

Submission to Standing Committee on Environment and Public Affairs, Parliament House, Western Australia

1. This complaint has not been taken to the Parliamentary Commissioner for Administrative Investigations.

2. Our support for an investigation is based on scientific evidence of best practice environmental sustainability, including the social and public health benefits of nature conservation, and the strong evidence to the contrary of environmental harm and loss of public open space and amenity that has been condoned and facilitated by successive state and local governments and brought to outrageous levels under the current Liberal Government.

3. Background: The current Petition No.24 must be seen in the context of cumulative environmental harm and previous failed petitions in attempts to introduce state protection for our most precious asset- our natural environment. In 2007, after years of community concern about the destruction of thousands of public trees due local government “Tree Replacement” policies and bushland “weeding” policies, the then Standing Committee’s Recommendation on the 2006 Petition No.34 was that a state Model Tree Policy be prepared through the joint efforts of Local Governments and the Departments of Local Government and Planning and Infrastructure. There was no Recommendation for a moratorium on the destruction of public urban trees, as had been requested, and no Recommendation for an audit of the wood-chipping of our urban trees and the loss of their scientifically proven “Tree Benefits” to the health and well-being of people and wildlife. There was no Recommendation for the involvement of the Ministers for Environment and Health in matters relating to environment and health. **We question the then Committee’s rationale for not having requested comment and involvement from the relevant Ministers in the preparation of a Model Tree Policy.**

In November 2008, **Petition No.9** was not tabled under its proper title that called for the control of **synthetic pesticides** as well as the protection of mature trees and remnant bushland. Tabled after the herbicide poisoning of almost 8,000 trees and shrubs in the Cities of Stirling and Joondalup, the Petition was effectively ignored and finalized on the 14th January 2009. There was no evidence of the then Standing Committee having requested input from the Ministers for Health and Environment. However, Minister Castrilli, the Local Government Minister of the newly elected Liberal Government, was requested in a letter dated 27/11/2008, from the Committee’s then Chair, Hon Sheila Mills, to provide comment. Minister Castrilli refuted the need for the further development of a Model Tree Policy that had been the Committee’s Recommendation in 2007. It appears that the Committee finalised **Petition No.9** on the 14th January 2009 on the basis of only the Local Government Minister’s response, dated 24/12/2008, even though he claimed in his letter to the Chair that he did not have the “legislative power to either prevent the clearing of trees from public land or to control the sale of herbicides.” **We question whether it is appropriate for the Standing Committee to require a Minister who lacks the relevant legislative power to provide comment when assessing the merit of a petition. Our evidence is that Environmental / Health Officers do not or are not required to fulfil their role.**

In 2012, **Petition No. 167**: “Petition to repeal the destructive powers of the Metropolitan Redevelopment Authority and local governments, and to put to a referendum any further destruction of our public assets and our mature and heritage trees on the Perth Esplanade Reserve and all other public green spaces that are of value to our communities” , was tabled after years of ongoing destruction of thousands of street trees by local governments, undisclosed hundreds of Sugar Gum and other “weed” trees by the Botanical Gardens and Parks Authority, as well as the destruction of hundreds of trees in iconic green infrastructure at Perry Lakes in the Town of Cambridge, AK Reserve in the City of Nedlands, the median along Manning Road in the City of Canning, PAT Goodridge Sporting Precinct in the Town of Cambridge, Monash Avenue Bushland, the QEII **Therapeutic Gardens** designed by Robert Hart, and the **Heritage listed Perth Esplanade Reserve** in the City of Perth, this being one of the most outrageous acts of vandalism by a government against iconic trees, local and national heritage (“Anzac Reserve”), public amenity and a community’s sense of place.

The apparent advice from the DEC to the former Environment Minister, Mr. Marmion, in regard to the issues raised in **Petition No. 167**, were typically narrow in their focus on only native (indigenous) vegetation and the clearing requirements of planning, and they gave no support to the vital role of **green infrastructure** and **scientifically proven health and environmental benefits of nature conservation**, regardless of species. The former Environment Minister, Mr. Marmion, and his Department were widely criticized in the community for their failure to give paramount importance to the protection of the natural environment and they were often seen through their failure to prevent environmental harm, as facilitators of poor planning that failed to protect wildlife habitat, natural amenity and public green assets with their many health and social benefits.

We have seen **no evidence** in assessments of Petitions 9 and 167, that the importance of nature conservation in the urban setting, as well as the need to prevent environmental pollution from the widespread use of pesticides, particularly in the absence of any Comparative Risk Assessments, have been independently and scientifically addressed. **Committee Recommendations (2007, No. 34) are too easily ignored by incoming Ministers.**

4. There is documentary evidence that the Western Australian Planning Commission, the Development Assessment Panels and the Metropolitan Redevelopment Authority, together with the variously overt and covert pro development culture of many local governments and their influential key players, Councillors and mayors, have acted against the **interests of electors, residents, ratepayers, and taxpayers.**

5. There is evidence that councillors, managing authorities and key individuals who have failed in their Duty of Care and Role to protect the local amenity which includes the natural environment, wildlife, parks, reserves, bushland and street trees, may be in breach of the Local Government Act 1995, Role of Councillors, Sect 2.10(a)(b)and(c), Role of Mayor, Sect 2.8 , Subsection (2), and the Planning and Development Act 2005 Sect 6, subsections (1), (2) (b) and (3) (2) which state:

*"The rights referred to in subsection (1) are to be exercised **having regard to –***

*(b) the **orderly and proper planning , and the preservation of the amenity, of that locality at that time.***

(3), the public works will comply with subsection (2)

6. There has been growing concern over many years about the failure to prevent and to prosecute for clear evidence of Environmental **Pollution** and **Harm**, including Material Harm (a)(b) and Serious Harm (a)(b)(c), as defined in the Environmental Protection Act 1986, Sect. 3A (1) (a), (2) (a) (i) (ii) and (b).

7. There is overwhelming photographic and documentary evidence in emails, formal correspondence and news articles that indicate the strong community concerns and opposition to land management practices and developments that treat local communities with contempt whilst doing harm to their natural environment and local amenity. **Evidence will be provided to the Committee upon request.**

8. It is hoped that evidence of the cumulative unaudited and unmitigated harm in the destruction of our urban trees and the cumulative unaudited and unmitigated harm in the widespread use of toxic pesticides by local and state government authorities (as outlined in greater detail in our Submission on Petition No. 25) as well as evidence of the failure to undertake best practice **Comparative Risk Assessments** in the decision-making processes of local and state government authorities, will provide assistance to the Standing Committee in meeting its Terms of Reference No. 1.4 – "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"

Alexandra (Alex) Jones Chair- Pesticide Action Group WA (PAGWA) Promoter