

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No. 111

Friday, December 12 2003

Questions appear according to the date on which notice was delivered.
When a question has been answered it is removed from the postponed list.

POSTPONED QUESTIONS

Notice Given *Tuesday, November 18 2003*

1406. Hon George Cash to the Minister for Local Government and Regional Development
(*SO 138(d) applies - Notice Given December 11 2003*)
1413. Hon George Cash to the Minister for Land Information (*SO 138(d) applies - Notice Given
December 11 2003*)

Notice Given *Thursday, November 20 2003*

1487. Hon Norman Moore to the Leader of the House representing the Premier
1491. Hon Peter Foss to the Minister for Agriculture, Forestry and Fisheries
1492. Hon Peter Foss to the Minister for the Midwest, Wheatbelt and Great Southern
1493. Hon Peter Foss to the Minister for Local Government and Regional Development
1494. Hon Peter Foss to the Minister for Heritage
1495. Hon Peter Foss to the Minister for the Kimberley, Pilbara and Gascoyne
1496. Hon Peter Foss to the Minister for Goldfields-Esperance
1497. Hon Peter Foss to the Minister for Housing and Works
1498. Hon Peter Foss to the Minister for Racing and Gaming
1499. Hon Peter Foss to the Minister for Government Enterprises
1500. Hon Peter Foss to the Minister for Land Information

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Postponed Questions

1501. Hon Peter Foss to the Leader of the House representing the Premier
1502. Hon Peter Foss to the Leader of the House representing the Minister for Public Sector Management
1503. Hon Peter Foss to the Leader of the House representing the Minister for Federal Affairs
1504. Hon Peter Foss to the Leader of the House representing the Minister for Science
1505. Hon Peter Foss to the Leader of the House representing the Minister for Citizenship and Multicultural Interests
1506. Hon Peter Foss to the Minister for Local Government and Regional Development representing the Deputy Premier
1507. Hon Peter Foss to the Minister for Local Government and Regional Development representing the Minister for Energy
1508. Hon Peter Foss to the Minister for Local Government and Regional Development representing the Minister for Indigenous Affairs
1509. Hon Peter Foss to the Minister for Local Government and Regional Development representing the Minister for the Environment
1510. Hon Peter Foss to the Minister for Housing and Works representing the Treasurer
1511. Hon Peter Foss to the Minister for Housing and Works representing the Minister for Consumer and Employment Protection
1512. Hon Peter Foss to the Minister for Housing and Works representing the Minister Assisting the Minister for Public Sector Management
1513. Hon Peter Foss to the Minister for Housing and Works representing the Attorney General
1514. Hon Peter Foss to the Minister for Housing and Works representing the Minister for Electoral Affairs
1515. Hon Peter Foss to the Minister for Housing and Works representing the Minister for Police and Emergency Services
1516. Hon Peter Foss to the Minister for Housing and Works representing the Minister for Justice
1517. Hon Peter Foss to the Minister for Housing and Works representing the Minister for Community Safety
1518. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Health
1519. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Education and Training
1520. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Tourism
1521. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Small Business
1522. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Sport and Recreation
1523. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Peel and the South West

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Postponed Questions

- 1524. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Community Development, Women's Interests, Seniors and Youth
- 1525. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Disability Services
- 1526. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Culture and the Arts
- 1527. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
- 1528. Hon Peter Foss to the Parliamentary Secretary representing the Minister for State Development

Notice Given ***Tuesday, December 2 2003***

- 1530. Hon Jim Scott to the Leader of the House representing the Premier

Notice Given ***Wednesday, December 3 2003***

- 1534. Hon Robyn McSweeney to the Leader of the House representing the Premier
- 1535. Hon Robyn McSweeney to the Leader of the House representing the Premier
- 1536. Hon George Cash to the Minister for Local Government and Regional Development
- 1537. Hon George Cash to the Minister for Local Government and Regional Development
- 1538. Hon George Cash to the Minister for Local Government and Regional Development
- 1539. Hon George Cash to the Minister for Local Government and Regional Development
- 1540. Hon George Cash to the Minister for Local Government and Regional Development
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- 1554. Hon George Cash to the Minister for Local Government and Regional Development

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Postponed Questions

1555. Hon George Cash to the Minister for Local Government and Regional Development
1556. Hon George Cash to the Minister for Local Government and Regional Development
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1575. Hon George Cash to the Minister for Local Government and Regional Development
1576. Hon George Cash to the Minister for Local Government and Regional Development
1577. Hon George Cash to the Minister for Local Government and Regional Development
1578. Hon George Cash to the Minister for Local Government and Regional Development

Notice Given **Friday, December 5 2003**

1579. Hon Dee Margetts to the Minister for Housing and Works representing the Treasurer

Notice Given **Tuesday, December 9 2003**

1581. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment
1582. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment
1583. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

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Postponed Questions

1584. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment
1585. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

Notice Given ***Wednesday, December 10 2003***

1588. Hon Dee Margetts to the Minister for Housing and Works representing the Treasurer
1589. Hon Dee Margetts to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

Notice Given ***Thursday, December 11 2003***

1591. Hon John Fischer to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
1592. Hon Norman Moore to the Parliamentary Secretary representing the Minister for Sport and Recreation
1593. Hon Dee Margetts to the Leader of the House representing the Minister for Public Sector Management
1594. Hon Dee Margetts to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

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Notice given *Friday, December 12 2003*

1595. Hon George Cash to the Minister for Agriculture, Forestry and Fisheries

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1596. Hon George Cash to the Minister for the Midwest, Wheatbelt and Great Southern

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1597. Hon George Cash to the Minister for Local Government and Regional Development

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1598. Hon George Cash to the Minister for Heritage

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1599. Hon George Cash to the Minister for the Kimberley, Pilbara and Gascoyne

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1600. Hon George Cash to the Minister for Goldfields-Esperance

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

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Questions Asked Today

Notice given *Friday, December 12 2003*

1601. Hon George Cash to the Minister for Housing and Works

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1602. Hon George Cash to the Minister for Racing and Gaming

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1603. Hon George Cash to the Minister for Government Enterprises

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1604. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to the toxic waste plant operated by Total Waste Management near Kalgoorlie Boulder and a letter which I understand is dated 14 January 2003 signed by W. Astill for Tim McAuliffe, Acting Director Pollution Prevention Division addressed to Paul Tonkin, Manager Total Waste Management Pty Ltd titled 'Inspection of Liquid Waste Recycling Plant - Licence 7436/4' -

- (1) Can the Minister state the reasons why the DOE expects 'improvement' in the storage of this waste material should occur to minimise any harmful effects of its storage given that this waste (I understand) eventually goes to the Yarri Road Tip?
- (2) If no to (1) why not?
- (3) Has lead been detected in the groundwater at TWM monitoring bores located at the plant premises in Kalgoorlie-Boulder?
- (4) If yes to (3) at what specific levels?
- (5) Can the Minister state whether or not there was any lead in the groundwater when the monitoring bores were first installed at the TWM site?
- (6) If no to (5) why not?
- (7) If yes to (5) at what specific levels?
- (8) Can the Minister state the depth below ground level of the water table where TWM proposed to construct another evaporation pond as part of their works approval application?
- (9) If no to (8) why not?

