Report 48

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Overview of Petitions 16 May 2017 to 30 June 2018

Presented by
Hon Matthew Swinbourn MLC (Chairman)
November 2018
Standing Committee on Environment and Public Affairs

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## Executive summary

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The Standing Committee on Environment and Public Affairs (Committee) is pleased to present this overview of the petitions finalised between 16 May 2017 and 30 June 2018 (reporting period).

Petitions remain a popular method of informing Members of Parliament about issues that affect the community and the Committee's inquiries enhance transparency of government policy and decisions.

This Committee of the Legislative Council is unique in Australia in considering all petitions tabled. The nature and extent of inquiries relating to each petition will vary depending on the issues raised.

A petition will not always achieve the specific objectives desired by petitioners however the Committee's inquiries may provide petitioners with an explanation for government decisions or actions.

During the reporting period, 74 petitions were tabled in the Legislative Council and the Committee concluded its inquiries in relation to 51 petitions. The Committee also commenced an inquiry into compensation mechanisms for economic loss to farmers caused by contamination from genetically modified material.

The Committee's website at www.parliament.wa.gov.au/env contains copies of public documents including the terms of each petition, submissions, government responses and transcripts of evidence.
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 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.

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.

1.6 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 may provide petitioners with an explanation for government decisions or actions. The petitions process facilitates communication between Parliament and the people.

Petitions process
1.7 The nature and extent of inquiries relating to each petition will vary depending on the nature of the issues raised. In most cases, the Committee will request a submission from the principal petitioner and 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.

1.8 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.

1.9 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.
Overview of petitions

1.10 This report provides an overview of the petitions considered and finalised by the Committee from 16 May 2017 to 30 June 2018 (reporting period).

1.11 The Committee concluded its inquiries into 51 of the 74 petitions that were tabled in the Legislative Council during the reporting period.

1.12 The Committee also commenced a public inquiry, stemming from Petition No 10, into compensation mechanisms for economic loss to farmers caused by contamination from genetically modified material.

Committee website

CHAPTER 2
Finalised petitions: May — December 2017

2.1 The Committee finalised 22 petitions between 16 May 2017 and 31 December 2017.

Petition No 1—Oppose greyhound racing

2.2 This petition contains 3066 signatures and was tabled by Hon Lynn MacLaren MLC.\(^1\) The petitioners seek a government ban on greyhound racing, the prohibition of interstate and overseas dog transfers, and greater support for adoption programmes for greyhounds.

2.3 The principal petitioner submitted that underpinning the failure of the greyhound industry to keep pace with community expectations regarding animal welfare standards is the absence of an independent regulator in Western Australia. There is a perceived conflict of interest in that a single agency, Racing and Wagering WA (RWWA), charged with promotion and expansion of the industry, is also responsible for animal welfare.\(^2\)

2.4 Additional concerns with the operation of the greyhound industry include:
- a high wastage rate with unsuccessful racing dogs either euthanized or put up for adoption as a companion animal
- reliance on community organisations to rehabilitate and rehome greyhounds
- inadequate track safety and maintenance leading to injury or death
- a lack of transparency within the industry
- animal welfare being a secondary consideration in the administration and development of the industry.\(^3\)

2.5 The Royal Society for the Prevention of Cruelty to Animals Western Australia (RSPCA) told the Committee that it did not support greyhound racing:

> Given the extensive and significant findings of animal cruelty and poor animal welfare outcomes, the RSPCA does not support greyhound racing. Animal welfare issues that appear to be systemic in the industry include over-breeding and ‘wastage’ (the killing of otherwise healthy animals), sub-standard housing and general care, doping, live baiting and a high rate of injuries. The lack of transparency regarding these issues is also a significant concern.\(^4\)

2.6 It is the RSPCA’s view that if greyhound racing continues in Western Australia, certain changes are urgently needed including:

> mandatory and enforceable minimum standards, regulation by an independent body, formal processes to address over-breeding and wasteage, a traceability system to track animals from birth to death and mandatory disclosure of this information.\(^5\)

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\(^1\) Tabled Paper 62, Legislative Council, 16 May 2017.
\(^2\) Submission from Andrea Pollard, 13 July 2017, p 1.
\(^3\) ibid., pp 1-2.
\(^4\) Lynne Bradshaw, President, RSPCA (WA), Letter, 8 September 2017, p 1.
\(^5\) ibid.
2.7 In his response to the petition, the Minister for Racing and Gaming explained that RWWA is a statutory body responsible for the development, promotion and integrity of greyhound racing in Western Australia.\(^6\)

2.8 Recent actions and reforms adopted by RWWA include:

- development of the Holistic Greyhound Welfare Strategy to ensure care is provided through all stages of a greyhound’s life
- increased investment in Greyhounds as Pets adoption programme
- improved data collection over the full lifecycle of greyhounds
- stricter controls on breeding and breeding licenses
- control of trial tracks and venues
- regulatory changes aimed at improving the rate that retired greyhounds are successfully rehomed.\(^7\)

2.9 The Minister intended to create a non-statutory working group, facilitated by RWWA,\(^8\) to ‘allow for discussion between the welfare advocacy groups and industry stakeholders … and from these discussions for solutions to be developed’.\(^9\)

2.10 The Minister for Agriculture and Food who is responsible for administration of the *Animal Welfare Act 2002*, advised the Committee that the steps being taken by the government to improve animal welfare in Western Australia will be reflected in future amendments to the Act.\(^10\)

2.11 In relation to the greyhound industry in Western Australia:

- live baiting is prohibited in Western Australia and investigations have not revealed evidence of the practice occurring in this State
- humane euthanasia of a healthy dog is not an act of cruelty as defined by the Animal Welfare Act
- the export of greyhounds overseas is the responsibility of the Commonwealth’s Department of Agriculture and Water Resources
- poor track management that leads to ‘injury, pain or distress’ could be prosecuted under the Act, however no prosecutions have been undertaken to date.\(^11\)

2.12 The Committee concluded its inquiries on 1 November 2017.

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\(^6\) Hon Paul Papalia MLA, Minister for Racing and Gaming, Letter, 7 September 2017, p 1.

\(^7\) ibid., pp 1-2.

\(^8\) ibid., p 5.

\(^9\) ibid., p 4.

\(^10\) Hon Alannah MacTiernan MLC, Minister for Agriculture and Food, Letter, 26 October 2017, p 2.

\(^11\) ibid., Attachment 1.
Petition No 2—Proposal to sell Midland Recreation Ground Reserve

2.13 This petition was tabled by Hon Dr Bill Leadbetter MLC and contains 185 signatures.\textsuperscript{12} The petitioners request that the Legislative Council recommend that the Minister for Local Government inquire into the sale and development of the Midland Oval by the City of Swan.

2.14 According to the principal petitioner, the Midland Oval has been a focal point for sporting events and community activities since 1891, however the City of Swan’s gradual relocation of sporting facilities and its intentional neglect of the oval over the last 30 years has provoked many protests. The petitioner contends there has been limited and superficial public consultation regarding the future of the oval and he maintains that the Local Planning Scheme requires the land to be used for its original purpose.\textsuperscript{13}

2.15 The Committee made inquiries with the Ministers for Planning and Local Government, and the City of Swan regarding the issues raised in the petition.

2.16 According to the City of Swan, various plans and proposals for the Midland Oval precinct were developed over the years but ultimately did not proceed. With this in mind, the City decided to purchase the land in the precinct because fragmented ownership made it ‘too onerous to gain the consensus of all participants for any development’.\textsuperscript{14}

2.17 Sporting facilities gradually relocated due to inadequacies with the site:

The site had been identified as being inadequate and unsuitable for athletic and other sporting purposes, having no room for expansion or to accommodate the required parking bays. Sporting activities thus began being relocated to alternative sites in the 1980s and 90s. Purpose-built establishments development in this time include Midland Sports Complex, Swan Park Leisure, Midland Speed Dome, Ron Jose Oval, Jack Williamson Oval, Ray Marshall Oval and Lilac Hill with an approximate cost of $100m contributed by the City over the past 20 years.\textsuperscript{15}

2.18 The City of Swan maintains that the oval was never designated a Reserve—it has always been held in fee simple\textsuperscript{16} enabling the City to ‘develop, transfer, amalgamate or subdivide freehold land without restriction’.\textsuperscript{17}

2.19 The Minister for Planning informed the Committee that the Midland Oval Precinct is currently zoned ‘City Centre – Commercial Deferred’ and is not subject to the requirements of the Local Planning Scheme in relation to the use and development of reserves.\textsuperscript{18}

2.20 In regard to public open space, an issue of concern raised in the petition, the Minister advised:

The amended Master Plan provides a public open space contribution of 1.9 hectares, which equates to 17.2 per cent of the gross subdivisible area of the Master Plan area. This is in excess of the minimum 10 per cent of gross subdivisible area for public open space, required by Western Australian Planning Commission policy.\textsuperscript{19}

\textsuperscript{12} Tabled Paper 180, Legislative Council, 17 May 2017.
\textsuperscript{13} Submission from Patrick Irwin, 12 July 2017, pp 1-2.
\textsuperscript{14} M J Foley, Chief Executive Officer, City of Swan, Letter, 6 September 2017, p 2.
\textsuperscript{15} ibid., p 1.
\textsuperscript{16} ibid., p 3.
\textsuperscript{17} ibid., p 5.
\textsuperscript{18} Hon Rita Saffioti MLA, Minister for Planning; Lands, Letter, 22 September 2017, p 1.
\textsuperscript{19} ibid., p 2.
2.21 The Minister for Local Government explained that sale of the land is not required to go to public tender as the Local Government Act 1995 enables a local government to dispose of land through public auction, public tender or private treaty:

The Department of Local Government, Sport and Cultural Industries has not been notified of any concerns or complaints related to the City’s disposal of Lot 4 by private treaty, as proposed by the City in 2015.20

2.22 The Committee concluded its inquiries on 1 November 2017.

Petition No 3—Proposed telecommunications tower, Bell Hill Reserve

2.23 This petition, which contains 95 signatures and was tabled by Hon Darren West MLC,21 objects to the construction of a telecommunications tower at Bell Hill Reserve, Bindoon and contends that there has been insufficient cultural and environmental assessment of the site. The petitioners request that the Legislative Council investigate relocation of the tower.

2.24 The petition is the same as Petition No 127 which lapsed when the 39th Parliament was prorogued before the last State election. Prior to the petition lapsing, the previous Committee obtained submissions from the principal petitioner and tabling Member, as well as government responses to the issues raised. The principal petitioner (Lynn Borg) and tabling Member (Hon Darren West MLC) are the same as for lapsed Petition No 127 and both provided submissions to the previous Committee and to the current Committee.

