

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No. 54

Wednesday, April 9 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, August 13 2002*

4. Hon John Fischer to the Minister for Housing and Works representing the Deputy Premier

Notice Given *Tuesday, March 4 2003*

376. Hon Jim Scott to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

Notice Given *Wednesday, March 5 2003*

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

440. Hon George Cash to the Parliamentary Secretary representing the Minister for Small Business

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

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

Notice Given *Tuesday, March 11 2003*

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

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

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

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

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- 498. Hon George Cash to the Minister for the Kimberley, Pilbara and Gascoyne
- 499. Hon George Cash to the Minister for Racing and Gaming
- 500. Hon George Cash to the Minister for Goldfields-Esperance
- 501. Hon George Cash to the Leader of the House representing the Premier
- 502. Hon George Cash to the Leader of the House representing the Minister for Citizenship and Multicultural Interests
- 503. Hon George Cash to the Leader of the House representing the Minister for Federal Affairs
- 504. Hon George Cash to the Leader of the House representing the Minister for Peel and the South West
- 505. Hon George Cash to the Leader of the House representing the Minister for Public Sector Management
- 506. Hon George Cash to the Leader of the House representing the Minister for Science
- 507. Hon George Cash to the Minister for Housing and Works representing the Deputy Premier
- 508. Hon George Cash to the Minister for Housing and Works representing the Minister for Energy
- 509. Hon George Cash to the Minister for Housing and Works representing the Minister for the Environment and Heritage
- 510. Hon George Cash to the Minister for Racing and Gaming representing the Treasurer
- 511. Hon George Cash to the Minister for Racing and Gaming representing the Attorney General
- 512. Hon George Cash to the Minister for Racing and Gaming representing the Minister for Consumer and Employment Protection
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- 515. Hon George Cash to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services
- 516. Hon George Cash to the Parliamentary Secretary representing the Minister for Education and Training
- 517. Hon George Cash to the Parliamentary Secretary representing the Minister for Indigenous Affairs
- 518. Hon George Cash to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
- 519. Hon George Cash to the Parliamentary Secretary representing the Minister for Sport and Recreation
- 520. Hon George Cash to the Parliamentary Secretary representing the Minister for Small Business

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- 521. Hon George Cash to the Parliamentary Secretary representing the Minister for State Development
- 522. Hon George Cash to the Parliamentary Secretary representing the Minister for Tourism
- 523. Hon George Cash to the Parliamentary Secretary representing the Minister for Community Development, Women's Interests, Seniors and Youth
- 524. Hon George Cash to the Parliamentary Secretary representing the Minister for Culture and the Arts
- 525. Hon George Cash to the Parliamentary Secretary representing the Minister for Disability Services
- 526. Hon George Cash to the Parliamentary Secretary representing the Minister for Health

Notice Given Thursday, March 13 2003

- 540. Hon George Cash to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
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- 549. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Indigenous Affairs
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- 552. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

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Postponed Questions***Notice Given Tuesday, March 18 2003***

554. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage

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

Notice Given Thursday, March 20 2003

558. Hon Ray Halligan to the Minister for Local Government and Regional Development
562. Hon Norman Moore to the Leader of the House representing the Premier
563. Hon Jim Scott to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
564. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development
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- 579. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage
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- 586. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
- 587. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Health
- 588. Hon Christine Sharp to the Minister for Agriculture, Forestry and Fisheries
- 589. Hon Christine Sharp to the Minister for Agriculture, Forestry and Fisheries

Notice Given Tuesday, April 1 2003

- 590. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage
- 591. Hon Norman Moore to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
- 592. Hon George Cash to the Minister for Agriculture, Forestry and Fisheries
- 593. Hon George Cash to the Minister for the Midwest, Wheatbelt and Great Southern
- 594. Hon George Cash to the Minister for Housing and Works
- 595. Hon George Cash to the Minister for Local Government and Regional Development
- 596. Hon George Cash to the Minister for the Kimberley, Pilbara and Gascoyne
- 597. Hon George Cash to the Minister for Racing and Gaming
- 598. Hon George Cash to the Minister for Government Enterprises
- 599. Hon George Cash to the Minister for Goldfields-Esperance
- 600. Hon George Cash to the Leader of the House representing the Premier
- 601. Hon George Cash to the Leader of the House representing the Minister for Citizenship and Multicultural Interests
- 602. Hon George Cash to the Leader of the House representing the Minister for Federal Affairs
- 603. Hon George Cash to the Leader of the House representing the Minister for Peel and the South West