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1605. Hon George Cash to the Minister for Land Information

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1606. Hon George Cash to the Leader of the House representing the Premier

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1607. Hon George Cash to the Leader of the House representing the Minister for Public Sector Management

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1608. Hon George Cash to the Leader of the House representing the Minister for Federal Affairs

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1609. Hon George Cash to the Leader of the House representing the Minister for Science

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1610. Hon George Cash to the Leader of the House representing the Minister for Citizenship and Multicultural Interests

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1611. Hon George Cash to the Minister for Local Government and Regional Development representing the Deputy Premier

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?

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(2) If so, will you table details of the flights taken and the cost of such flights?

1612. Hon George Cash to the Minister for Local Government and Regional Development representing the Minister for Energy

(1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?

(2) If so, will you table details of the flights taken and the cost of such flights?

1613. Hon George Cash to the Minister for Local Government and Regional Development representing the Minister for Indigenous Affairs

(1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?

(2) If so, will you table details of the flights taken and the cost of such flights?

1614. Hon George Cash to the Minister for Local Government and Regional Development representing the Minister for the Environment

(1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?

(2) If so, will you table details of the flights taken and the cost of such flights?

1615. Hon George Cash to the Minister for Housing and Works representing the Treasurer

(1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?

(2) If so, will you table details of the flights taken and the cost of such flights?

1616. Hon George Cash to the Minister for Housing and Works representing the Minister for Consumer and Employment Protection

(1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?

(2) If so, will you table details of the flights taken and the cost of such flights?

1617. Hon George Cash to the Minister for Housing and Works representing the Attorney General

(1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?

(2) If so, will you table details of the flights taken and the cost of such flights?

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1618. Hon George Cash to the Minister for Housing and Works representing the Minister for Electoral Affairs

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1619. Hon George Cash to the Minister for Housing and Works representing the Minister for Police and Emergency Services

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1620. Hon George Cash to the Minister for Housing and Works representing the Minister for Justice

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1621. Hon George Cash to the Minister for Housing and Works representing the Minister for Community Safety

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1622. Hon George Cash to the Parliamentary Secretary representing the Minister for Health

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1623. Hon George Cash to the Parliamentary Secretary representing the Minister for Education and Training

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1624. Hon George Cash to the Parliamentary Secretary representing the Minister for Tourism

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?

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- (2) If so, will you table details of the flights taken and the cost of such flights?
1625. Hon George Cash to the Parliamentary Secretary representing the Minister for Small Business
- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?
1626. Hon George Cash to the Parliamentary Secretary representing the Minister for Sport and Recreation
- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?
1627. Hon George Cash to the Parliamentary Secretary representing the Minister for Peel and the South West
- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?
1628. Hon George Cash to the Parliamentary Secretary representing the Minister for Community Development, Women's Interests, Seniors and Youth
- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?
1629. Hon George Cash to the Parliamentary Secretary representing the Minister for Disability Services
- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?
1630. Hon George Cash to the Parliamentary Secretary representing the Minister for Culture and the Arts
- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

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1631. Hon George Cash to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1632. Hon George Cash to the Parliamentary Secretary representing the Minister for State Development

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1633. Hon George Cash to the Minister for Housing and Works representing the Minister Assisting the Minister for Public Sector Management

- (1) Have you, or any officers within your Ministerial responsibility, used the services of Polar Air since February 2001?
- (2) If so, will you table details of the flights taken and the cost of such flights?

1634. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a letter which I understand is dated 1 December 2003 signed by Mathew Stingemore, Environmental officer from the Department of Industry and Resources addressed to the Registered Manager Bulong Nickel Pty Ltd concerning the Bulong Nickel Mine -

- (1) Is it correct that part of the letter states 'Bulong Nickel Operations (Receivers and Managers Appointed) indicate that during the length of care and maintenance no further work will be undertaken to complete and submit a mine closure and rehabilitation plan, as required under the ministerial conditions and further requested in DOIR correspondence dated the 10 November 2003 and addressed to Xuan Nguyen, Manager Environment, Bulong committed to submitting a mine closure plan within 3 months of the temporary closure plan if no acceptable purchase offer was received. Clarification of the process that will be undertaken in regards to the mine closure and rehabilitation plan is required'?
- (2) If no to (1) why not?
- (3) Has a mine closure plan been submitted in accordance with ministerial conditions?
- (4) If no to (3) why not?
- (5) Has the owners breached ministerial licence conditions or tenement condition in not submitting a mine closure and rehabilitation plan?
- (6) If no to (5) why not?
- (7) If yes to (5) will prosecution proceedings or forfeiture proceedings be implemented?

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- (8) Is it correct that part of the letter states ‘The temporary closure plan states that no fauna egress mats will be implemented onsite in the various water storage dams as requested from the Annual Environmental Inspection. This practice is unacceptable and I request that fauna egress mats be installed on all water storage dams before all staff leave Bulong on the 5 December 2003. During care and maintenance, the lack of site activity around these dams, particularly near the processing plant, will encourage more fauna to enter the dam areas to drink, especially during the summer months. Fauna egress mats will assist any fauna that may inadvertently enter these dams to escape’?
- (9) If no to (8) will the Minister table a copy of the letter I understand is dated 1 December 2003.
- (10) Can the Minister state the rationale as to why it was so important that fauna egress mats be installed on all water storage dams given the mine is closing down and is quite some distance from a major population?
- (11) If no to (10) why not?

1635. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a letter which I understand is dated 1 December 2003 signed by Mathew Stingemore, Environmental officer from the Department of Industry and Resources addressed to the Registered Manager Bulong Nickel Pty Ltd concerning the Bulong Nickel Mine -

- (1) Is it correct that part of the letter dated 1 December 2003 states ‘Section 6.7 of the Temporary Closure plan states that during “the care and maintenance period small areas of clearing may be required for rehabilitation works. Any such disturbance of areas exceeding one hectare will be subject to the notification requirements under the *Soil and Land Conservation Act 1945-1982*”. ALL clearing undertaken onsite unless approved under previous Notice of Intents, will require approval from DOIR, particularly as the site is under care and maintenance status and very little clearing should be required to be conducted. Progressive rehabilitation of existing disturbances may continue and details are to be submitted in future Bulong Nickel Operations Annual Environmental Reports’?
- (2) If no to (1) will the Minister table a copy of the letter?
- (3) Can the Minister quote the specific text of the mining tenement condition(s) and the specific text of the section of the *Mining Act* under which ‘all clearing undertaken onsite, unless approved under previous Notice of Intents will require approval from the DOIR’?
- (4) If no to (3) why not?
- (5) Is it correct that part of the letter dated 1 December 2003 states ‘District Inspector Peter Capon also reviewed the Temporary Closure plan and provided the following comments. ‘In the Short term the plan is sufficient with respect to the management of safety at the mine. The manager of the Mine is still required to inform the District Inspector regarding the suspension of operations at the plant and need to detail to DOIR the safety precautions put in place. The District Inspector will then arrange for an inspection to verify that the precautions are in place’?
- (6) If no to (5) will the Minister quote the specific text of the letter?