2.25 The submission from the principal petitioner contends that the massive size of the structure will overwhelm the Bell Hill Reserve and that planning approval for the tower by the Shire of Chittering was based on inaccurate and incomplete cultural and environmental assessments.22

Responses to lapsed Petition No 127

2.26 The Committee’s inquiries included consideration of the government responses to lapsed Petition No 127 obtained by the previous Committee.

Response from the former Minister for Environment

2.27 It was determined by the Environmental Protection Authority (EPA) that the proposed development was not a ‘significant proposal’ likely to have a significant effect on the environment.23

2.28 Any noise generated by the proposal would be subject to the Environmental Protection (Noise) Regulations 1997.24

Response from the former Minister for Aboriginal Affairs

2.29 Bell Hill Reserve has not been assessed by the Aboriginal Cultural Material Committee under section 5 of the Aboriginal Heritage Act 1972 and it is recommended that NBN Co Ltd consult with the Yued People through the South West Aboriginal Land and Sea Council (SWALSC).25

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22 Submission from Lynn Borg, 7 July 2017, p 1.
24 ibid., p 2.
Response from the former Minister for Health

2.30 Licence conditions for telecommunication towers require compliance with emission standards set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and ‘there is no reason to prevent the construction of the tower on Bell Hill Reserve based on health concerns alone’.26

Response from the former Minister for Planning

2.31 A complaint by the Friends of Bell Hill Reserve regarding the Shire of Chittering’s decision to approve the development was not substantiated. The then Minister concluded that the Shire had ‘exercised its discretion under the planning scheme, having due regard for the matters it was required to consider’.27 Alternative sites were considered by the proponent but did not meet their requirements in terms of customer reach.28

2.32 It is not within a local government’s authority to require an alternative site for a development application. The former Minister advised that:

when a decision-maker considers an application, they are required to either approve or refuse the application before them. If a proposal is assessed as meeting the relevant requirements, it is not open to the decision-maker to require that a different site by used.29

Response from the former Minister for Emergency Services

2.33 The Minister disputed the petitioners’ claim that Bell Hill Reserve is dependent upon aerial fire protection and pointed out that aerial fire suppression will not be negatively impacted by the tower:

The proposed tower at Bell Hill Reserve will have no significant impact on air operations within this area. Any new tower would be treated as a low-flying hazard and managed accordingly as is the case with other similar towers throughout the state.30

Inquiries in relation to the current petition

2.34 Following the Committee’s review of government responses to lapsed Petition No 127, clarification was sought from the Minister for Aboriginal Affairs regarding the Aboriginal heritage status of the site. The Minister advised that the Aboriginal Cultural Material Committee had determined that Bell Hill Reserve was not a place to which the Aboriginal Heritage Act 1972 applies and approval was not required to undertake works.31

2.35 The Minister recommended however that the proponents undertake their own risk assessment and consult with the South West Aboriginal Land and Sea Council regarding the works.32 NBN Co Ltd confirmed to the Committee that it will undertake consultation and an Aboriginal heritage survey.33

2.36 The Committee concluded its inquiries on 29 November 2017.

26 Hon John Day MLA, Minister for Health, Letter, 9 November 2018, p 2.
27 Hon Donna Faragher MLC, Minister for Planning, Letter, undated, received 10 November 2016, p 1.
28 ibid., p 2.
29 ibid.
30 Hon Joe Francis MLA, Minister for Emergency Services, Letter, 8 December 2016.
31 Hon Ben Wyatt MLA, Minister for Aboriginal Affairs, Letter, 13 September 2017.
32 ibid.
Petition No 4—Oppose development of wetlands and lake in Helena Valley

2.37 This petition, with 16 signatures, was tabled by Hon Samantha Rowe MLC.34

2.38 The petitioners oppose the reclamation of a lake and wetlands in the Helena Valley for the purpose of 76 housing lots, with the principal petitioner submitting:

We are totally opposed to the Wetlands and Lake in Carabeen Avenue Helena Valley, being filled in for residential housing. These wetlands and lake have been here for many years and provide their own wonderful eco system. It has a thriving wildlife breeding habitat, many varieties of birds, ducks, long neck turtle and other wildlife species.35

2.39 The Committee sought responses from the Ministers for Planning and Environment, and the Shire of Mundaring.

2.40 The Ministers for Environment and Planning advised that:

- The lake is not considered to be a protected wetland due to it being artificially formed by extensive site disturbances and excavation activities.
- Structure Plan 71, approved by the Western Australian Planning Commission (WAPC), proposed protecting another nearby water body, Kadina Brook, to which wildlife could be relocated.36

2.41 The Ministers pointed out that the subdivision plan for the area, yet to be approved by the Department of Biodiversity, Conservation and Attractions, may contain conditions that achieve outcomes consistent with the petitioners’ objectives.37

2.42 The Shire of Mundaring told the Committee that it had recommended the retention of the lake and wetlands as part of its submission regarding Structure Plan 71.38

2.43 The Committee concluded its inquiries on 23 August 2017.

Petition No 5—Oppose education central plan for Perth Modern

2.44 This petition was tabled by Hon Donna Faragher MLC and contains 6479 signatures.39

2.45 The petitioners oppose the government’s plan to remove the selective academic status of Perth Modern School and relocate its students to a high rise, inner city location. The petitioners seek a comprehensive and transparent consultation process to develop evidence-based secondary school planning that ensures equity and student well-being.40

2.46 On 13 June 2017 the government announced it would not proceed with the relocation of Perth Modern School to an inner city location.41

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35 Submission from Susan McCann, principal petitioner, 16 June 2017.
37 ibid.
40 ibid.
While welcoming this decision, both the principal petitioner and the tabling Member expressed concern about secondary school planning. Specific issues include the decision to build a new school at Kitchener Park, student health and well-being, outdoor ground level spaces for sport, and a lack of consultation around the development of secondary school planning.\(^\text{42}\)

In response, the Minister for Education advised:

- Student enrolment projections show higher growth closer to the central business district than the coast.
- Works at both Churchlands Senior High School and Shenton College, in addition to construction of an inner city college, will significantly increase capacity.
- There is no intention to provide legislative protection for Perth Modern School or any other public schools across the State.
- The government’s Education Central policy was developed and released more than two months before the State Election in March 2017. Meetings were conducted with parents in the inner and western suburbs however there was limited opportunity for broader consultation with the Perth Modern School community, being in opposition at the time.
- The Department is working with the Metropolitan Redevelopment Authority and the City of Subiaco to ensure planning provides suitable access to Subiaco Oval and other public open areas such as Mueller Park.\(^\text{43}\)

The principal petitioner expressed satisfaction with the information provided by the Minister.\(^\text{44}\)

The Committee concluded its inquiries on 11 October 2017.

**Petition No 6—Oppose MRS amendment Guildford Road**

This petition, tabled by Hon Alanna Clohesy MLC with 1557 signatures, opposes proposed Amendment 1310/41 (Guildford Road from East Parade to Tonkin Highway) to the Metropolitan Region Scheme.\(^\text{45}\)

The government decided not to proceed with the proposed amendment and the petition was finalised on 16 August 2017.

**Petition No 7—Proposed inquiry into Shire of Exmouth**

This petition, which expresses concern about the integrity and conduct of the Shire of Exmouth, contains 455 signatures and was tabled by Hon Kyle McGinn MLC.\(^\text{46}\)

The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalised on 16 August 2017.

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\(^{42}\) Submission from Peter Farr, principal petitioner, 9 July 2017; Submission from Hon Donna Faragher MLC, tabling Member, 5 July 2017.

\(^{43}\) Hon Sue Ellery MLC, Minister for Education, Letter, 4 October 2017, pp 1-2.

\(^{44}\) Peter Farr, principal petitioner, Email, 13 October 2017.


Petition No 8—Joondalup Animal Local Law (horse beach)

2.55 This petition with 1577 signatures was tabled by Hon Martin Pritchard MLC.

2.56 The petitioners oppose changes to the City of Joondalup Animal Local Law to prohibit horses accessing the animal exercise beach and adjacent ocean waters at Whitfords Crown Reserve 48731.47

2.57 This petition was considered in conjunction with Petition No 9 (see paragraph 2.58 to 2.62).

Petition No 9—Horse beach Joondalup

2.58 This petition, with 2061 signatures, was tabled by Hon Martin Pritchard MLC.48

2.59 The petitioners request the Legislative Council disallow the City of Joondalup Animals Amendment Local Law 2016 (Local Law) with the principal petitioner submitting that:

- excluding horses from the beach will not increase the number of parking bays available to dog owners—there were only two complaints about parking overcrowding between 2010 and 2016
- the 160m of beach available for horses is shared with dogs
- the City’s decision contradicts the wishes of the majority of electors
- use of the beach provides benefits to horses in their training, treatment, rehabilitation and recreation
- the beach services all northern inland communities.49

2.60 The Committee wrote to the Minister for Local Government and the City of Joondalup seeking their comment on the petition.

2.61 The Minister for Local Government was of the view that the City should give due regard to the petitioners views50 and the City of Joondalup explained that its decision was in response to increasing community pressure for coastline activities, especially for the significant number of dog owners within the City.51

2.62 The objectives of Petitions 8 and 9 were achieved when the Legislative Council disallowed the Local Law on 9 November 2017.52 The petitions were finalised on 29 November 2017.

Petition No 10—Compensation for non-GM farmers

2.63 This petition, which was tabled by Hon Diane Evers MLC with 903 signatures, requests the Parliament ‘introduce Farmer Protection Legislation to compensate any non-GM farmer who suffers economic loss from GM contamination’.53

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47 Tabled Paper 260, Legislative Council, 13 June 2017.
48 Tabled Paper 261, Legislative Council, 13 June 2017.
50 Hon David Templeman MLA, Minister for Local Government, Letter, 7 September 2017.
51 Garry Hunt, Chief Executive Officer, City of Joondalup, Letter, 20 September 2017, p 1.
52 Western Australia, Legislative Council, Parliamentary Debates (Hansard), 9 November 2017, pp 5693-5697.
53 Tabled Paper 262, Legislative Council, 13 June 2017. Similar requests were the subject of Petitions 69 and 138 in the 39th Parliament.
2.65 The principal petitioner supported the establishment of legislation creating a fund which imposed a levy on all seed sales. The legislation would automatically compensate any grower or supply chain participant who has well documented evidence of economic loss or other harm resulting from GM contamination.\textsuperscript{54}

2.66 The response to the petition from the Minister for Agriculture and Food indicated that she supported further investigation of the issues by the Committee.\textsuperscript{55}

2.67 On 6 December 2017 the Committee finalised the petition and resolved to inquire into and report on mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination from genetically modified material, including approaches taken in Western Australia and by other jurisdictions.\textsuperscript{56}

**Petition No 11—Wave Park, Alfred Cove**

2.68 This petition with 3409 signatures was tabled by Hon Pierre Yang MLC and opposes the construction of a surf sports wave park on Tomkins Park in the City of Melville.\textsuperscript{57}

2.69 The principal petitioner protests that the site is situated within Bush Forever Site 331 and should therefore be conserved; additionally, development will cause ecological damage to the reserve through noise and light pollution, traffic, litter and vibrations from the machinery.\textsuperscript{58}

2.70 The Committee sought comment from the Ministers for Local Government, Planning and the Environment, as well as the City of Melville.

