



**THIRTY-SEVENTH PARLIAMENT**

**REPORT 2**  
**STANDING COMMITTEE ON ENVIRONMENT AND**  
**PUBLIC AFFAIRS**  
**OVERVIEW OF PETITIONS REPORT**

Presented by Hon Louise Pratt MLC (Chair)

September 2005

## STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

### Date first appointed:

August 17 2005

### Terms of Reference:

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

#### “1. Environment and Public Affairs Committee

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

### Members as at the time of this inquiry:

Hon Louise Pratt MLC (Chair)

Hon Paul Llewellyn MLC

Hon Bruce Donaldson MLC (Deputy Chair)

Hon Robin McSweeney MLC

Hon Kate Doust MLC

### Staff as at the time of this inquiry:

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# REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

## OVERVIEW OF PETITIONS

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### 1 INTRODUCTION

- 1.1 This report provides an overview of the petitions considered by the Legislative Council Standing Committee on Environment and Public Affairs (**Committee**) from May 2005 to August 31 2005. The report is the first petitions overview report of the new Committee.

### 2 HISTORY AND PURPOSE OF THE COMMITTEE

- 2.1 The Committee was appointed by the Legislative Council on August 17 2005, during the first session of the Thirty-Seventh Parliament. The Committee continues the work of the previous Environment and Public Affairs Committee (May 2001 - August 17 2005) with a membership of five.
- 2.2 The functions of the Committee are to inquire into and report on public or private policies, practices, schemes, arrangements or projects in Western Australia which affect or may affect the environment, as well as any bill referred by the House and petitions. The terms of reference of the Committee are published at the front of this report.
- 2.3 The Committee's terms of reference provide that, where relevant, it is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment. The concept of ecologically sustainable development was adopted as a goal by Australian governments, including Western Australia, in 1992 following the Earth Summit in Rio de Janeiro, Brazil. Ecologically sustainable development (**ESD**) is a philosophy defined by the National Strategy for Ecologically Sustainable Development as "...development which aims to meet the needs of Australians today while conserving our ecosystems for the benefit of future generations."<sup>1</sup>
- 2.4 The term ESD is associated with the concept of 'sustainability' and the Committee notes the State Sustainability Strategy launched by the Western Australian Government in September 2003.<sup>2</sup>

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<sup>1</sup> See <http://www.deh.gov.au/esd/national/nsesd/strategy/intro.html#WIESD> (accessed on 14/09/05).

<sup>2</sup> <http://www.sustainability.dpc.wa.gov.au/docs/Strategy.htm> (accessed on 29/08/05).

### **3 PETITIONS**

- 3.1 A function of the Committee, as provided by its term of reference 1.3(c), is to inquire into and report on petitions.
- 3.2 A petition is a request for action by the Legislative Council from a citizen or resident or a group of citizens or residents. The Committee considers petitions that have been tabled by a Member of the Legislative Council on behalf of a person or groups within the community.
- 3.3 When reviewing petitions, the Committee seeks to provide a forum for public discussion on matters of community interest and to allow interested persons, or groups, to bring their concerns to the attention of the Legislative Council.
- 3.4 The Western Australian Legislative Council is the only House of Parliament in Australia that refers all petitions to a committee for inquiry and report.<sup>3</sup> In many other jurisdictions petitions are simply recorded in *Hansard* and no further investigation is undertaken.

#### **Petitions process adopted by the Committee**

- 3.5 Once tabled in the Legislative Council, all petitions stand automatically referred to the Committee. Upon receipt, the Committee generally writes to the tabling Member and to the principal petitioner inviting a 1-2 page submission providing further information on the matters and issues raised in the petition. The Committee also, where appropriate, writes to the relevant Minister(s) seeking comment on the content of the petition and any submissions received. The Committee may also make preliminary investigations to obtain background information on the issues from government agencies, private organisations and individuals.
- 3.6 The Committee considers the submissions and other information received and resolves to either:
- a) finalise the petition, that is to not inquire further into the petition; or
  - b) formally inquire into the petition.
- 3.7 Where a petition concerns a subject matter that is within the terms of reference of another standing committee of the Legislative Council, the Committee may refer the petition to that committee for inquiry and report, as provided by the Committee's term of reference 1.5.