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- (7) Is the Temporary Closure Plan for management of safety at the mine sufficient in regard to the long term?
- (8) If no to (7) can the Minister explain the detailed rationale as to why it is not sufficient in the long term?
- (9) Can the Minister quote the specific text and section of the legislation which requires the manager of the mine to inform the District Inspector regarding suspension of operations at the plant and also the requirement to detail to the DOIR the safety precautions put in place?
- (10) If no to (9) why not?
- (11) Can the Minister state on what specific date the manager informed the District Inspector regarding the suspension of operations at the plant?
- (12) If no to (11) why not?

1636. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a letter which I understand is dated 1 December 2003 signed by Mathew Stingemore, Environmental officer from the Department of Industry and Resources addressed to the Registered Manager Bulong Nickel Pty Ltd concerning the Bulong Nickel Mine -

- (1) Can the Minister state what specific 'safety precautions' have been detailed to the Department of Industry and Resources by the owner of the mine?
- (2) If no to (1) why not?
- (3) Has the District Inspector verified by site inspection that all the 'safety precautions' under all of relevant legislation were or are in place at the mine?
- (4) If yes to (3) what specific safety precautions if any did the District Inspector identify that were not in place and required further attention?
- (5) Will the Minister table copies of the departmental correspondence sent to the owners on the mine following the Annual Environmental Report inspection in the years of 2000, 2001, 2002 and a follow up inspection on the 21 November 2003?
- (6) If no to (5) why not?
- (7) Can the Minister explain the reasons why the tailings which had been discharged into the evaporation ponds were so important to the department that it had to be 'removed' and 'cleaned up'?
- (8) If no to (7) why not?
- (9) Can the Minister explain why the Department is providing and giving the owners of the mine a lot of latitude in terms of monitoring for compliance under all legislation administered by the department and verification of the Annual Environmental Report submitted on the 3 October 2003 without conducting a site inspection given that it extremely important and pertinent in time for the Department to check the veracity and accuracy of information supplied otherwise it severely limits the validity of any comments made in the report?

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- (10) If no to (9) why not?
- (11) Can the Minister state the names of which other mines are given the same latitude in not having a site inspection undertaken by the department to verify and validate the accuracy of information supplied in a annual environmental report particularly where the mine is in the process of closing down?
- (12) If no to (11) why not?
- (13) Will the Minister immediately order/direct that a urgent inspection be undertaken of the mine to verify and validate all comments made in the Annual Environmental Report submitted 3 October 2003 to ensure compliance with all legislation administered by the Department so as the validity of any comments made in the report are not limited simply because the department has delayed conducting a site inspection?
- (14) If no to (13) why not?

1637. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a letter which I understand is dated 1 December 2003 signed by Mathew Stingemore, Environmental officer from the Department of Industry and Resources addressed to the Registered Manager Bulong Nickel Pty Ltd concerning the Bulong Nickel Mine

- (1) Will the Minister table a copy of the temporary mine closure plan?
- (2) If no to (1) why not?
- (3) Has a complete and thorough mine closure plan been submitted to the DOIR 3 months after the temporary closure plan was submitted?
- (4) If no to (3) why not?
- (5) Will the Minister table a copy of the final complete and thorough mine closure plan submitted to the DOIR providing that no acceptable purchase offer has been received?
- (6) If no to (5) why not?

1638. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer questions on notice numbers 1268, 19 September 2003, 1374, 24 October 2003, 1375 24 October 2003 and in particular hundreds of 200 hundred litre drums of toxic waste oil/ chemicals stored in various locations at Loongana lime operations in many cases without labelling and identification of these toxic products and no bunding as of 11 December 2003 -

- (1) Can the Minister state how long in months has the Department of Industry and Resources been aware of hundreds of 200 litre drums of toxic waste chemicals stored in various locations at the Loongana lime operations without adequate bunding and no labelling and identification of the toxic products?

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- (2) If no to (1) why not?
- (3) Can the Minister state how many 200 litre drums containing toxic waste oil/unknown chemicals are located on this site?
- (4) If no to (3) why not?
- (5) Can the Minister state for each and every 200 litre drum stored with toxic waste oil/or chemicals what specific chemicals or specific oils are contained in each and every drum?
- (6) If no to (5) why not?
- (7) As a result of the Bellevue Hazardous Waste Fire inquiry lessons will the Department of Industry and Resources prosecute Loongana Lime under Dangerous Goods legislation or other legislation administered by the Department for not having any bunding around hundreds of toxic waste oil/unknown toxic chemicals in these drums?
- (8) If no to (7) why not?
- (9) Will the Department of Industry and Resources prosecute Loongana Lime under Dangerous Goods legislation or other legislation administered by the Department for not having sufficient adequate labelling for identification of the toxic waste given that there is hundreds of these 200 litre drums stored on site?
- (10) If no to (9) why not?
- (11) Will the Minister table a copy of the entire list of inventory naming the specific toxic waste products held in all of these hundreds of 200 litre drums which are located on the Loongana Lime Site?
- (12) If no to (11) why not?

1639. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer questions on notice numbers 1268, 9 September 2003, 1374, 24 October 2003, 1375 24 October 2003 and in particular hundreds of 200 litre drums of toxic waste oil/ chemicals stored in various locations at Loongana lime operations in many cases without labelling and identification of these toxic products and no bunding -

- (1) With the above products has Loongana Lime breached any Dangerous Goods legislation or any other legislation administered by the Department of Industry and Resources?
- (2) If no to (1) why not?
- (3) If yes to (1) as a result of lessons learnt from the Bellevue waste fire inquiry will the Department prosecute Loongana Lime?
- (4) Can the Minister state specifically where does Loongana Lime intend on disposing of all of these hundreds 200 litre drums of toxic waste/chemicals?
- (5) If no to (4) why not?
- (6) Prior to me bringing this to the Ministers attention has the Department considered the possibility and severe consequences of a fire with hundreds of these 200 litre drums of toxic

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waste oil/chemicals given that there are people living in residential homes in relative close proximity along with people living in transportable mens quarters nearby?

- (7) If no to (6) why not?
- (8) Can the Minister table a copy of all the record book entries made by all inspectors visiting this site in the last 3 years under the *Mines Safety and Inspection Act* legislation and Dangerous Goods legislation?
- (9) If no to (8) why not?
- (10) Can the Minister state for each and every 200 litre drum of toxic waste oil/chemicals where did it come from?
- (11) If no to (10) why not?
- (12) Can the Minister state for each and every 200 litre drum of toxic waste oil/chemicals how long has it been on the Loongana Lime site/premises?
- (13) If no to (12) why not?
- (14) Does the Loongana Lime hold a Dangerous Goods Licence to store all of this material that is adequate to cover the various class or classes of waste currently on site as of 11 December 2003?
- (15) If yes to (14) will the Minister table a copy of the Dangerous Goods Licence?