2.71 The City of Melville considered that the project will enhance public open space and removal of vegetation will not be required. Furthermore, the project will not have a significant impact on traffic flow.\textsuperscript{59}

2.72 The government responses explained that a development application must be made to the Department of Biodiversity, Conservation and Attractions and that the proposal may be assessed by the Environmental Protection Authority.\textsuperscript{60} The Minister for Planning advised any future development assessment may be determined by the Metro Central Joint Development Assessment Panel.\textsuperscript{61}

\textsuperscript{54} Submission from Janet Grogan, principal petitioner, 12 July 2017.

\textsuperscript{55} Hon Alannah MacTiernan MLC, Minister for Agriculture and Food, Letter, 28 September 2017, p 1.

\textsuperscript{56} Western Australia, Legislative Council, Standing Committee on Environment and Public Affairs, Report 47, *Inquiry into mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material* – Terms of Reference, 7 December 2017.

\textsuperscript{57} Tabled Paper 264, Legislative Council, 13 June 2017.

\textsuperscript{58} Submission from Tom Lubin, principal petitioner, 30 June 2017.

\textsuperscript{59} Dr Shayne Silcox, Chief Executive Officer, City of Melville, Letter, 18 September 2017.

\textsuperscript{60} ibid., Hon David Templeman MLA, Minister for Local Government, Letter, 7 September 2017; Hon Stephen Dawson MLC, Minister for the Environment, Letter, 8 September 2017.

\textsuperscript{61} Hon Rita Saffioti MLA, Minister for Planning, Letter, 14 October 2017, p 2.
Noting that:

- the planning approval process for the project had yet to begin
- the project could be assessed by the Environmental Protection Authority
- the petitioners’ concerns had been brought to the attention of, and considered by, the relevant Ministers and local government,

the Committee concluded its inquiries on 1 November 2017.62

Petition No 12—Proposed inquiry into City of Melville and Petition No 20—Conduct of Officers in City of Melville

Petition No 12 contains 2746 signatures and was tabled by Hon Pierre Yang MLC.

The petitioners express concern about the officers and council of the City of Melville and request the Legislative Council inquire into ‘all aspects leading up to and including the Wave Park proposal and proposed lease as well as the changes of zoning and approval of high rise developments within the City’.63

Petition No 20, with 135 signatures, similarly expresses concern with the City of Melville and requests an inquiry into the conduct of officers and operations of the Council across all functions.64

The Committee received submissions from a number of individuals expressing concerns and raising allegations about matters including governance and statutory planning processes.

The Minister for Local Government advised the Committee:

- contentious issues have been raised about the City of Melville’s management of various matters
- officers of the Department of Local Government, Sport and Cultural Industries have been working proactively with the City of Melville to improve its governance and administration and continue to monitor developments and provide advice
- strategies for addressing issues of concern and the volume of complaints have been discussed by the Department with City staff, including the appointment of an independent person to deal with complaints and training of staff in complaint management.65

Having brought the petitioners’ concerns to the attention of the Minister, the Committee concluded its inquiries on 8 November 2017.

The Committee notes that on 13 November 2017 the Department of Local Government, Sport and Cultural Industries initiated an inquiry into the City of Melville pursuant to Part 8, Division 1 of the Local Government Act 1995. The ambit of the inquiry includes:

- The Council’s relationship with the City of Melville administration.
- The adequacy of Council’s Policies and Procedures including but not limited to:

62 On 4 January 2018 the Environmental Protection Authority advised it was seeking comment on whether it should conduct an environmental impact assessment of the project and, if so, what level of assessment is considered appropriate.

63 Tabled Paper 265, Legislative Council, 13 June 2017.

64 Tabled Paper 482, Legislative Council, 12 September 2017.

the manner in which the City and Council deal with complaints from members of the public
- management of public question time
- public access to information
- adherence to Council Policies and Procedures by the Council and City of Melville administration
- acquisition of land
- any other issues that are determined to be of relevance to the above.66

**Petition No 13—Animal Welfare Act**

2.82 This petition, tabled by Hon Alanna Clohesy MLC and containing 600 signatures,67 requests that the Legislative Council recommend a review of the *Animal Welfare Act 2002* (Animal Welfare Act) and that the judiciary impose harsher penalties for cases of animal cruelty.

2.83 The principal petitioner, Charlotte Armstrong, explains in her submission that the petition was prompted by the 2017 stabbing death of Luna, a family pet, at Polyantha Reserve in Mirrabooka. According to Ms Armstrong:

> The killing of a companion animal is a serious offence requiring the Act and the judiciary to apply penalties and punishments that more adequately reflect the crime committed. This is in particular reference to Part 3 of the Act … which does not include the inhumane killing of an animal as a serious offence.68

2.84 The principal petitioner believes that animals are not provided with adequate protection due to dated legislation and weak enforcement. She argues that the majority of animal cruelty investigations are resolved out of court, with the RSPCA (WA) inspectors ‘simply educating owners on basic animal welfare’.69

2.85 Ms Armstrong asserts that even when aggravated animal cruelty cases are successfully prosecuted, penalties imposed are too lenient and often involve a fine or temporary animal ban rather than imprisonment:

> As long as the judiciary in Western Australia continue to issue penalties closer to the minimum rather than the maximum (regardless of the severity of the crime committed), a review of the Animal Welfare Act 2002 and its penalties remains futile. The Act can be strengthened and wording made more specific, but if the judiciary do not actually apply the wide range of penalties to fit the crime according to the current Act, then animal welfare will continue to remain a hopeless cause in Western Australia.70

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66 Duncan Ord OAM, Director General, Department of Local Government, Sport and Cultural Industries, Notice pursuant to *Local Government Act 1995*, Part 8, Division 1, Authorisation of Local Government Inquiry, 13 November 2017.


69 ibid.

70 ibid.
2.87 The RSPCA told the Committee that while it was not appropriate for the organisation to comment on sentences handed down by the Magistrate’s Court, it considered that ‘[Luna’s] case and the petition highlight the need for the proposed review of the Act to be given priority to ensure that, amongst other things, the law reflects current welfare standards and community expectations’.71

2.88 The Minister for Agriculture and Food, Hon Alannah MacTiernan MLC, pointed out that Western Australia has some of the toughest penalties in Australia for animal cruelty. In noting the recommendation of the 2015 Easton Review of the Animal Welfare Act for a comprehensive review of the legislation, the Minister advised that a ‘considerable body of work to implement the recommendations of the Easton Review is in progress’ and that the government would give consideration to legislative and regulatory reforms.72

2.89 The Attorney General, Hon John Quigley MLA, explained that the Western Australian Parliament and the judiciary operated independently of each other and ‘it is the responsibility of the presiding judge or magistrate, who has access to all relevant circumstances and facts that are pertinent to each case, to sentence offenders in accordance with the law’.73 A table of animal welfare convictions handed down to 30 June 2017 provided by the Attorney General is available on the Committee’s website at http://www.parliament.wa.gov.au/Parliament/petitionsdb.nsf.

2.90 The Committee concluded its inquiries into the petition on 11 October 2017.

Petition No 14—Proposed landfill in Esperance

2.91 This petition with 304 signatures was tabled by Hon Colin de Grussa MLC.74

2.92 The petitioners request that the Legislative Council ensure the highest level of environmental scrutiny is conducted on a landfill site proposed by the Shire of Esperance on the basis that it will pose significant environmental risks.

2.93 The principal petitioner’s submission expressed concern that given the porous nature of the sandplain on which the site is located, contamination from the site will eventually find its way into wetlands and impact on groundwater used for livestock and crops. She also believes the proposal is incompatible with nearby tourism sites such as Esperance Stonehenge.75

2.94 The tabling Member submitted:

There have been conflicting reports as to whether the Shire of Esperance will submit their proposal to the Environmental Protection Authority for consideration. While I have been assured by Shire representatives that they will complete this process, there is serious concern within the community that this will not actually happen. This lack of trust in the Shire is an important reason the petition was presented.

71 Lynne Bradshaw, President, RSPCA (WA), Letter, 8 September 2017, p 1.
72 Hon Alannah MacTiernan MLC, Minister for Regional Development; Agriculture and Food, Letter, 27 September 2017, pp 1-2.
75 Submission from Jill Fitzpatrick, principal petitioner, 12 July 2017.
With my concerns regarding the risk of contamination from the waste facility site in mind, I hope to see the Shire complete not only a review with the EPA, but also seek comment from the Department of Environment Regulation on the proposal, and refer the proposal to the Department of Environment and Energy for review under the Environment Protection and Biodiversity Conservation Act.\textsuperscript{76}

2.95 The Committee received responses to the petition from the Ministers for Tourism, Local Government, Environment, Planning, Regional Development and Water, as well as the Shire of Esperance.

2.96 The Minister for Planning advised that the proposed site is zoned rural and since a waste disposal facility is not permitted in a rural zone, the Shire’s Local Planning Scheme No. 24 will need to be amended for the proposal to proceed.\textsuperscript{77}

2.97 On 20 October 2017 the Shire of Esperance submitted the proposal to the Environmental Protection Agency (EPA) for a Public Environmental Review, which will include an opportunity for public submissions on the various issues.

2.98 The Minister for Regional Development advised that the Department of Primary Industries and Regional Development has been instructed to prepare a formal response through the EPA process on matters relating to \textit{the Biosecurity and Agricultural Management Act 2007} and on potential impacts on agricultural land, including local hydrology.\textsuperscript{78}

2.99 Having considered the submissions and government responses, including advice that the EPA will conduct a Public Environmental Review, the Committee concluded its inquiries on 1 November 2017.\textsuperscript{79}

\textbf{Petition No 15—Divestment of Port of Fremantle}

2.100 This petition, which was tabled by Hon Diane Evers MLC, contains 295 signatures and opposes the sale or lease of the Port of Fremantle.\textsuperscript{80}

2.101 In her response to the petition, the Minister for Transport, Hon Rita Saffioti MLA, confirmed that the government intended to maintain Fremantle Port in public ownership and that all work associated with the divestment of the port had ceased.\textsuperscript{81}

2.102 The Committee finalised the petition on 12 October 2017.

\textbf{Petition No 17—Community and neighbourhood development services funding arrangements}

2.103 This petition has 254 signatures and was tabled by Hon Tjorn Sibma MLC.\textsuperscript{82} The petition opposes proposed changes to funding arrangements for the Community and Neighbourhood Development Service.

2.104 The Committee did not receive a submission from the principal petitioner and the petition was closed on 11 October 2017.

