committee concluded its inquiries on 18 June 2014.

**Petition No 32—Inclusion of Inglewood Primary School sites in 40km/h electronic speed zones program**

- 2.124 This petition was tabled on 11 March 2014 by Hon Donna Faragher MLC and contained 408 signatures.<sup>76</sup>
- 2.125 The petition sought the inclusion of Inglewood Primary School in the 40 km/h electronic speed zones program which involves a flashing light at a school zone to alert drivers to reduce their travelling speed to 40km/h.
- 2.126 A submission from the tabling member, Hon Donna Faragher MLC, explained that a meeting with Main Roads WA and the City of Stirling resulted in high visibility caps being installed on the 40km/h speed zones near the school. In addition, the tabling Member had been informed by the former Minister for Transport, Hon Troy Buswell MLA, that the school would be given a high priority when the 2014/15 electronic speed zone programme is developed.<sup>77</sup>
- 2.127 The Committee concluded its inquiries on 7 May 2014.

**Petition No 33—Changes to the Local Government Act 1995**

- 2.128 This petition, which opposed proposed amendments to the *Local Government Act 1995*, contained 1 757 signatures and was tabled by Hon Ken Travers MLC.<sup>78</sup>
- 2.129 The Local Government Bill 2013 was before the Parliament when the petition was tabled and the reading of the petition in the Legislative Council brought the petitioners’ concerns to the attention of the Members prior to debate on the Bill.
- 2.130 The Committee finalised the petition on 19 March 2014.

<sup>73</sup> Ibid pp1-2.

<sup>74</sup> Letter from Hon Dean Nalder MLC, Minister for Transport, 20 May 2014, p1.

<sup>75</sup> Ibid pp1-2.

<sup>76</sup> Tabled Paper No. 1281, 11 March 2014.

<sup>77</sup> Letter from Hon Donna Faragher MLC, tabling Member, 27 March 2014.

<sup>78</sup> Tabled Paper No 1282, 11 March 2014.

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**Petition No 43—Amend Mental Health Bill 2013**

- 2.131 This petition contained 3 signatures and was tabled by Hon Stephen Dawson MLC on 19 June 2014.
- 2.132 The petition sought to have amendments made to the Mental Health Bill 2013 which would address the petitioners' concerns about misdiagnosis and involuntary treatment.
- 2.133 The issues raised in the petition, including the proposed amendments to the Mental Health Bill, were brought to the attention of the Parliament through the reading of the petition in the Legislative Council. The Committee also forwarded a copy of the petition to the Minister for Mental Health.
- 2.134 The petition was finalised on 25 June 2014.



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**Hon Simon O'Brien MLC**  
**Chairman**

**23 October 2014**