1640. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to a letter dated 1 December 2003 signed by R A D Sippe , A/Director Environmental Impact Assessment from the Environmental Protection Authority (EPA) reference CRN 189969 concerning the Fimiston I tailings storage facility located on Mining Lease 26/383 -

- (1) Is it correct that part of this letter dated 1 December 2003 states ‘This proposal raises a number of environmental issues, however the Authority has decided not to subject this proposal to the formal environmental impact assessment process and the subsequent setting of formal conditions by the Minister for Environment, given the controls available under other approval processes’?
- (2) If no to (1) will the minister table a copy of the letter dated 1 December 2003?
- (3) Can the Minister state what are the specific ‘given controls available under other approval processes’ the EPA is referring to?
- (4) If no to (3) why not?
- (5) Can the Minister state what are the specific ‘number of environmental issues’ that the EPA is referring to?
- (6) If no to (5) why not?
- (7) Can the Minister quote the specific text of any written advice provided by both the EPA Service Unit or the Department of Environment to the EPA on the Fimiston I tailings dam?

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- (8) If no to (7) why not?
- (9) Will the Minister table all of the written advice and any other documents provided by both the EPA service Unit and the Department of Environment to the EPA on the Fimiston I tailings dam?
- (10) If no to (9) why not?

1641. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to the Fimiston I tailings storage facility operated by Kalgoorlie Consolidated Gold Mines Pty Ltd for Barrack Mines and Newmont Mining -

- (1) Is it correct that the water table in 1994 had risen as a consequence of seepage from the Fimiston I tailings dam where there were damp areas along proportions of the toe of the northern and southern walls of Fimiston I?
- (2) If no to (1) what is specifically correct?
- (3) Is it correct that in 1994 and 1995 there was free water in sections of the diversion drain and the damp patches and the damp patches as a consequence of seepage extended across Bulong Road which is a major public access road?
- (4) If no to (3) what is specifically correct in relation to these matters?
- (5) Has seepage from the Fimiston I tailings dam since the dam was commenced caused the water table to rise where damp areas were present on Bulong Road itself and across Bulong Road?
- (6) If yes to (5) on what date did this occur?
- (7) What is the current depth to groundwater in metres below the surface on Bulong Road in closest proximity to the Fimiston I tailings dam?
- (8) Did the owner/operator of the Fimiston I tailings dam give any serious consideration to aspects of seepage and stability when the notice of intent was first lodged with the department for approval prior to construction?
- (9) If no to (8) why didn't the department prior to approving the project make sure that the owner/operator did give serious consideration to aspects of seepage and stability?
- (10) If yes to (8) what were those specific considerations in relation to aspects of seepage and stability?

1642. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to the Bellevue Hazardous Waste Inquiry, and in particular hundreds of 200 litre drums of toxic waste oil/chemicals stored in various locations at Loongana Lime operations in many cases without labelling and identification of these toxic products and no bunding -

- (1) Is it correct that in excess of 800 hundred 200 hundred litre drums and up to 2000 drums of toxic waste/chemicals are stored on site as of 11 December 2003?

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- (2) If no to (1) can the Minister state exactly how many in number of toxic 200 litre drums of toxic waste/chemicals are stored on site as of 11 December 2003?
- (3) Can the Minister state how long has the Department of Environment (DOE) been aware of the volume of toxic materials being stored at this location/premises?
- (4) If no to (3) why not?
- (5) Can the Minister state on how many occasions during the period of this storage of the above referred toxic chemicals has the DOE staff inspected or visited the Loongana Lime premises in the last 2 years?
- (6) If no to (5) why not?
- (7) Has the DOE taken any samples of any of the unlabelled 200 litre drums of toxic waste oil/chemicals?
- (8) If no to (7) why not?
- (9) If yes will the Minister table all the results?
- (10) Can the Minister state for what purposes and use were the toxic goods intended for on the site/premises?
- (11) If no to (10) why not?
- (12) Can the Minister state specifically at what location or site will in excess of 800 hundred 200 litre drums of toxic waste oil/chemicals will be disposed at?
- (13) If no to (12) why not?
- (14) Can the Minister state the rationale and reasons as to why the waste oil stored in 200 litre drums cannot be burnt and used as fuel in the Loongana Lime kilns?
- (15) If no to (14) why not?

1643. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to the Bellevue Hazardous Waste Inquiry and in particular hundreds of 200 litre drums of toxic waste oil/ chemicals stored in various locations at Loongana Lime operations/premises in many cases without labelling and identification of these toxic products and no bunding -

- (1) Does the DoE past or current licences approve of this type of toxic materials being stored on site in the manner they were as of 11 December 2003?
- (2) If no to (1) why not?
- (3) If yes to (1) can the Minister explain on what basis quoting the specific text of the licence which permits this to happen?
- (4) Does the DoE past or current licences approve of the quantity or volume of toxic materials being stored on the site as of 11 December 2003?
- (5) If no to (4) why not?

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- (6) If yes to (4) can the Minister explain on what basis quoting the specific text of the licence which permits this to happen?
- (7) Has Loongana Lime breached licence condition W1(a), W1(b) on the licence or any licence conditions in relation to the storage of hundreds of 200 hundred litre drums containing waste oil/chemicals?
- (8) If no to (7) why not?
- (9) If yes to (7) will the Minister and DOE prosecute Loongana Lime given the lessons learnt from the Bellevue Hazardous Waste fire Inquiry and that Loongana has previously breached licence conditions, has had many complaints concerning pollution odour emissions from nearby residents which are breaches of the *Environmental Protection Act 1986*?
- (10) If no to (9) why not?
- (11) Can the Minister state specifically in terms of chemicals/oils or whatever is in each and every 200 litre drum located on the Loongana Lime premises/site?
- (12) If no to (11) why not?
- (13) Does the Minister consider it extremely serious that Loongana Lime premises has in excess of 800 hundred 200 litre drums with toxic waste oil/chemicals onsite of which many if not all cannot be identified as to precisely what they contain inside the drums?
- (14) If no to (13) why not?

1644. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a Mineral Titles Newsletter dated October 2003 -

- (1) Is it correct that part of the newsletter states : ‘Recently a prospector was fined \$100 by the Minister under Regulation 4L and banned from holding another permit for a period of 18 months for providing false information on the permit. This action highlights the need for all prospectors to be diligent in their obligations under this permit system that allows access to Crown Land held under exploration licence’?
- (2) If no to (1) will the Minister table a copy of the newsletter?
- (3) Can the Minister explain the rationale and reasons as to how he determined the amount of the fine being \$100?
- (4) If no to (3) why not?
- (5) Can the Minister state the full name of the prospector who was fined?
- (6) If no to (5) why not?
- (7) Can the Minister specifically quote the text of the legislation in which the Minister or the Department is empowered to ban the prospector from holding a permit for a period of 18 months?
- (8) If no to (7) why not?