\textsuperscript{76} Submission from Hon Colin de Grussa MLC, tabling Member, 7 July 2017, p 2.

\textsuperscript{77} Hon Rita Saffioti MLA, Minister for Planning, Letter, 13 September 2017.

\textsuperscript{78} Hon Alannah MacTiernan MLC, Minister for Regional Development, Letter, 30 October 2017.

\textsuperscript{79} On 19 February 2018 the EPA stated it would be undertaking a Public Environmental Review of the proposal. See Environmental Protection Authority, viewed 4 May 2018, \url{http://www.epa.wa.gov.au/proposals/esperance-waste-management-facility}.

\textsuperscript{80} Tabled Paper 285, Legislative Council, 20 June 2017.

\textsuperscript{81} Hon Rita Saffioti MLA, Minister for Transport, Letter, 14 September 2017.

\textsuperscript{82} Tabled Paper 413, Legislative Council, 17 August 2017.
Petition No 18—Management of wild dogs in Nullagine

2.105 This petition contains 34 signatures and was tabled by Hon Kyle McGinn MLC.83

2.106 The petitioners express concern about the methods used to control and manage wild dogs in the Nullagine area, including a lack of communication about the use of poisonous baits. They oppose the use of 1080 bait84 and request that the Legislative Council inquire into safer and more humane methods to manage wild dogs.

2.107 According to the principal petitioner, domestic pets had been lost because of unidentified baiting in the township. He believes better communication with residents, as well as signage to warn of baiting, could help to avoid these losses.85

2.108 The Minister for Agriculture and Food advised that:

- No autopsy was conducted to confirm the dog referred to in the principal petitioner’s submission died from 1080 poisoning.
- There is no evidence that domestic pets had died from 1080 poisoning or that approved baiting had breached the Code of Practice for the safe use and management of 1080 in Western Australia.
- All of the station properties in the Nullagine area have undergone risk assessments for the use of 1080 and have valid permits for its use.
- The Pilbara Recognised Biosecurity Group, which undertakes aerial baiting, takes various measures to reduce the risk of accidental poisoning, including extensive communication with the community and ensuring aerial baiting does not occur within 5km of town sites.
- Many native species have a natural tolerance to 1080 due to evolutionary exposure to the toxin.
- The toxicity to humans is approximately 20 times less than to dogs and there have been very few reports regarding human safety concerns from the use of 1080 in Western Australia.
- The Shire of East Pilbara publicly identifies on its website the location of Animal Exercise Areas in which it is safe to exercise dogs.
- The Department of Primary Industries and Regional Development is working on the registration of two products for wild dog and fox control that have the advantage of having an antidote for domestic dogs.86

2.109 In response to the Committee’s further inquiries, the Minister advised that the Department has not received any reports of deaths of non-target native carnivores and provided further details regarding the training of pastoralists in using 1080 products.87

2.110 The Committee concluded its inquiries on 6 December 2017.

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83 ibid.
84 Compound 1080 (sodium fluoroacetate), also known as sodium monofluoroacetate, fluoroacetate or ‘ten eighty’, is a white water-soluble powder that is tasteless to most species. It is a highly toxic and effective pesticide used to control pest animals. See https://www.pestsmart.org.au/wp-content/uploads/2010/03/1st_aid_book.pdf (Viewed 19 April 2018).
85 Submission from Cate Clancy, principal petitioner, 11 September 2017.
86 Hon Alannah MacTiernan MLC, Minister for Agriculture and Food, Letter, 12 October 2017, pp 1-3.
87 Hon Alannah MacTiernan MLC, Minister for Agriculture and Food, Letter, 1 December 2017, p 2.
Petition No 19—Scarborough foreshore redevelopment

2.111 This petition contains 2342 signatures and was tabled by Hon Tjorn Sibma MLC. The petitioners express concern about a lack of government support to businesses impacted by the Metropolitan Redevelopment Authority’s works in the Scarborough redevelopment.

2.112 The principal petitioner’s submission described the impact of the development on small businesses operating in the area:

During developments such as these what has become clear to anyone paying attention is that those who suffer the worst are the local small business owners in these instances. We lack the economy of scale a large business has to offset losses incurred, we often are renting the commercial property so will see no benefit from increased land values.

2.113 He believes that government support should be provided to small businesses where developments are scheduled to take longer than six months and could include tax exemptions during the development period.

2.114 The Committee obtained responses from the Ministers for Small Business, Planning, Commerce and Local Government as well as the City of Stirling.

2.115 The Minister for Small Business advised the Committee that:

- the Small Business Development Corporation has been monitoring this issue for many years and provides assistance to small business owners
- the State Government cannot dictate the terms and processes of developments undertaken by private developers and local government
- a whole of government policy to mitigate the impact of development on local businesses (and support where mitigation fails) is worthy of further consideration.

2.116 The City of Stirling advised that it was in the process of providing temporary financial relief to businesses in the Scarborough Foreshore Precinct and it had waived fees and charges payable by those businesses for the 2017/2018 financial year.

2.117 The Committee concluded its inquiries on 6 December 2017.

Petition No 25—Compensation for small business around Mends Street

2.118 This petition with 537 signatures was tabled by Hon Pierre Yang MLC.

2.119 The petitioners are concerned that multiple developments undertaken around the Mends Street shopping precinct has negatively impacted small business owners and they call for assistance from the City of South Perth.

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89 Submission from Chris Burke, principal petitioner, 13 October 2017.
90 Submission from Chris Burke, principal petitioner, 13 October 2017.
92 Stuart Jardine, Chief Executive Officer, City of Stirling, Letter, 29 November 2017.
2.121 A number of Mends Street businesses provided the Committee with information about the impact of the developments on their revenue:

The projects ... have had a major impact on the volume of public visiting Mends Street as a result of:

- Loss of over 100 free (2 hour) car parking spaces
- Construction noise/general environmental conditions
- Restricted access to the area for both pedestrians and drivers

We estimate that there has been at least a 50% decline in the amount of foot traffic in Mends Street and continuing complaints regarding the inability of customers to find parking and the fear of drivers regarding the continuing presence of very large vehicles in the relatively narrow streets in the area has also had a significant effect.

These problems have also given people the impression that there will be less parking available in the future. Many of these customers are now going elsewhere.

All of the businesses in Mends Street including the Doctors Surgery, Chemist, Newsagents/Lottery outlet, TAB, Coffee Shop, Cafes, Banks, Hairdressers and all other retailers have found the effects devastating.

Based on our annual turnover figures over the last 5 years, we estimate the shortfall in revenue over the 9 months to [be] in the region of 30% - 60% for the typical small business (<10 employees) working on very tight margins, such a loss of revenue is disastrous and the losses sustained will take many years to recover. It is possible that some businesses will not survive.\(^{94}\)

2.122 Business owners expressed disappointment that there was ‘no apparent effort ... by the council to consult with business owners who were clearly going to be affected by months, even years, of disruptive construction activities’.\(^{95}\)

2.123 The Committee obtained responses from the Ministers for Small Business, Planning, Commerce and Local Government as well as the City of South Perth.

2.124 The City of South Perth advised that initiatives to assist affected businesses include designated parking areas for construction workers, a first hour free concession on 62 parking bays and promotional signs and banners to make people aware Mends Street is open for business.\(^{96}\)

2.125 The Minister for Planning advised that while the short term impact of the developments may be difficult for local businesses, the increased population in proximity to the Mends Street precinct will benefit retail trade once construction is complete.\(^{97}\)

2.126 The Committee concluded its inquiries on 6 December 2017.

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\(^{94}\) Submission from various Mends Street businesses, 11 October 2017.

\(^{95}\) ibid.

\(^{96}\) Jackson McDonald, Solicitors for the City of South Perth, Letter, 23 November 2018.

\(^{97}\) Hon Rita Saffioti MLA, Minister for Planning, Letter, 29 November 2017.
Petition No 27—Proposed landfill in York

2.127 This petition, with 409 signatures, was tabled by Hon Laurie Graham MLC and requests that the Legislative Council place a moratorium on the Great Southern Landfill application until the highest level of environmental protection for water catchments areas and ground water aquifers is put in place.98

2.128 The Committee did not receive a submission from the principal petitioner within the stipulated timeframe and finalised the petition on 29 November 2017.

Petition No 28 – Proposed WA gold royalty

2.129 The following petitions were tabled calling for no changes to be made to the gold royalty:

- 799 signatures, tabled by Hon Robin Scott MLC99
- 772 signatures, tabled by Hon Robin Scott MLC100
- 3655 signatures, tabled by Hon Ken Baston MLC101
- 625 signatures, tabled by Hon Robin Scott MLC.102

2.130 The Mining Amendment Regulations (No. 2) 2017 proposed to increase the gold royalty from 2.5 per cent to 3.75 per cent when the average monthly gold spot price is above $1200 an ounce and Mining Amendment Regulations (No. 3) 2017 proposed that the increase to 3.75 per cent apply when the average monthly gold spot price is above $1400 an ounce.

2.131 The Legislative Council disallowed the Mining Amendment Regulations (No. 2) 2017 on 12 October 2017 and the Mining Amendment Regulations (No. 3) 2017 on 28 November 2017.

2.132 The Committee did not receive a submission from any of the principal petitioners within the stipulated timeframe and finalised the petition on 11 December 2017.

CHAPTER 3
Finalised petitions: January — June 2018

3.1 The Committee finalised 29 petitions between 1 January 2018 and 30 June 2018.

**Petition No 16—Oppose fluoridation chemicals to public water supply in Kununurra**

3.2 This petition was tabled by Hon Alannah MacTiernan MLC and contains 112 signatures.103

3.3 The submission from the principal petitioner asserts that the delivery of a medicine through the public water supply is ‘highly unethical and goes against all accepted forms of pharmacology’.104 There is no way to control who receives the medicine or the dose received, and there is no medical follow up. Furthermore, the public has no choice but to receive the medicine and to do so without having to provide informed consent. The principal petitioner expresses concern about the possible adverse health effects of fluoride and he disputes that it prevents dental caries.105

3.4 The Minister for Health advised the Committee that the government supports the fluoridation of public water supplies106 and that the ‘benefits and safety of fluoridation is supported by overwhelming scientific evidence’.107

3.5 The Minister disputed the principal petitioner’s assertion regarding adverse health effects of fluoridation:

> In relation to the science underpinning fluoridation, there is an impressive collective body of research supporting fluoridation of drinking water, gathered by many credible bodies worldwide. In summary, no epidemiological data or peer reviewed scientific paper published in a recognised scientific journal has drawn a link between adverse health effects and fluoridation of drinking water ...108

3.6 While explaining that fluoridated drinking water is not considered a drug or medicine by the Therapeutic Goods Administration,109 in relation to consent, the Minister advised that:

> water fluoridation in WA is a public health measure that is carried out in accordance with law for the protection of public health. As such, it is consistent with the Report of the International Bioethics Committee of UNESCO on Consent.110

3.7 The Committee concluded its inquiries on 14 March 2018.

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104 Amended submission from Danny Carter, 15 September 2017, p 1.
105 ibid.
106 Hon Roger Cook MLA, Minister for Health, Letter, 5 December 2017, p 1.
107 ibid., p 2.
108 ibid.
109 ibid., p 8.
110 ibid., p 6.
Petition No 22—Independent State Records Office

3.8 This petition was tabled by Hon Tjorn Sibma MLC and contains 52 signatures. The petition opposes the government’s changes that will make the State Records Office (SRO) part of the State Library of Western Australia and requests support for the continued independence of the records office.