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<sup>3</sup> In Queensland, the Clerk of the Parliament sends petitions the relevant Minister. The Minister may respond to the Clerk, who then tables the response, forwards a copy of the response to the tabling Member and publishes the response on the Parliament's website. Please see [http://www.parliament.qld.gov.au/EPetitions\\_QUL/HTML/MinisterialResponse.htm](http://www.parliament.qld.gov.au/EPetitions_QUL/HTML/MinisterialResponse.htm) (accessed on 13/09/05).

- 3.8 The Committee may resolve to finalise a petition without formally inquiring into it in the following circumstances:
- a) if the Committee considers that the issues raised in the petition have been or are being adequately dealt with;
  - b) if the issues raised in the petition will be or have been considered and/or debated by the Legislative Council;
  - c) if the Committee considers that the issues raised in the petition have been taken as far as possible at the time; or
  - d) if the Committee has not received any submissions in response to its invitation to provide further information on the content of the petition.
- 3.9 In many cases where the Committee finalises a petition there has been some resolution of the matters or issues raised.
- 3.10 When the Committee resolves to finalise a petition it advises the tabling Member and the principal petitioner.
- 3.11 If the Committee resolves to formally inquire into a petition, it may:
- arrange hearings at which discussion occurs on the various issues raised in the petition;
  - gather additional information; and
  - prepare a report on the petition for tabling in the Legislative Council.

#### *Reporting to the Parliament*

- 3.12 The Committee has resolved to report regularly to the Parliament on the progress of petitions that stand referred to the Committee under Standing Order 134(a)(i) of the Legislative Council Standing Orders.

#### *Ombudsman*

- 3.13 Certain issues or matters raised in a petition may come under the Ombudsman's jurisdiction as set out in the *Parliamentary Commissioner Act 1971*.
- 3.14 The Committee intends to liaise with the Ombudsman's office in recognition of the fact that a matter raised by a petition may have been previously considered or could currently be under consideration by that office.

*General*

3.15 All transcripts of evidence given in public, all of the Committee's reports and relevant Government responses are available from the Parliament of Western Australia website at <http://www.parliament.wa.gov.au>. Committee reports can be purchased from the State Law Publisher and are also available at the Alexander Library and other selected libraries.

**4 PETITIONS TABLED BETWEEN MAY 3 2005 - AUGUST 31 2005**

4.1 Following is an overview of the 17 petitions tabled in the Legislative Council between May 3 2005 and August 31 2005 which have been received for consideration by the Committee.

4.2 The Committee has finalised four of the petitions that have come before it. The remaining 13 petitions are the subject of ongoing preliminary inquiries by the Committee.

**5 FINALISED PETITIONS**

**Water Corporation Trunk Main, Helena Valley**

5.1 On April 6 2005 Hon Barbara Scott MLC tabled a petition [TP#227<sup>4</sup>] *objecting to the placement of the Water Corporation's DN 760 Trunk Main upgrade in the road reserve of Helena Valley Road as shown in section 3 of drawing GM21-0-1-3. The objection is to the siting of the new route because of the impact it will have on the ecology and ambience of the Helena Valley Bushland.*

5.2 Petitioners requested that the Legislative Council investigate and make recommendations that:

- leave the existing Bushland Reserve intact;
- ensure the Water Corporation explore alternative route options based on a sustainability assessment;
- protect indigenous heritage values of the area; and
- avoid impacts from the pipeline proposal on the Commonwealth Scientific and Industrial Research Organisation (CSIRO) flora fauna study area.

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<sup>4</sup> [TP#227] refers to Tabled Paper Number given to the petition by Officers of the Legislative Council upon its tabling in the Legislative Council.