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- (9) Can the Minister state the rationale and reasons as to how the period of '18 months' was determined as being appropriate?
- (10) If no to (9) why not?
- (11) Was any other penalty or fine separate from the \$100 fine and 18 month ban imposed by the department?
- (12) If yes to (11) what specifically was that?

1645. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to the Bellevue Hazardous Waste Inquiry and in particular hundreds of 200 litre drums of toxic waste oil/chemicals as of 11 December 2003 stored in various locations at Loongana Lime operations/premises in many cases without labelling and identification of these toxic products and no bunding -

- (1) Is it correct that Loongana Lime Pty Ltd has a licence condition which states under the heading of 'OIL STORAGE' 'The licensee shall take the following measures for the purpose of minimising the likelihood of pollution occurring as a result of any activity conducted or proposed to be conducted in any part of the premises - W2 The licensee shall only store waste and treated oils in dedicated holding tanks onsite'?
- (2) If yes to (1) has Loongana Lime breached this licence condition given that there are hundreds of 200 litre waste oil drums storing 'waste' which are not in 'dedicated holding tanks onsite' the premises?
- (3) If no to (1) will the Minister quote the specific licence condition?
- (4) Will the Department of Environment prosecute Loongana for breaching licence condition W2?
- (5) If no to (4) why not?
- (6) Can the Minister state as of 11 December 2003 how many in number of the hundreds of 200 litre toxic waste oil/ chemical drums are partly or badly damaged and leaking?
- (7) If no to (6) why not given the extreme importance of having structurally secure and more than adequate drums capable of holding the toxic waste oil/chemicals without it leaking into the ground?

1646. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to the toxic waste plant operated by Total Waste Management near Kalgoorlie Boulder and a letter which I understand is dated 14 January 2003 signed by W.Astill for Tim McAuliffe, Acting Director Pollution Prevention Division addressed to Paul Tonkin, Manager Total Waste Management Pty Ltd titled 'Inspection of Liquid Waste Recycling Plant-Licence 7436/4' -

- (1) Is it correct that part of the letter dated 14 January 2003 states 'It was noted that a large stockpile of waste is awaiting transport to the Kalgoorlie Waste Management Facility on Yarri Road. I understand that this is waiting for results from recent sampling to prove that the

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fixation process has been successful. Improvement in the storage of this waste material should occur to minimise any harmful effects of its storage. It appears that the waste is exceeding the bunded area designed to prevent environmental harm to water and soil resources. It was also apparent on the day that dust emanating from the stockpile is an issue that will have to be addressed?’

- (2) If no to (1) will the Minister table a copy of the letter dated 14 January 2003?
- (3) Can the Minister explain the rationale as to why the Department of Environment (DOE) is very concerned that waste is exceeding the bunded area designed to prevent harm to ‘water’ given that the water in the area is hypersaline and can be claimed to be of no beneficial use?
- (4) If no to (3) why not?
- (5) Can the Minister explain why the DOE is very concerned that waste is exceeding the bunded area designed to prevent harm to ‘soil resources’ given that the location of the plant is quite some distance from the main population and townsite?
- (6) If no to (5) why not?
- (7) Did the Kalgoorlie Boulder Community and Industry Reference Group (KBCIRG) recommend that the works approval for another evaporation pond be rejected by the DOE?
- (8) If yes to (7) will the DOE be rejecting the works approval application for the evaporation pond?
- (9) If no to (7) what specifically has happened?
- (10) Did the KBCIRG recommend certain matters appertaining to the above toxic waste plant?
- (11) If yes to (10) what specifically were those recommendations?
- (12) Has the DOE followed all of the KBCIRG recommendations concerning the total waste management operations?
- (13) If no to (12) why not?
- (14) If yes to (12) why has the DOE done this?

1647. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a letter I understand is dated 27 November 2003 from Mr L Dilley addressed to the Minister for State Development with serious concerns about the Cooke Review -

- (1) Has the Minister received the above letter dated 27 November 2003?
- (2) If yes to (1) on what date was it received?
- (3) Is it correct that part of the letter states ‘As far as I am concerned the Cooke Review appears to have been a waste of everybody’s time and resources as my issues I raised way back with senior commissioner Fielding and then later with Robert Laing have not been investigated despite promises from Mr Tony Cooke and Ms Lisa Johnson that they would be. I honestly feel that I have been deceived and cheated through no fault of my own, and yet my concerns have not been investigated by Tony Cooke. I realise Mr Cooke may be busy, but my

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experience in life tells me that you don't tell people repeatedly one thing and do the exact opposite and not even bother to investigate all of my concerns'?

- (4) If no to (3) what specifically does the letter state?
- (5) Can the Minister explain how is it that you as the Minister can allow all the matters raised in Mr L Dilley's letter to occur without having the Cooke Review investigate all of his environmental and public safety concerns which was supposedly why the Cooke review was commissioned?
- (6) If no to (5) why not?
- (7) Can the Minister explain what was the purpose of having the Cooke Review when all the serious and important matters Mr L Dilley has previously raised with Commissioner Fielding and Robert Laing have not even been investigated as part of the Cooke review?
- (8) If no to (7) why not?

1648. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a letter I understand is dated 7 November 2003 from Mr E Thomas addressed to the Minister for State Development with serious concerns about the Cooke Review -

- (1) Has the Minister received the above letter dated 7 November 2003.?
- (2) If yes to (1) on what date was it received?
- (3) Can the Minister explain what did the Minister specifically do to address all the concerns raised in this letter dated 7 November 2003 to ensure that Mr Thomas's issues were investigated?
- (4) If no to (3) why not?
- (5) Is it correct that part of the letter dated 7 November 2003 states 'Anyway minister unless all of my issues I raised to the Laing Report are investigated including some of the issues my family members have, I honestly believe that the government has conned us into believing our issues would be addressed and dealt with under the Cooke Review when in reality nothing has been achieved and it has been a total waste of taxpayers money'?
- (6) If no to (5) will the Minister table the letter dated 7 November 2003?
- (7) Can the Minister explain why all of Mr Thomas's issues have not been investigated by the Cooke Review despite being told by Tony Cooke and Ms Lisa Johnson that all of his issues would be investigated given that last time Tony Cooke was in Kalgoorlie he told Mr Thomas and his family that he would come back and investigate all of his concerns when to date this has not happened?
- (8) If no to (7) why not?