3.9 The submission from the principal petitioner pointed out that the maintenance of public records and library services differ in their method and purpose:

The mission of libraries is to maximize public access to information sources, mostly online and published sources. The mission of government archives is to manage and facilitate access to the records and archives of government in accordance with public records law (e.g. the State Records Act, 2000). Records and archives ... arise mainly from natural accumulation, not collection.

3.10 The petitioner argued that previous reviews into public records have concluded that independent public archives are essential for government integrity and accountability and she believes the organisational change is not in the public interest.

3.11 In response to the petition, the Chairperson of the State Records Commission (the Commission) advised that the petition related to administrative arrangements of the SRO rather than the Commission and it was not appropriate for the Commission to express a view. The Chairperson explains that the purpose and function of the Commission and the SRO is established in the legislation:

Part 8 of the State Records Act 2000 (the Act) is entitled ‘State Records Commission’ and, among other things, creates a body called the state Records Commission (the Commission), its members, its functions, its resourcing, its capacity to submit annual and special reports to Parliament, its powers, including the powers of special inquirer under the Public Sector Management Act 1994 and that the Commission is to be generally independent of the Minister. Part 9 of the Act is entitled ‘Administrative matters’ and, among other things, provides for an office known as the State Records Office (the SRO), subject to the direction of the Minister.

3.12 The Minister for Culture and the Arts confirmed that the SRO and the State Library of Western Australia had not been merged:

The entities remain separate as required by the legislation and there have been no amendments to the State Records Act 2000 or the Library Board of Western Australia Act 1951.

3.13 The Minister emphasised that the changes are administrative only and will not ‘fetter the independence of the SRO, nor its legislative responsibilities’.


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111 Tabled Paper 484, Legislative Council, 12 September 2017.
112 Submission from Dr Pauline Joseph, 22 November 2017, p 1.
113 ibid.
115 Hon David Templeman MLA, Minister for Culture and the Arts, Letter, 4 January 2018, p 1.
116 ibid., p 2.
Petition No 23—Fluoridation of water in Port Hedland

This petition was tabled by Hon Kyle McGinn MLC and contains 133 signatures. The petition opposes the addition of fluoridation chemicals to the public water supply in the Town of Port Hedland and is signed by residents of Port Hedland and South Hedland.

The principal petitioner submitted his concerns to the Committee regarding water fluoridation occurring in Port Hedland, including the lack of consultation prior to fluoridation commencing in 2016 and the detrimental impact of fluoride on the body and brain. The Committee also received a submission from Fluoride Free WA Inc., a local group that opposes the fluoridation of water supplies for similar reasons.

The Minister for Water advised the Committee that the Fluoridation of Public Water Supplies Advisory Committee oversees the fluoridation process in Western Australia and makes recommendations to the Minister for Health regarding where and when to add fluoride to water supply schemes.

The Minister for Health provided the Committee with the following information in relation to water fluoridation generally (see also Petition No 16), and specifically in relation to Petition No 23:

- Fluoridation of community water supplies provides important dental benefits for the Western Australian community and does not pose a health risk.
- 92 per cent of the Western Australian population receives fluoridated drinking water.
- The Department of Health surveyed residents of Hedland regarding the proposed water fluoridation plant and received 445 responses to the survey. Fifty two per cent agreed with water fluoridation in the area, 17 per cent did not agree and 31 per cent were unsure.

The Committee concluded its inquiries into this petition on 14 March 2018.

Petition No 26—Proposed inquiry into Town of Victoria Park

This petition, which was tabled by Hon Robin Chapple MLC with 180 signatures, expresses dissatisfaction with the administration of the Town of Victoria Park (Town) and calls for an urgent inquiry. Issues of concern include rate increases, approval of developments that do not reflect community views, a lack of consultation and transparency, and delegation of authority to the Chief Executive Officer.

The principal petitioner submitted to the Committee that she represented a group of ratepayers who have wide ranging issues with the Town of Victoria Park that have escalated since the Liberal government sanctioned move to Lathlain Park by the West Coast Eagles.

The Minister for Local Government advised the Committee that:

- in response to a small number of complaints about the development of Lathlain Park, an investigation by the Department of Local Government, Sport and Cultural Industries (Department) determined that the Town had fulfilled its obligations and was not in breach of the Local Government Act 1995 (the Act)

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118 Submission from Simon Vrancic, 13 October 2017.
119 Hon Dave Kelly MLA, Minister for Water, Letter, 30 November 2017, p 1.
120 Hon Roger Cook MLA, Minister for Health, Letter, 5 December 2017, p 2.
121 Tabled Paper 708, Legislative Council, 10 October 2017.
122 Submission from Anita Treasure, received 10 November 2017, p 1.
• the Town’s rates have increased by an average of 4.3 per cent per year
• the legislation does not place a limit on rate increases
• the Act enables a local government council to delegate a broad range of powers to the
  Chief Executive Officer
• a complaint about election donations is being investigated by the Department.123

3.23 The Minister also pointed out that:

The Act creates local governments as autonomous bodies, able to make decisions
believed to be in the best interests of the community. Not all such council
decisions are supported by all members of the community. As the Minister for
Local Government, I do not have the authority to intervene in lawful council
processes or decisions.124

3.24 The Town of Victoria Park provided the Committee with information about the Town’s
financial management and its public consultation policies.


Petition No 29—Funding for Moora Residential College

3.26 This petition was tabled by Hon Martin Aldridge MLC and contains 149 signatures.125 The
petition states that the Moora Residential College is in urgent need of building upgrade
works and asks the Legislative Council to review the government’s decision not to fund the
works.

3.27 The tabling Member expressed concern about the impact of the government’s decision:

The State Government has cancelled the planned $8.7 million upgrade of the
college which in my view raises medium term viability issues for the retention of
this important regional infrastructure.126

3.28 The principal petitioner’s submission explained that a building condition audit undertaken in
2012 found that Moora Residential College was not fit for purpose and required extensive
building works to address health and safety risks. He noted that $155 000 had been spent in
preparation for the upgrade however the current government had decided not to proceed
with the works.127 The petitioner emphasised the importance of the residential college for
regional students:

As the only Senior High School within my Electorate of Moore, Central Midlands
Senior High School in Moora and the accompanying Moora Residential College
provide an extremely important and affordable alternative to secondary students
between Perth and Geraldton ...

Students from many locations in my electorate and beyond into the Murchison
make use of the Moora Residential College due to geographical remoteness and
the lack of local high school options. In the absence of Moora Residential College,
these students would have to relocate to other facilities such as private boarding

124 ibid.
126 Submission from Hon Martin Aldridge MLC, 10 November 2017, p 2.
127 Submission from Shane Love MLA, 8 November 2017, p 1.
schools in Perth. The additional cost to the families would be particularly hard for lower income families to bear.\textsuperscript{128}

3.29 In response to the petition, the Minister for Education confirmed that the college no longer complies with modern design standards, with numerous safety risks and non-compliance issues having been identified by a building audit. It is estimated that the work required will cost $8.701 million.\textsuperscript{129}

3.30 The Minister also cited low enrolment numbers as influential in the government’s decision:

These low enrolment numbers and urgent need for maintenance on the buildings has led to the decision to close the College from 2019. Students will be able to board at other residential colleges in Northam, Narrogin, Merredin or Geraldton and attend senior high schools in those towns.\textsuperscript{130}

3.31 The Minister advised that she intended to work with the Minister for Regional Development and the families of students to identify alternative options 'to enable the students to continue their education at Central Midlands Senior High School'.\textsuperscript{131}

3.32 The Committee concluded its inquiries into this petition on 9 May 2018.

**Petition No 30—WA fracking inquiry**

3.33 This petition, which was tabled by Hon Robin Chapple MLC containing 622 signatures, asks the government to open the terms of reference for its WA Fracking Inquiry to ensure the inquiry is comprehensive.\textsuperscript{132}

3.34 The principal petitioner, from Lock the Gate Alliance, submitted that the scientific investigation of fracking was welcomed, the petitioners are concerned that the narrow terms of reference for the inquiry will limit the scope of the inquiry:

We are asking for the [Terms of Reference] to be open to public submission for a period of no less than ten days. We ask this so that the community, who are the ones who will pay for this inquiry, will get the chance to put forward issues they would like to see examined by the panel.\textsuperscript{133}

3.35 The tabling Member asserted that the inquiry’s terms of reference should allow for:

a thorough investigation of all of the activities relating to fracking in WA, including the social and economic impacts that arise from the environmental impacts. The inquiry itself must be genuinely independent from agencies which have been promoting and regulating the fracking industry so that all issues relating to the fracking industry can be covered, including its impact on climate, water, health, air quality, and existing industries.\textsuperscript{134}

\begin{footnotes}
\item[128] Submission from Shane Love MLA, 8 November 2017, p 1.
\item[129] Hon Sue Ellery MLC, Minister for Education, Letter, 18 January 2018, p 1.
\item[130] ibid., p 2.
\item[131] ibid.
\item[133] Submission from Jane Hammond, received 17 November 2017, p 1.
\item[134] Submission from Hon Robin Chapple MLC, 30 November 2017, p 1.
\end{footnotes}
3.36 The Minister for Environment’s response to the petition advised that the recently gazetted Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Regulations 2017 provides a permanent ban on fracking in the Perth metropolitan, Peel and South West regions, as well as a moratorium on fracking in the rest of the State until 30 June 2020.135

3.37 An independent scientific panel inquiry will investigate potential impacts of fracking on the environment outside the metropolitan, Peel and South West regions. The inquiry and its terms of reference derive from the Environmental Protection Act 1986 (EP Act):

The EP Act provides for a scientific inquiry to consider potential impacts on the environment, and any material harm that those impacts may in turn have on the social surrounds (including heritage, human health and safety) and beneficial uses of that environment.