- 5.3 As the Committee received no further information in response to its invitation for submissions in relation to the content of the petition, the Committee resolved to finalise the petition on August 17 2005.
- 5.4 The Committee considers that the views of the petitioners have been brought to the attention of the Parliament by the tabling of the petition.

### **Perth Water Supply from the Kimberley**

- 5.5 On April 26 2004, Hon Robin Chapple MLC<sup>5</sup>, tabled a petition [TP#264] requesting the Legislative Council:
- 1) *Investigate local alternatives to ensure adequate water supplies in the Perth metropolitan area; and*
  - 2) *Recommend to the Government that the issue of water use in the metropolitan area be dealt with locally and not attempt to resolve water problems in the Perth metropolitan area by taking water from the Kimberley.*
- 5.6 The Government established an expert panel to inquire into and report on water supply from the Kimberley region to Perth. The panel's review is explained as follows:

*This review will provide organisations with an opportunity to have their Kimberley water supply proposals evaluated through a single review mechanism.*

*The review will include a public process involving a series of community presentations to outline the findings of the evaluation process. The expert panel is expected to report on its findings to the Western Australian Government by September 2005.<sup>6</sup>*

- 5.7 The Committee advised the tabling member and principal petitioner of the Government's expert panel review and referred them to the relevant website, <http://www.ourwaterfuture.com.au>.
- 5.8 The Committee considered that the views of the petitioners had been brought to the attention of the Parliament by the tabling of the petition. The Committee resolved to finalise the petition on June 22 2005.

### **Cane Toads**

- 5.9 On May 3, 6, 18, 19, 25, June 21 and August 16 2005, Hon Robin Chapple MLC and Hon Giz Watson MLC tabled petitions [TP#290, TP#329, TP#349, TP#350, TP#351,

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<sup>5</sup> Mr Robin Chapple tabled petitions when a Member of the Legislative Council. Mr Chapple's seat was vacated on May 22 2005 on expiry of his fixed four year term.

<sup>6</sup> See <http://www.ourwaterfuture.com.au> (accessed on 23/06/05).

TP#365, TP#390, TP#391, TP#392, TP#417, TP#418, TP#419, TP#420, TP#421, TP#422, TP#424, TP#425 and TP#544], requesting the Legislative Council:

- (1) *Establish what methods exist or are under study nationally for the containment or eradication of cane toads;*
- (2) *Investigate all methods of physical restriction of cane toads into Western Australia;*
- (3) *Make recommendations as to effective short and long-term strategies for preventing cane toads becoming established in any part of Western Australia.*

- 5.10 Submissions were received from four principal petitioners. The Committee also received correspondence from both the Minister for the Environment and the Minister for Agriculture.
- 5.11 The Committee notes that in December 2004, the Department of the Environment together with the Department of Agriculture launched the State Cane Toad Initiative.
- 5.12 On Wednesday August 17 2005, the Committee held a public hearing with Mr Gordon Wyre, Acting Director, Nature Conservation, Conservation and Land Management (CALM). Mr Wyre addressed many of the issues raised by petitioners in their submissions and explained the strategy of the State Cane Toad Initiative.<sup>7</sup>
- 5.13 The Committee considers that the cane toad poses a serious risk to Western Australia's environment - including its flora, fauna and aquatic systems - as well as its Indigenous culture and more generally, the Western Australian lifestyle.
- 5.14 On September 15 2005, the Committee tabled a separate report in relation to the petition: *Report No 1 A Petition into Preventing the Entry and Establishment of the Cane Toad in Western Australia.*
- 5.15 The Committee considers the concerns of petitioners have been brought to the attention of the Parliament by the tabling of the petition and the Committee's report. In view of the Committee's intention to table a separate report, the Committee finalised the petition on August 31 2005.

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<sup>7</sup> A copy of the transcript is available at [http://www.parliament.wa.gov.au/Committees/Environment and Public Affairs Committee](http://www.parliament.wa.gov.au/Committees/Environment%20and%20Public%20Affairs/Committee).