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1649. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to a letter which I understand is dated 14 July 2003 from the Dept of Environmental Protection addressed to the Manager Westrac Equipment Pty Ltd, Lot 26 Gt Eastern Highway, Kalgoorlie, titled 'Notice to show cause regarding overflow of contaminated stormwater pond onto road reserve' -

- (1) Is it correct that part of this letter states 'I believe that the discharge of contaminated stormwater observed on the 9 July is likely to cause pollution, It is an offence under section 49 and 50 of the *Environmental Protection Act 1986* to cause pollution, or to discharge waste in circumstances in which it is likely to cause pollution. These offences carry a penalty up to \$1 000 000, with a daily penalty of up to \$200,000. Therefore I instruct you to immediately cease the release of water into this stormwater pond. It appears from my inspection of the site that the stormwater is collected over an area that includes washdown from within your workshop. During the inspection it was evident that any spills in the workshop or outside pad go directly into the unlined stormwater pond. This practice is unacceptable and needs to cease. Westrac should examine several engineering options to resolve this issue, including but not limited to Lining the stormwater pond and preventing further overflow;
- (2) Installing a triple interceptor on the stormwater pipe prior to the stormwater pond, Divert the stormwater to the washdown bay oily water treatment system. With appropriate treatment the water in the stormwater pond could be reutilised around your site.'
- (3) If no to (1) will the Minister table a copy of this letter dated 14 July 2003?
- (4) If no to (1) why not?
- (5) Can the Minister explain the reasons why the officer believed that the discharge of contaminated stormwater was likely to cause pollution as defined under the *Environmental Protection Act 1986*?
- (6) If no to (4) why not?
- (7) Can the Minister state how did the officer factually know that the stormwater was in fact 'contaminated' by Westrac?
- (8) If no to (6) why not?
- (9) Can the Minister explain the reasons why the officer believed that the discharge of stormwater was likely to cause pollution under section 50 of the *Environmental Protection Act 1986*?
- (10) If no to (8) why not?
- (11) Can the Minister explain why this type of letter with the wording used has not been sent to Loongana Lime, Total Waste Management, Kalgoorlie Cement Works or Kalgoorlie Consolidated Gold Mines Pty Ltd when they have been in breach of the *Environmental Protection Act 1986*?
- (12) If no to (10) why not?

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1650. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to a letter which I understand is dated 14 July 2003 from the Dept of Environmental Protection addressed to the Manager Westrac Equipment Pty Ltd, Lot 26 Gt Eastern Highway, Kalgoorlie, titled 'Notice to show cause regarding overflow of contaminated stormwater pond onto road reserve' -

- (1) Is it correct that part of the letter dated 14 July 2003 states 'Opportunity to show cause, you are hereby afforded twenty one (21) days from the date of this letter to show cause in writing to the Director of the Pollution Prevention Division, as to why the DEP should not proceed with further action against you in respect to the above non compliance of section 49 and 50 of the Act. In responding to this letter, you should detail your reasons and also the circumstances surrounding each of the non compliances. You are hereby put on notice that if you do not respond to this letter within twenty one days action may be taken against you without further notice.'?
- (2) If no to (1) will the Minister table a copy of the letter dated 14 July 2003?
- (3) Can the Minister explain why a period of only 21 days was afforded to Westrac and not a much longer time period to respond and address the concerns raised in the letter?
- (4) If no to (3) why not?
- (5) Can the Minister quote the reasons and circumstances surrounding each of the non compliances provided by Westrac to the department in relation to these matters?
- (6) If no to (5) why not?
- (7) Has any further action been taken by the department in relation to all the matters raised in the letter dated 14 July 2003?
- (8) If no to (7) why not?
- (9) If yes to (7) can the Minister explain what action and the reasons why?

1651. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to a letter which I understand is dated 14 July 2003 from the Dept of Environmental Protection addressed to the Director, Power West Pty Ltd in Kalgoorlie, titled 'Notice to show cause regarding overflow of washdown bay and disposal of contaminated matter.' -

- (1) Is it correct that part of the letter dated 14 July 2003 states 'I believe that the historical overflow from the washdown bay, disposal of contaminated water from the same bay into the rear of the property at Lot 43 Great Eastern Highway, Kalgoorlie is likely to cause pollution. It is an offence under section 49 and 50 of the *Environmental Protection Act 1986* to cause pollution, or to discharge waste in circumstances in which it is likely to cause pollution. These offences carry a penalty up to \$1 000 000, with a daily penalty of up to \$200 000. Therefore I instruct you to immediately cease using the washdown bay until you ensure that overflow is not occurring. Furthermore, the waste water from this process that is likely to contain hydrocarbons should be collected by an authorised company. It appears from my inspection that the design of the washdown bay is deficient. The washdown bay has no sediment trap,

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which results in the triple interceptor being clogged. The clogging of the interceptors is preventing the effective treatment of waste water and causing them to overflow. Whilst it is acknowledged that a bund exists around the triple interceptor, soil discolouration would indicate that this bund has historically overflowed.

- (2) Furthermore the bund around the washdown pad appears inadequate. Runoff, again with hydrocarbons is going over the bund during washdown activities. This bund needs to be improved.
- (3) With an appropriately designed and maintained washdown bay the water could be reutilised around your site, reducing the costs associated with purchase of water and the disposal of waste.
- (4) During my inspection you informed me that water from this process was dumped at the rear of the property. This practice is unacceptable and must cease. Also during my inspection an area of contamination was evident around some historic elevated storage tanks. This contaminated soil should be recovered and disposed of at an approved facility.'?
- (5) If no to (1) will the Minister table a copy of the letter dated 14 July 2003?
- (6) Can the Minister explain why the officer believed that the historical overflow from the washdown bay is likely to cause pollution as defined under the *Environmental Protection Act 1986*?
- (7) If no to (3) why not?
- (8) Can the Minister explain the rationale as to why the waste water which was likely to contain hydrocarbons needed to be collected by an authorised company?
- (9) If no to (5) why not?
- (10) Can the Minister explain the factual reasons as to why the officer believed that the waste water was likely to contain hydrocarbons?
- (11) If no to (7) why not?

1652. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to a letter which I understand is dated 14 July 2003 from the Dept of Environmental Protection addressed to the Director, Power West Pty Ltd in Kalgoorlie, titled 'Notice to show cause regarding overflow of washdown bay and disposal of contaminated matter.' -

- (1) Can the Minister explain why the waste water from this process being dumped at the rear of the property is unacceptable under the *Environmental Protection Act 1986* and the reasons why it must cease?
- (2) If no to (1) why not?
- (3) Can the Minister explain why the Department believes the contaminated soil had to be recovered and disposed of at an approved facility?
- (4) If no to (3) why not?

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- (5) Can the Minister explain how did the officer factually determine during his inspection that an area of contamination was in fact contaminated?
- (6) If no to (5) why not?
- (7) Can the Minister quote the reasons and circumstances surrounding each of the non compliances under section 49 and 50 of the Act provided by Powerwest to the Department in relation to these matters?
- (8) If no to (7) why not?
- (9) Has any further action been taken by the department in relation to all the matters raised in the letter dated 14 July 2003?
- (10) If no to (9) why not?
- (11) If yes to (9) can the Minister explain what action and the reasons why?
- (12) Can the Minister state the names of 'approved' facilities located in Kalgoorlie-Boulder which are capable of accepting the 'contaminated soil'?
- (13) If no to (12) why not?