The scope of the EP Act does not extend to considerations of harm to social or economic values that do not arise directly or indirectly from degradation, pollution or loss of physical or biological values.136

3.38 The Minister pointed out that the Standing Committee on Environment and Public Affairs undertook a two-year inquiry into the implications of hydraulic fracturing in 2015, and one of the Committee’s recommendations was that a scientific inquiry be undertaken.137

3.39 Finally, the Minister advised that the inquiry will include a four-month public submission period and all submissions will be made publicly available on the inquiry website.138

3.40 The Committee concluded its inquiries on 14 March 2018.

Petition No 31—Helena Aurora Range

3.41 This petition was tabled by Hon Robin Chapple MLC and contains 299 signatures. The petition seeks protection for the Helena Aurora Range, with its banded ironstone formation, through creation of an A Class national park.139

3.42 The principal petitioner described the values of the range in his submission:

Helena and Aurora Range (Bungalbin) is the most outstanding banded-ironstone formation (BIF) range in the Yilgarn/Great Western Woodlands. It is by far the largest, highest, most topographically prominent, and most convoluted BIF range—the highest peak for at least 430 km in any direction. Its landform is unique and ancient with outcropping, caves, gullies, overhangs, monoliths, and rock faces. Its biodiversity is exceptionally high with two Threatened flora, 14 Priority flora, and five endemic plant species found nowhere else in the world.140

136 ibid., pp 1–2.
137 ibid., p 2.
138 ibid.
140 Submission from Mark Henryon, received 30 November 2017, p 1.
3.44 The principal petitioner expressed concern about the future of the range in light of a recent mining application:

Successive WA governments have clearly failed to protect BIF ranges in the Yilgarn/Great Western Woodlands because of conflicting interests from mining. The government has merely vested areas of conservation significance in ‘dual-purpose’ conservation parks or ‘conservation and mining’ reserves that allow mining.\(^\text{141}\)

3.45 In response to the petition, the Minister for Environment advised that he had not approved the mining proposal by Mineral Resources Limited, noting the assessment of the proposal by the Environmental Protection Authority (EPA) which found it to be unacceptable on environmental grounds.\(^\text{142}\)

3.46 The Minister announced his intention to work towards full protection of the range as a class A reserve and made the following comments:

- the Die Hardy and Helena Aurora ranges, both high value BIF ranges within the Mount Manning Region, are proposed as class A reserves
- the boundaries of the reserve are the subject of ongoing consideration
- applications for development on a class A reserve require the approval of Parliament.\(^\text{143}\)

3.47 The Committee concluded its inquiries on 14 March 2018.

**Petition No 33—Fluoridation of public water in WA**

3.48 This petition, tabled by Hon Jacqui Boydell MLC, contains 384 signatures.\(^\text{144}\) The petition is broadly similar in scope and content to Petitions 16, 23 and 45, as it opposes the fluoridation of water supplies in Western Australia. This petition, however, recommends that the practice of water fluoridation in Western Australia cease immediately and that the *Fluoridation and Public Water Supplies Act 1966* (Fluoridation Act) be repealed.

3.49 The principal petitioner submitted his concerns to the Committee regarding the Fluoridation Act, the operation of the Fluoridation of Public Water Supplies Advisory Committee pursuant to the Act and the perceived dangers of fluoride generally.\(^\text{145}\) The principal petitioner recommends that, in the absence of studies that demonstrate the safety of silicofluorides in water fluoridation, the precautionary principle should be applied and the process stopped.\(^\text{146}\)

3.50 The Minister for Water, Minister for Health and the Attorney General provided advice to the Committee in relation to Petition 16 that also applies to this petition.

3.51 The Committee notes that the Attorney General did not agree with legal arguments related to the Fluoridation Act raised by this petition.

3.52 The Committee finalised its inquiries to this petition on 14 March 2018.

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\(^\text{141}\) ibid.


\(^\text{143}\) ibid., pp 1-2.

\(^\text{144}\) Tabled Paper 812, Legislative Council, 1 November 2017.

\(^\text{145}\) Submission from James Fairbairn, 5 December 2017.

\(^\text{146}\) ibid., p 3.
Petition No 34—Aged care facility in Wilkins

3.53 This petition was tabled by Hon Donna Faragher MLC and contains 1124 signatures. The petition opposes the decision by the Planning Minister to revoke approval of Metropolitan Region Scheme Amendment 1271/41 (Lot 59 Wilkins Road Kalamunda). 147

3.54 The submission from the principal petitioner explains that with aged care accommodation difficult to access in Kalamunda, the proposed amendment to the Metropolitan Region Scheme (MRS) to transfer 10 hectares of land from Parks and Recreation to Urban for the purpose of an aged care facility was welcomed. The petitioner is concerned that the previous government’s approval of the amendment has been revoked without adequate reasons or alternatives. 148

3.55 The tabling Member submitted:

The MRS Amendment was approved by the former State Government in January 2017. All matters, including environmental and bushfire-management concerns, were carefully considered and the approval was given on the recommendation of the Western Australian Planning Commission. It is therefore disappointing that approval of the MRS Amendment has now been revoked. 149

3.56 A response to the petition from the City of Kalamunda was ‘supportive of the intent of the Petition’. 150

3.57 Correspondence was received from the ‘Nature Reserves Preservation Group’ in Kalamunda which opposes the proposal and disputes various aspects of the principal petitioner’s submission. The correspondent agrees that there is an urgent need for aged care facilities in the City but is of the view that the site in question was not suitable:

Asserting that the signatures on the petition reflect purely an opposition to the Minister’s decision is naïve. The petition reflects an acknowledgement by that community of the growing need for aged care within the city. Most signing the petition would have had no knowledge of the cases against the rezoning, would never have visited the site, nor have realized that this was to be yet another Lifestyle Village.

The City of Kalamunda CEO, when claiming overwhelming community support for the rezoning failed to acknowledge that, whilst there was overwhelming support for the provision of aged care that degree of support did not extend to aged care on that site. 151

3.58 According to the Minister for Planning, the government is aware that the provision of aged care facilities is a significant issue, however Wilkins Road is not considered suitable because of bushfire management requirements, native title issues and the need for Commonwealth environmental approval. 152

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148 Submission from Neil Pember, received 13 November 2017, p 1.
149 Submission from Hon Donna Faragher MLC, 30 November 2017, p 1.
150 Rhonda Hardy, Chief Executive Officer, City of Kalamunda, Letter, 18 January 2018, p 2.
The Minister explained that the amendment process was finalised:

On 9 October 2017 the Governor revoked her approval to MRS Amendment 1271/41 – Lot 59 Wilkins Road, Kalamunda. The Governor’s decision was gazetted on 13 October 2017. The MRS amendment process has concluded and the Planning and Development Act 2005 does not provide the ability for an amendment to be reconsidered.\textsuperscript{153}

The Minister has provided planning approval to enable an integrated aged care facility to be built in Wattle Grove and she has requested that the Department of Planning, Lands and Heritage investigate ‘as a matter of priority’ the suitability of other locations within the City for aged care accommodation.\textsuperscript{154}

The Committee concluded its inquiries on 21 March 2018.

\textbf{Petition No 35—Management of South Perth Foreshore}

This petition contains 11 signatures and was tabled by Hon Pierre Yang MLC.\textsuperscript{155}

The petition opposes the proposed development of the Westralian Centre on the South Perth foreshore and recommends the preservation of Sir James Mitchell Park as a public open space for passive recreation purposes. The petition recommends that the City of South Perth Council amend its policies and procedures in relation to public open spaces and expresses concern that the views of residents are not being respected or consulted in a manner that reflects the guiding values of the City of South Perth.

The Committee did not receive a submission from the principal petitioner and concluded its inquiries on 14 March 2018.

\textbf{Petition No 36—Joint Development Assessment Panels}

This petition, which was tabled by Hon Pierre Yang MLC with 60 signatures, opposes the processes of Joint Development Assessment Panels (JDAP) that deny residents a voice in regard to development proposals in their community.\textsuperscript{156}

The principal petitioner outlined a number of concerns about JDAP processes in his submission including:

- JDAP meetings are an intimidating environment for members of the public to appear before
- residents are given very little notice prior to a meeting
- those wishing to make a submission are only given five days to complete their submission
- meetings are held during business hours when many people cannot attend
- the public’s concerns are not necessarily addressed by the JDAP or responded to by the applicant
- there is a perception that the JDAP is ‘pro-development’

\textsuperscript{153} ibid., p 2.
\textsuperscript{154} ibid., p 1.
\textsuperscript{156} Tabled Paper 829, Legislative Council, 2 November 2017.
• community members do not have the same level of legal and financial resources as developers when appearing before a JDAP
• the lack of third party appeals is unfair.\footnote{Submission from Katrina Davy, principal petitioner, 21 November 2017, pp 1-2.}

3.68 The Minister for Planning told the Committee that a reform process to improve the planning system had commenced and one of the key outcomes will be support for community engagement in the planning process:

I am committed to reviewing certain aspects of the DAP system to create a more strategic and streamlined planning system that is open and understandable to everyone.\footnote{Hon Rita Saffioti MLA, Minister for Planning, Letter, 19 January 2018.}

3.69 The Committee concluded its inquiries on 14 March 2018.

**Petition No 37—Sentence regarding death of Elijah Doughty**

3.70 This petition contains 85 signatures and was tabled by Hon Robin Chapple MLC.\footnote{Tabled Paper 846, Legislative Council, 7 November 2017.} The petition seeks to draw to the attention of Members of the Legislative Council the unlawful death of Elijah Doughty in 2016 and the inadequate sentence given to the man convicted of his death. The petitioners ask the government to appeal the sentence.

3.71 The Committee did not receive a submission from the principal petitioner within the requested timeframe and the petition was finalised on 14 March 2018.

**Petition No 38—Canal Rocks boat ramp**

3.72 This petition, which opposes the possible closure of the Canal Rocks boat ramp, contains 13 signatures and was tabled by Hon Dr Steve Thomas MLC. The petitioners believe that safety concerns with the boat ramp could be adequately addressed by better signage warning the public of potential risks.\footnote{Tabled Paper 901, Legislative Council, 28 November 2017.}

3.73 The Committee did not receive a submission from the principal petitioner and the petition was finalised on 14 March 2018.