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**Resumption of Land for Public Use**

5.16 One May 19 2005, Hon Derrick Tomlinson<sup>8</sup> MLC tabled a petition [TP#363] respectfully requesting the Legislative Council to support:

*rectifying the discrimination and financial loss that exists where privately owned land has become subject to full or partial resumption or limitation of free and uninterrupted use when the land is required for a public purpose.*

5.17 Petitioners further requested that the Legislative Council “will consider and adopt Legislation that provides a fairer and more equitable means for determining market value on an unaffected basis and compensation.”

5.18 The Committee wrote to the tabling member and the principal petitioner advising that the Committee considers that the matters raised in this petition have been widely canvassed and adequately addressed by the Legislative Council’s Public Administration and Finance Committee’s report *Impact of State Government Actions and Processes on the Use and Enjoyment of Freehold and Leasehold Land in Western Australia*, tabled on May 14 2004. The Committee notes that the abovementioned report, together with the Government’s response to the recommendations contained in the report, are available on the Parliament of Western Australia website at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).<sup>9</sup>

5.19 The Committee considers the concerns of petitioners have been brought to the attention of the Parliament by the tabling of the petition. The Committee finalised the petition on June 30 2005.

## **6 PETITIONS CURRENTLY BEFORE THE COMMITTEE**

6.1 The following petitions are currently the subject of ongoing inquiries by the Committee:

- a) Bluegum and Commercial Forestry Ban - Porongurup. Petition tabled by Hon Giz Watson MLC on April 6 2005 [TP#228];
- b) Dual Carriageway Wanneroo and Yanchep Roads. Petition tabled by Hon George Cash MLC on May 17 2005 [TP#352];
- c) Goldfields Juvenile Detention Centre. Petition tabled by Hon Barbara Scott MLC on May 19 2005 [TP#352];

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<sup>8</sup> Hon Derrick Tomlinson tabled this petition when a Member of the Legislative Council. Hon Derrick Tomlinson’s seat was vacated on May 22 2005 on expiry of his fixed four year term.

<sup>9</sup> See <http://www.parliament.wa.gov.au> then select the following: ‘Committees’, ‘Past Committees’, ‘Public Administration and Finance Committee’.

- d) Public Library Service. Petition tabled by Hon Robin Chapple MLC on May 19 2005 [TP#364];
- e) Depleted Uranium Munitions. Petitions tabled by Hon Robin Chapple MLC on May 19 2005 and Hon Giz Watson MLC on August 30 2005 [TP#366 and TP#652];
- f) Genetically Modified Free Zone. Petitions tabled by Hon Giz Watson MLC on May 25 2004 and August 16 2005 [TP#393 and TP#545];
- g) Alcoa Liquor Burner at Kwinana. Petition tabled by Hon Giz Watson MLC on June 29 2005 [TP#483];
- h) Mental Health Consumer Advocacy Program. Petition tabled by Hon Giz Watson MLC on June 29 2005 [TP #484];
- i) Woodchip Mill at Bunbury Port. Petition tabled by Hon Barry House MLC on June 30 2005 [TP#515];
- j) Uranium Mining in Western Australia. Petition tabled by Hon Giz Watson MLC on August 16 2005 [TP#546];
- k) Aerial Spraying of Insecticides in the Great Southern. Petition tabled by Hon Matt Benson-Lidholm on August 18 2005 [TP#595];
- l) Yilgarn Drainage System in the Eastern Wheatbelt. Petition tabled by Hon Giz Watson MLC on August 30 2005 [TP#653]; and
- m) Synergy Regional Call Centres. Petition tabled by Hon Simon O'Brien MLC on August 31 2005 [TP#667].

**7 RECOMMENDATION**

**Recommendation 1: The Committee recommends that the Report be noted.**



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**Hon Louise Pratt MLC**  
**Chair**

**September 22 2005**