1653. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer lime dust from the Loongana Lime operations which appears to have left the site/premises and is affecting nearby trees, soil and vegetation and a letter dated 11 August 2003 addressed to Environmental Officer WMC Mt Keith Operations titled 'Re- Plant Sump and Stockpile Concerns' -

- (1) Is it correct that part of the letter dated 11 August 2003 states 'Additionally Mr Bouwhuis indicated that dust generated from the Stockpile and CV9 was a concern with evidence of dust accumulation in a nearby stormwater drain and possibly adjacent vegetation. Condition A2(a) of Licence 6453/7 states that the licensee should take all reasonable and practicable measures to prevent or minimise the generation of dust from all materials handlings operations, stockpiles etc. Although dust did not appear to be leaving the premises, concern is raised regarding the impact of this dust on nearby vegetation'?
- (2) If no to (1) will the Minister table a copy of the letter dated 11 August 2003?
- (3) Can the Minister explain the reasons why the Department is very concerned about the impact of dust on nearby vegetation when it has not left the premises at the Mt Keith Operations?
- (4) If no to (3) why not?
- (5) Can the Minister explain the reasons why the department is very concerned about dust accumulation in a nearby stormwater drain when it has not left the premises?
- (6) If no to (5) why not?
- (7) Will the Department of Environment urgently direct Loongana Lime to stop causing pollution with lime dust which has affected the soil, trees and vegetation outside the premises under sections 49 and 50 of the *Environmental Protection Act 1986*?
- (8) If no to (7) why not?

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- (9) Will the Department of Environment direct that Loongana Lime immediately commence decontaminating soil, and some form of rehabilitation program for the trees and vegetation which has been affected by lime dust outside the premises at the Loongana Lime Operations?
- (10) If no to (9) why not?

1654. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to the Cooke Review and letters written by various people to the Minister with serious concerns about the Cooke Review prior to the Minister announcing the Final Report would be completed on the 15 January 2003 -

- (1) Can the Minister state how many people have written to him with serious concerns about the Cooke Review not investigating their concerns or issues prior to the 10 December 2003?
- (2) If no to (1) why not?
- (3) Has various people expressed serious concerns to the Minister that the way that evidence would be collected and investigated including the peoples concerns has not been adhered to as part of the agreed review process?
- (4) If yes to (3) what specifically has the Minister done to rectify these matters?
- (5) If no to (3) what specific concerns have been raised by all the people who have written to the Minister?
- (6) Is it correct that a letter dated 26 November 2003 was sent addressed to the Minister specifically stating 'We also understand that once you have received the final report, you propose to make it available for public comment to allow any member of the community, aggrieved by any aspects or the contents of the report, to make submissions to you as the Minister. Fundamentally, this seems to undermine any of the work that Tony Cooke and the reviews executive officers, particularly Ms Lisa Johnson, have partly committed to the review. It seems an extraordinary position to adopt because as the Minister you do not, and will not have all the intimate knowledge that has been acquired by Mr Cooke and Ms Johnson during the course of their investigations, notwithstanding that to date Ms Johnson/Mr Cooke have done a lot of hard work, on a limited number of matters, to be able to clearly discern and identify the issues where people believe they have been aggrieved. We respectfully point out, that given the long history of these matters spanning in excess of 11 years, the only person capable of the extent of clearly understanding the matters to determine whether a person has been aggrieved or not will be the reviewer himself, otherwise you, the Minister should have conducted the review personally yourself, so that you have all the intimate knowledge of these matters and issues that has been gained by the reviewer and Ms Johnson. Due to the long history of these issues with the department providing you with so called unbiased impartial advice on these matters and the subsequent evidence put to Mr Cooke to the contrary we certainly have no faith in the departments ability to put to you an unbiased response to the Cooke Report. Aspects of the Departments modus operandi are the direct cause of numerous problems in the mining industry. This is the subject of peoples concerns whereby unjust and unnecessary harm is occurring, and it needs to be rectified?'

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- (7) If no to (6) will the Minister table the letter dated 26 November 2003?
- (8) Can the Minister explain why he did not conduct the review himself with his ministerial staff to be in a fully informed position on all of the matters that Mr Cooke has only partly and briefly investigated?
- (9) If no to (8) why not?

1655. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to question on notice number 1176 of 22 August 2003 and the answers provided -

- (1) Will the Minister and the Department of Environment prosecute Cockburn Cement?
- (2) If no to (1) why not?

1656. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to question on notice number 1384, 24 October 2003 and the answers provided -

- (1) Given that the Minister has stated for the answer to part (1) the Minister for State Development does not intend to discuss these issues as he expects them to be dealt with in Mr Cooke's report can the Minister explain how can these issues of 'previous investigations' be possibly dealt with given that it is clearly apparent that Mr Cooke is not thoroughly and properly investigating all of these matters?
- (2) If no to (1) why not?
- (3) Given that the Minister has stated for the answer to part (5) the Minister for State Development does not intend to discuss these issues as he expects them to be dealt with in Mr Cooke's report can the Minister explain how can these issues of the Department of Industry and Resources providing incorrect and misleading information to the Minister and Parliament be possibly dealt with given that it is now clearly apparent that Mr Cooke is not investigating, and documenting in the report all of the instances where the department has provided incorrect and misleading information?
- (4) If no to (3) why not?
- (5) Given that the Minister has stated for the answer to part (9) many of the issues are historical and will be dealt with by Mr Cooke, can the Minister explain how can he make a statement that the matters will be dealt with by Mr Cooke, given that it is clearly apparent that Mr Cooke is not investigating these matters so it is impossible for him to procedurally deal with them and factually document them in a manner which covers all of the matters?
- (6) If no to (5) why not?

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1657. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to question on notice number 1376, 24 October 2003 and the answers provided -

- (1) Can the Minister state what are the specific other environmental and social impacts that have taken place elsewhere in the past the department is referring to when they have stated these impacts could be judged to be relatively minor?
- (2) If no to (1) why not?
- (3) Has the Department checked with KCGM to see that consultation means what the department understands it to mean in that KCGM would contact those parties likely to be affected by their activities and having regard to the views of those parties before undertaking the activities?
- (4) If no to (3) why not?
- (5) Can the Minister state what are the specific number of initiatives put in place by KCGM which clearly indicate that they are dealing with the issue of working within 100 metres of peoples residences and also lines of responsibility to ensure that these issues do not arise in the future?
- (6) If no to (5) why not?