**Petition No 39—RAC rescue helicopter service**

3.74 This petition contains 756 signatures and was tabled by Hon Colin Holt MLC. The petition calls on the government to ensure adequate funding for the continued operation of the Bunbury RAC Rescue Helicopter.\footnote{Tabled Paper 940, Legislative Council, 30 November 2017.}

3.75 The Committee did not receive a submission from the principal petitioner however the Committee was aware of a joint media statement from the Premier and the Minister for Emergency Services which announced the allocation of secure long term funding for the service.\footnote{Hon Mark McGowan MLA, Premier, and Hon Francis Logan MLA, Minister for Emergency Services, *RAC South West Emergency Rescue Helicopter to fly into the future*, Media Statement, 6 November 2017.}

3.76 The petition was finalised on 14 March 2018.
Petition No 40—Multi-unit developments in the City of Joondalup

3.77 This petition was tabled by Hon Tjorn Sibma MLC and contains 726 signatures. The petition seeks a review of the 10 nominated Housing Opportunity Areas within the City of Joondalup (City) and calls for an immediate halt to consideration of all high density building applications until completion of the review.163

3.78 A submission from the tabling Member supported a review of zoning in Housing Opportunity Areas:

I have concerns about the composition and structure of some developments that are being approved in some of the 10 Housing Opportunity Areas in the City of Joondalup. Many City of Joondalup residents were unaware of the changes to the zoning around their area and it was not until confronted with the structures being built next to their homes that they discovered the unintended consequences of infill developments that are not in keeping with the area.164

3.79 The Minister for Planning’s response to the petition pointed out that a local government cannot simply halt the determination of development applications. If a local council refuses a proposal or defers its consideration, the applicant may seek a review of that decision in the State Administrative Tribunal.165

3.80 The Minister explained that local planning strategies are an important means for local governments to achieve their infill targets and these strategies ‘set out the long-term planning direction, apply State or regional planning policy and provide the rationale for the zoning or classification of land’.166 The City of Joondalup’s Local Housing Strategy identified certain ‘Housing Opportunity Areas’ (HOAs) close to key facilities and public transport that were considered suitable for higher residential density.167 However, there are conflicting planning processes currently underway:

the City of Joondalup now has a number of statutory processes relevant to infill planning underway that propose inconsistent outcomes within one locality (Duncraig). As a result, it is unclear whether the City of Joondalup supports the development outcomes facilitated by Amendment 73 and reflected in [Local Planning Scheme No 3] or whether it seeks alternative outcomes through amendments to [District Planning Scheme No 2].168

3.81 The Minister has sought clarification from the City regarding its position and she has suggested the City consider ‘a strategic review of the City’s infill planning that includes a thorough community consultation process’.169

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164 Submission from Hon Tjorn Sibma MLC, 17 January 2018, p 1.
165 Hon Rita Saffioti MLA, Minister for Planning, Letter, 18 April 2018, p 3.
166 ibid., p 2.
167 ibid.
168 ibid., p 3.
169 ibid., p 4.
3.83 The City’s response to the petition identified certain requirements of the planning system that place limitations on the City’s planning processes:

It was never the City’s intention to allow larger multiple dwelling developments to be developed in the HOAs, except on a small number of lots coded R20/R60 close to railway stations, on small sections of Beach Road and next to larger shopping centres. However, the City did not have the ability to exclude or prevent multiple dwellings through scheme or policy provisions and did not have the ability to include whatever scheme provisions it saw fit to try and manage the impacts of density.\(^\text{170}\)

3.84 The City advised that it is working to address community concerns about high density developments and, as suggested by the Minister, will conduct a planning review that will include extensive community consultation.\(^\text{171}\)

3.85 The Committee concluded its inquiries on 13 June 2018.

### Petition No 41—Old Warren District Hospital

3.86 Two copies of this petition, which seeks to reverse the government’s decision to demolish the old Warren District Hospital, were tabled by Hon Adele Farina MLC with 367 signatures in total.\(^\text{172}\)

3.87 The submission from the principal petitioner suggested that the high cost of demolition could be redirected to the adaption of the existing buildings to provide health services lacking in the local area. Questions raised in the submission include whether an independent building survey of the building was conducted, consideration given to re-purposing the building, the extent of community consultation, and whether the current hospital has been earmarked for development.\(^\text{173}\)

3.88 In his response to the petition, the Minister for Health confirmed that construction of the new Warren Health Service was near completion and that the old hospital buildings would be demolished. He advised that retention of the old hospital was not financially feasible:

Consideration was given to retaining and refurbishing the existing hospital; however due to the extensiveness of repairs required to provide safe and quality health services into the future, including the requirement to meet changes in Building Code compliance requirements; the decision to fund and build a new purpose built health service was made.\(^\text{174}\)

3.89 Extensive repairs to the buildings would be required regardless of the nature of the occupancy and any new occupant would be ‘faced with the same issues’:

The Department of Finance, Building Management and Works provided preliminary advice that code compliance issues could still require expenditure in the order of $6 million before any consideration of refurbishment costs.\(^\text{175}\)

\(^{170}\) Garry Hunt, Chief Executive Officer, City of Joondalup, Letter, 14 May 2018, p 2.

\(^{171}\) ibid., pp 2-3.

\(^{172}\) Tabled Paper 156, Legislative Council, 6 December 2017 and Tabled Paper 211, Legislative Council, 21 March 2018.


\(^{174}\) Hon Roger Cook MLA, Minister for Health, Letter, received 17 May 2018, p 1.

\(^{175}\) ibid., p 2.
3.91 The Minister advised that consultation with the Shire of Manjimup, a local consumer organisation and the local health advisory council included discussions about demolition of the old buildings\(^{176}\) and expert advice was obtained in relation to the heritage value and condition of the buildings:

Prior to any decision being made in regard to demolition of the current hospital, independent building condition audits were undertaken as well as an independent heritage review and consultation with the State Heritage Council and the Shire of Manjimup.\(^{177}\)

3.92 The Committee concluded its inquiries on 27 June 2018.

**Petition No 42—Boarding away from home allowance**

3.93 This petition was tabled by Hon Jacqui Boydell MLC and contains 639 signatures\(^{178}\). The petitioners seek a reversal of the government’s cuts to the boarding away from home allowance (BAHA).

3.94 According to the principal petitioner’s submission, BAHA payments were increased by $785 per student in 2010 however the 2017-18 State Budget reduced the payments by $628.\(^{179}\)

3.95 Families in rural or remote areas often have no choice but to send their children away from home to complete their education. The principal petitioner points to the emotional and financial burden this entails:

The BAHA assists in reducing the burden and is a tangible example of a State Government recognising that Western Australia is a vast State and that not everyone is afforded the same opportunity in life.\(^{180}\)

3.96 Correspondence from the Isolated Children’s Parents’ Association highlighted the financial difficulties faced by regional families, including the 26 per cent increase in boarding fees at government residential colleges over the last six years:

It is the case that families are leaving the bush for the purpose of secondary education and due to the added expenses of living in the regions. This in turn directly effects Primary school enrolments and in turn the economic viability of regional communities, which makes it more difficult to justify services. There is a downward population spiral in many regional areas of the state.\(^{181}\)

3.97 In response to the petition, the Minister for Education advised that in addition to BAHA,

the Commonwealth Government provides financial assistance to assist with the additional costs associated with boarding fees and living away from home. In 2018, students eligible for the Commonwealth AIC [Assistance for Isolated Children] can receive up to $10 615 per year made up of two parts—$8 249 as the basic component and $2 366 for the additional component, which is subject to parental income and actual boarding costs.\(^{182}\)

\(^{176}\) ibid., p 1.

\(^{177}\) ibid., p 2.

\(^{178}\) Tabled Paper 976, Legislative Council, 6 December 2017.

\(^{179}\) Submission from Hon Mia Davies MLA, 31 January 2018, p 1.

\(^{180}\) Submission from Hon Mia Davies MLA, 31 January 2018, p 2.


\(^{182}\) Hon Sue Ellery MLC, Minister for Education, Letter, 9 April 2018, p 2.
3.98 Supplementary to the BAHA (funded from the consolidated account), in 2009 the previous government provided a Royalties for Regions funded increase of $785 per annum to the allowance. The current government’s review of Royalties for Regions programmes determined that the additional amount could not be sustained however BAHA funding from consolidated revenue has not changed. The Minister points out that the $785 reduction in Royalties for Regions funding will occur gradually over a five year period.\footnote{ibid.}

3.99 The Committee concluded its inquiries on 9 May 2018.

**Petition No 43—Hawthorn Resources Limited**

3.100 This petition, containing two signatures and tabled by Hon Robin Scott MLC, expressed concern about the operations of Hawthorn Resources exploration activities at Pinjin Pastoral Station.\footnote{Tabled Paper 977, Legislative Council, 6 December 2017.}

3.101 The Committee did not receive a submission from the principal petitioner and the petition was finalised on 14 March 2018.

**Petition No 44—Proposed nickel sulphate plant in Esperance**

3.102 This petition was tabled by Hon Colin de Grussa MLC and contains 819 signatures.\footnote{Tabled Paper 978, Legislative Council, 6 December 2017.} The petitioners oppose a proposed nickel sulphate plant at Myrup in the Shire of Esperance and ask the Legislative Council to ensure the highest level of environmental scrutiny be directed toward the project.

3.103 The submission from the principal petitioner contends that the Myrup Road site is unsuitable for a nickel sulphate plant:

> The site is situated in an environmentally fragile area and the operation of the plant poses significant environmental and human health threats. Any accidents or failures in the operation of the plant risk the health and safety of the people, water sources and the environment and ecology of Esperance.\footnote{Submission from Peter Gale, 3 January 2018.}

3.104 A submission from the tabling Member informed the Committee that Alpha Fine Chemicals were no longer considering the Myrup site for construction of the plant.\footnote{Submission from Hon Colin de Grussa MLC, 20 December 2017.}

3.105 The Committee sought clarification from Alpha Fine Chemicals and was advised that:

> Contrary to Hon Colin de Grussa MLC’s letter dated 20 December 2017 I actually advised the Principal Petitioner prior to the tabling of the petition that Alpha Fine Chemicals Limited (AFC) would not be pursuing Lot 1, Myrup Road as a location for our proposed nickel sulphate plant.

> That position has not changed and we are now looking to sell the land.\footnote{N S Taylor, Chairman, Alpha Fine Chemicals, Letter, 23 March 2018.}

3.106 The Committee concluded its inquiries on 28 March 2018.
Petition No 45—Fluoridation of water in Yanchep

3.107 This petition was tabled by Hon Charles Smith MLC and contains 634 signatures. The petitioners oppose the fluoridation of water supplies in Yanchep and raise similar concerns about fluoridation as outlined in Petitions 16, 23 and 33.

3.108 The Committee resolved not to seek submissions in this instance given the similarity to previous petitions opposing fluoridation and the comprehensive response already received from the Minister for Health.

3.109 The Committee finalised the petition on 21 March 2018.

Petition No 46—Banning plastic bags

3.110 This petition was tabled by Hon Robin Chapple MLC and contains 2137 signatures. The petition requests the Legislative Council support the Environment Protection Amendment (Banning Plastic Bags and Other Things) Bill 2017.

3.111 In his submission to the Committee, the tabling Member explained that his Private Member’s Bill is designed to address gaps in current legislation in regard to plastic pollution of the environment:

The purpose of the bill is to prohibit plastic bags, plastic drinking straws, and balloons with the exception of medical or health-related products, policing or security products, meteorological balloons, passenger-carrying hot air balloons, and plastic bags made wholly from biodegradable material suitable for composting. The Bill seeks to prohibit plastic microbeads, which are manufactured plastic particles less than 5 mm in size—found in cosmetics, personal hygiene products (including toothpaste) and household detergents—and packaging made wholly or partly of polyethylene or polystyrene.