1658. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to question on notice numbers 1377 and 1378 of 24 October 2003 and the answers provided -

- (1) Can the Minister explain how by providing clear, concise and free from argument answers to all the questions for question on notice number 1377 that the answers could possibly pre-empt the Cooke Inquiry given that it is clearly apparent that the matters raised as questions and issues raised are not being investigated and documented by the Cooke Inquiry?
- (2) If no to (1) why not?
- (3) Will the Minister now provide clear, concise and free argument answers to all the questions 1 to 6 for question on notice 1377 given that it is clearly apparent the Cooke Inquiry is not investigating and documenting these matters and issues raised as questions?
- (4) If no to (3) why not?
- (5) Can the Minister explain how by providing clear, concise and free from argument answers to all the questions for question on notice number 1378 that the answers could possibly pre-empt the Cooke Inquiry given that it is clearly apparent that the matters raised as questions and issues raised are not being investigated and documented by the Cooke Inquiry?
- (6) If no to (5) why not?
- (7) Will the Minister now provide clear, concise and free argument answers to all the questions 1 to 12 for question on notice 1378 given that it is clearly apparent the Cooke Inquiry is not investigating and documenting these matters and issues raised as questions?
- (8) If no to (7) why not?

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1659. Hon Robin Chapple to the Leader of the House representing the Premier

I refer to question on notice number 1386, 24 October 2003 -

- (1) Given that the Premier has not been accountable and clearly avoided providing clear, concise, relevant and free from argument answers to all my questions 1 to 5 for PQ 1386 will the Premier now provide them?
- (2) If no to (1) why not?
- (3) Can the Premier clearly explain how he can claim that his government is committed to openness and accountability given that the premier is clearly not being accountable by simply answering all of my questions 1 to 5 in accordance with the standing orders?
- (4) If no to (3) why not?
- (5) Can the Premier explain how the answer stating the information sought by the Member in relation to PQ 1265 was made available by way of the Premier's brief ministerial statement on 9 September 2003 answers all of my questions in PQ 1386 in a clear, concise, relevant and free from argument manner?
- (6) If no to (5) why not?

1660. Hon Robin Chapple to the Minister for Agriculture, Forestry and Fisheries

With regard to Western Agricultural Industries (WAI) having harvested their 2003 trial cotton crop in the West Kimberley, I ask -

- (1) Will the Minister detail precisely what was grown during this trial, including -
 - (a) variety of GE cotton;
 - (b) whether buffer/refuge crops were grown; and
 - (c) the buffer zone between the crop and surrounding vegetation?
- (2) What was the exact area of each crop/variety grown?
- (3) How much water was used on the whole trial?
- (4) What agricultural chemicals including pesticides, fungicides, defoliants, herbicides, fertilisers, etc were used, and -
 - (a) in what quantities;
 - (b) how often;
 - (c) when were they applied; and
 - (d) how were they applied?
- (5) What is the fate of the cotton crop now that it has been harvested?
- (6) What is the fate of the refuge plants?
- (7) What were the monitoring arrangements during the growing period?

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- (8) What were the monitoring arrangements during harvest, and what are the monitoring arrangements post-harvest?
- (9) How many Department of Agriculture employees were involved in the trials from planting through to harvest?
- (10) How many staff hours were spent on the trials?
- (11) Can the Minister provide a budget for the costs to the Department of Agriculture?
- (12) Is the Minister aware of any other State Government Departments which may have expended funds related to the trials, and if so, can the Minister provide details?
- (13) Who will continue to pay the monitoring costs post-harvest?
- (14) Can the Minister describe his understanding of when this project commenced?
- (15) How much has the proposal cost the WA taxpayers since commencement of the project detailed in (14)?
- (16) What arrangements are being made by the Government in tracking and monitoring the environmental impacts of the cotton trials, specifically relating to -
 - (a) soil condition;
 - (b) biodiversity;
 - (c) groundwater;
 - (d) surface water runoff;
 - (e) pollen drift; and
 - (f) volunteer plants on- and off-site?
- (17) Can the Minister detail the estimated costs to the State of the measures outlined in (16)?
- (18) What arrangements are being made by the govt in tracking and monitoring the cultural impacts of the cotton trials, specifically relating to -
 - (a) the Karajarri; and
 - (b) Fitzroy river communities?
- (19) What are the Minister's intentions for future community engagement and involvement in the proposal?
- (20) How will the Minister ensure there are no negative social, cultural, financial or environmental impacts from the proposal?
- (21) What are the Government's plans for conducting a sustainable land and water use plan for the West Kimberley, along the lines of that currently being implemented in the Northern Territory?

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1661. Hon Robin Chapple to the Minister for Local Government and Regional Development representing the Minister for the Environment

With regard to the answer to my question 1621, I have read the publicly accessible BHP Billiton's dust monitoring figures, recorded in the annual environmental reports for BHP Billiton Iron Ore and Boodarie Hot Briquetted Iron. This was not the information that I sought in (2) of that question, I therefore ask again -

- (1) Will the minister table the latest dust figures - volume per cubic metre - submitted by BHP Billiton for the monitoring sites numbered 1 through 10 for the past six months?
- (2) Do these figures, annually averaged, show a significant rise in dust pollution in the town compared with the past five years?
- (3) If yes to (2), what does the minister or the department propose to do with regard to this problem?
- (4) If no to (1) does the Minister for the Environment believe I should use the Freedom of Information Legislation to access this data?

1662. Hon Dee Margetts to the Minister for Local Government and Regional Development representing the Minister for the Environment

I refer to the siting, maintenance and record keeping of the water monitoring stations for the Swan/Avon and the Yilgarn drainage systems, which were for many decades the responsibility of the Water Authority of WA and later the Waterways Commission -

- (1) In recent years has the Water and Rivers Commission reduced the number of monitoring stations along the Avon River between Brookton and Toodyay?
- (2) If so, for what reasons?
- (3) Can the Minister provide the names of those stations which have been discontinued altogether?
- (4) Can the Minister provide the names of those stations which have been simplified to record only such basic information as pH, conductivity, nutrients, water volume and rate of flow?
- (5) Given the serious environmental damage which could/does result from the increasing number of drains being constructed to carry off both surface water and ground water from farms in the Yilgarn drainage system into the adjoining Swan/Avon Draining system - would the Minister affirm categorically that sufficient new water quality and water volume monitoring sites have been or are being established to capture vital "before" and "after" data (For example, to take a single case, the Yenyening Lakes system near Beverley requires water monitoring sites at the various points of entry and exit from the Lakes, and also at the confluence of the Dale with the Avon, and at the research site at Gwambygine Pool near York)?
- (6) Is the Minister aware that currently, water monitoring in the shires of Beverley and York depends on unpaid volunteers who collect and record data and make the data available to the Water and Rivers Commission?
- (7) Given the high level of public interest in environmental issues, especially those to do with our river systems, will the Government ensure that newly gathered water monitoring data,

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including data collected by State Government agencies, the CSIRO and private consultants is electronically immediately available to the public and updated on a monthly basis?

- (8) Can the Minister affirm that the objective for collecting water quality data has been extended to include the protection of aquatic biota and natural ecological systems, in addition to the provision of water which can safely be used for human consumption or for commercial purposes.

L B MARQUET

Clerk of the Legislative Council