3.112 The principal petitioner submitted that:

The bill places the onus on the manufacturers to provide alternatives to single-use plastic that are already available. By implementing a ban, consumers are effectively given more choice as retailers are forced to provide more options.

3.113 In response, the Minister for Environment reported that regulations to ban lightweight plastic shopping bags will come into force on 1 July 2018 and work is being done at a national level to phase out the use of plastic microbeads. The Minister has also convened a Waste Taskforce to advise on recycling issues in Western Australia.

3.114 The Minister advised the Committee that the Private Member’s Bill is not supported:

Some of the issues it seeks to deal with are the subject of regulations that are currently being prepared (such as for lightweight plastic shopping bags) or that are being addressed through alternatives to regulation.

3.115 The Committee concluded its inquiries on 13 June 2018.

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190 Hon Roger Cook MLA, Minister for Health, Letter, 5 December 2017.
192 Submission from Hon Robin Chapple MLC, 19 April 2018, p 1.
193 Submission from Josephine Jurak, received 20 April 2018, p 2.
195 ibid., p 1.
Petition No 50—Moora Residential College

3.116 This petition was tabled by Hon Martin Aldridge MLC and contains 1771 signatures. The petition objects to the closure of Moora Residential College and asks the Legislative Council to examine the effect of the closure on the educational opportunities of its students and the impact on their families.

3.117 A joint submission from the principal petitioner and tabling Member expressed the view that closure of the College will have:

   a detrimental effect on the students and families in the Central Midlands region and indeed across the State, as well as ramifications for the local Moora economy and impacts on the Central Midlands Senior High School.

3.118 In response, the Minister for Education explained that the decision to close Moora Residential College was based on low enrolment numbers, the need for urgent building upgrades, and the availability of alternative boarding options at Northam, Merredin and Geraldton.

3.119 Government support for families affected by closure of the College will include ‘individual case management to plan the best possible transition focussed on continuing the students’ current studies and future plans’ and an allowance to assist with travel and other transitional costs.

3.120 The Committee concluded its inquiries on 27 June 2018. Subsequent to finalising the petition, the government announced on 4 September 2018 that the Moora Residential College will remain open following an $8.7 million funding contribution from the Federal Government.

Petition No 53—Protect high conservation value forests

3.121 This petition was tabled by Hon Diane Evers MLC and contains 14 638 signatures. The petition opposes the ongoing logging and clearing of south-west forests and asks the Legislative Council to inquire into means to protect High Conservation Value (HCV) forests and transition the timber industry out of native forests in line with the government’s pre-election commitments.

3.122 The principal petitioner submitted that the transition to the farm forestry sector would result in:

   Growing 40 000 hectares of fast-growing, high-value timber and creating 860–940 new jobs. This is a greater number of jobs than currently attributed to the native forest timber industry.

3.123 The tabling Member’s submission listed the native species which are threatened by the native forestry industry and told the Committee that the risks associated with harvesting HCV forests far outweigh the benefits, in economic or any other terms.

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197 Submission from Hon Martin Aldridge MLC and Shane Love MLA, 20 April 2018, p 1.
198 Hon Sue Ellery MLC, Minister for Education, Letter, 5 June 2018, p 1.
199 ibid., p 3.
200 Hon Mark McGowan MLA, Premier, Residential accommodation in Moora to remain open, Media statement, 4 September 2018.
In response to the petition, the Acting Minister for the Environment advised that:

The current extent and location of the comprehensive, adequate and representative reserve system of Western Australia’s south-west forests is the product of extensive work carried out over the last three decades. This work comprised a series of review and planning processes that supported the preparation of Western Australia’s Regional Forest Agreement (RFA) and the 2004 to 2013 and 2014 to 2023 forest management plans. This included detailed analysis of the high conservation value attributes of the south-west forests. The objective of reserve design is to protect a range of biodiversity values.

The Minister for Forestry explained that the government seeks to balance the management of State forests to protect the environment and sustain the forest industry, and that plantations and farm forestry are key areas of the government’s forestry policies.

The Committee concluded its inquiries on 27 June 2018.

Petition No 54—School of the Air closures

This petition, which was tabled by Hon Ken Baston MLC with 660 signatures, opposes the government’s decision to close Schools of the Air.\(^{201}\)

On 11 January 2018 the government announced that Schools of the Air will remain open in Western Australia.\(^{202}\) The Committee concluded its inquiries on 11 April 2018.

Petition No 55—Fluoridation of Public Water Supply Act 1966

This petition, containing 271 signatures, was tabled by Hon Adele Farina MLC.\(^{203}\) The petition opposes fluoridation of public water supplies and seeks the repeal of the Fluoridation of Public Water Supplies Act 1996.

The Committee had recently inquired into the issues raised through its consideration of previous petitions about fluoridation of water in Western Australia. The Committee therefore determined not to conduct further inquiries into fluoridation and the petition was finalised on 11 April 2018.

Petition No 56—Joondalup/Wanneroo Road overpass

This petition was tabled by Hon Tjorn Sibma MLC with 788 signatures.\(^{204}\) The petition seeks a halt to construction of the Joondalup/Wanneroo Road intersection overpass until further community consultation occurs.

The principal petitioner’s submission to the Committee questioned the validity of the business case for the overpass since other roadworks completed in late 2017 had already greatly reduced traffic and improved traffic flow. He expressed concern about the level of community consultation, as well as significant access and road safety implications of the plan.\(^{205}\)

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\(^{201}\) Tabled Paper 1183, Legislative Council, 27 March 2018.

\(^{202}\) Hon Mark McGowan MLA, Premier and Hon Sue Ellery MLC, Minister for Education and Training, Getting the balance right: Education savings measures reversed, Media statement, 11 January 2018.

\(^{203}\) Tabled Paper 1191, Legislative Council, 28 March 2018.

\(^{204}\) Tabled Paper 1194, Legislative Council, 28 March 2018.

\(^{205}\) Submission from Rohan Cridde, 26 April 2018, p 1.
The principal petitioner concluded that:

the negative impacts of the overpass will greatly outweigh any benefits to the many thousands of residents in Carramar, Tapping and the wider community.\textsuperscript{206}

A response to the petition from the Minister for Transport explained that the Wanneroo Road and Joondalup Drive interchange was future-focused with the aim of supporting current and future levels of traffic.\textsuperscript{207} The Minister acknowledges that the intersection currently provides an acceptable level of service, however traffic modelling data indicates that congestion will worsen significantly within five years and by 2029, congestion at the intersection will be ‘comparable with pre-Mitchell Freeway Extension levels’.\textsuperscript{208}

Public information sessions and briefings with local businesses were conducted, however the Minister acknowledges that ‘the scope for community to influence the key parameters of the project, such as the design and orientation of the interchange have been limited due to road design considerations’.\textsuperscript{209}

A safety assessment during development of the project confirmed that pedestrian exposure to traffic will be reduced as a result of the new configuration and the potential severity of accidents will be reduced significantly.\textsuperscript{210}

The Committee concluded its inquiries on 27 June 2018.

\textbf{Petition No 58—Agricultural Education Farm Provision Trust}

This petition was tabled by Hon Colin de Grussa MLC and contains 398 signatures.\textsuperscript{211} The petition opposes the government’s plan to divert 20 per cent of on-farm revenue away from the Agricultural Education Farm Provisions Trust (the Farm Provisions Trust).

The submission from the principal petitioner maintains that the Farm Provisions Trust was designed to enable agricultural schools to pool money from on-farm production in order to assist with expenses and farm upkeep.\textsuperscript{212} Payment of 20 per cent of farm revenue to the government will have a ‘dramatic impact’ on the ability of the Combined Agricultural Advisory Committee to ‘direct adequate funding for updating farm machinery and infrastructure’.\textsuperscript{213}

In response to the petition, the Minister for Education and Training explained that the Farm Provisions Trust is not a trust in the legal sense, but a Department of Education operating account:

the Department provides public funds to five Western Australian Colleges of Agriculture through the student-centred funding model for the running of the school programs. Additionally, approximately $15 million is provided towards farm and residential operating costs. The trust receives approximately $1 million from farm-generated revenue. This amount fluctuates depending on seasonal changes and market prices.\textsuperscript{214}

\textsuperscript{206} ibid., p 3.
\textsuperscript{207} Hon Rita Saffioti MLA, Minister for Transport, Letter, 14 June 2018, p 1.
\textsuperscript{208} ibid.
\textsuperscript{209} ibid., p 2.
\textsuperscript{210} ibid., p 3.
\textsuperscript{211} Tabled Paper 1220, Legislative Council, 10 April 2018.
\textsuperscript{212} Submission from Hon Mia Davies MLA, Leader, Parliamentary National Party of Australia (WA), 10 May 2018, p 1.
\textsuperscript{213} ibid., p 2.
\textsuperscript{214} Hon Sue Ellery MLC, Minister for Education and Training, Letter, 12 June 2018, p 2.
The Minister asserted that safety standards will not be compromised as regular safety audits are conducted, and individual sites budget for repairs and maintenance of plant and equipment. In relation to the quality of training, the Minister advised:

The reallocation of funds from the Trust to the State budget is not expected to affect the ability of schools to run their farms and educate their students. It may affect the scheduling of large purchases made by individual sites, but this has always been variable because it is dependent upon fluctuating farm revenue.

The Committee concluded its inquiries on 27 June 2018.

**Petition No 59—Closure of regional schools and Schools of the Air**

This petition was tabled by Hon Jacqui Boydell MLC and contains 2585 signatures. The petition seeks a reversal of government policy in relation to the closure of five Schools of the Air, five camp schools and the Northam and Moora Residential Colleges.

The submission from the principal petitioner, Hon Mia Davies MLA, acknowledged that the government had reversed its policy to close the Northam Residential College and the Schools of the Air since the petition was tabled in the Legislative Council.

Separate petitions about the privatisation of camp schools and the Moora Residential College were the subject of ongoing inquiries by the Committee, so this petition was finalised on 16 May 2018.

**Petition No 61—Landsdale Farm School**

This petition was tabled by Hon Tjorn Sibma MLC and contains 5995 signatures. The petition objects to the funding cuts to Landsdale Farm School and asks the Legislative Council to recommend that the funding to the Landsdale Farm School be restored.

The Committee did not receive a submission from the principal petitioner and the petition was finalised on 27 June 2018.

Hon Matthew Swinbourn MLC

Chairman

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215 ibid., pp 2-3.
216 ibid., p 2.
217 Submission from Hon Mia Davies MLA, 10 May 2018, p 1.
218 Tabled Paper 1222, Legislative Council, 10 April 2018.
Standing Committee on Environment and Public Affairs

Date first appointed:
23 May 2017

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

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