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- 604. Hon George Cash to the Leader of the House representing the Minister for Public Sector Management
- 605. Hon George Cash to the Leader of the House representing the Minister for Science
- 606. Hon George Cash to the Minister for Housing and Works representing the Deputy Premier
- 607. Hon George Cash to the Minister for Housing and Works representing the Minister for Energy
- 608. Hon George Cash to the Minister for Housing and Works representing the Minister for the Environment and Heritage
- 609. Hon George Cash to the Minister for Racing and Gaming representing the Treasurer
- 610. Hon George Cash to the Minister for Racing and Gaming representing the Minister for Consumer and Employment Protection
- 611. Hon George Cash to the Minister for Racing and Gaming representing the Minister for Electoral Affairs
- 612. Hon George Cash to the Parliamentary Secretary representing the Minister for Education and Training
- 613. Hon George Cash to the Parliamentary Secretary representing the Minister for Indigenous Affairs
- 614. Hon George Cash to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
- 615. Hon George Cash to the Parliamentary Secretary representing the Minister for Sport and Recreation
- 616. Hon George Cash to the Parliamentary Secretary representing the Minister for Small Business
- 617. Hon George Cash to the Parliamentary Secretary representing the Minister for State Development
- 618. Hon George Cash to the Parliamentary Secretary representing the Minister for Tourism
- 619. Hon George Cash to the Parliamentary Secretary representing the Minister for Community Development, Women's Interests, Seniors and Youth
- 620. Hon George Cash to the Parliamentary Secretary representing the Minister for Culture and the Arts
- 621. Hon George Cash to the Parliamentary Secretary representing the Minister for Disability Services
- 622. Hon George Cash to the Parliamentary Secretary representing the Minister for Health
- 623. Hon George Cash to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
- 624. Hon Giz Watson to the Minister for Racing and Gaming representing the Minister for Justice and Legal Affairs
- 625. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage

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626. Hon Jim Scott to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
627. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage
628. Hon Jim Scott to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
629. Hon Barry House to the Minister for Government Enterprises
630. Hon George Cash to the Minister for Agriculture, Forestry and Fisheries
631. Hon George Cash to the Minister for the Midwest, Wheatbelt and Great Southern
632. Hon George Cash to the Minister for Racing and Gaming representing the Attorney General

Notice Given ***Wednesday, April 2 2003***

633. Hon Giz Watson to the Minister for Racing and Gaming representing the Minister for Justice and Legal Affairs
634. Hon Giz Watson to the Minister for Local Government and Regional Development
636. Hon Giz Watson to the Parliamentary Secretary representing the Minister for State Development
637. Hon Norman Moore to the Leader of the House representing the Premier

Notice Given ***Thursday, April 3 2003***

638. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
639. Hon Peter Foss to the Minister for Racing and Gaming representing the Attorney General
640. Hon Peter Foss to the Minister for Racing and Gaming representing the Attorney General

Notice Given ***Friday, April 4 2003***

641. Hon Derrick Tomlinson to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services
642. Hon Giz Watson to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

Notice Given ***Tuesday, April 8 2003***

643. Hon Giz Watson to the Leader of the House representing the Premier

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QUESTIONS ASKED TODAY

*Notice given**Wednesday, April 9 2003*

644. Hon Giz Watson to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

In the debate of the *Reserves (Neerabup National Park) Bill 2000* on November 21 2000, the Government stated that 'to compensate for the lands earmarked for excision, it is proposed that approximately 525 hectares of privately held land be acquired and, together with approximately 47 hectares of existing reserve lands, be incorporated into the reserve.' -

- (1) Has the Government acquired this privately held land?
- (2) If yes to (1), has the Government incorporated the two areas mentioned in the Neerabup National Park?
- (3) If no to (1), why not?
- (4) If no to (1), when will the Government acquire this land?

645. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

I refer to numerous correspondences between the Minister's Departments and Mr Dale Zadow, and ask -

- (1) Did DOLA receive a fax from Dale Zadow of Windimurra Station on March 11 2003, requesting permission to sell the Windimurra pastoral leasehold?
- (2) If yes to (1), when can Mr Zadow expect a reply?
- (3) Did the Minister receive a fax from Dale Zadow of Windimurra Station on January 18, 2003 regarding the revised management plan and a request to meet with the Minister or one of her advisors?
- (4) If yes to (3), when can Mr Zadow expect a reply?
- (5) Did Max Cameron, the Chairman of the Pastoral Board receive a fax from Dale Zadow of Windimurra Station on November 30 2002 requesting permission to sell the Windimurra pastoral leasehold?
- (6) If yes to (5), when can Mr Zadow expect a reply?
- (7) Did Max Cameron, the Chairman of the Pastoral Board receive a letter postdated September 10 2002 from Dale Zadow of Windimurra Station on November 30 2002, seeking advice on how to resolve the situation and requesting permission to sell the Windimurra pastoral leasehold?
- (8) If yes to (7), when can Mr Zadow expect a reply?
- (9) Does the Minister intend to enter into any communication with Mr Zadow whatsoever?
- (10) If no to (9), why not?

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

With regard to the Windimurra Vanadium mine -

- (1) Are there any costs being accrued by any Government Department in any way as a result of the Windimurra Vanadium mine being placed in care and maintenance?
- (2) If so to (1), will the Minister provide details of the relevant Departments and costs involved?

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

I refer to a file note which I understand is dated March 8 1990 signed by J Jance, Senior Technical Engineer to the Assistant Director Research and Technical Services titled 'Croesus Shaft Site Visit - 2 March 1990' -

- (1) Is it correct that this file note exists on departmental files and in part states 'In concluding I feel obliged to state the following -
 - (a) There is evidence of verbal directions and approvals being given by the Inspectorate. There are dangers associated with that practice and steps should be taken to reduce or eliminate that approach.
 - (b) Non Compliance with regulations does not necessarily mean a situation is dangerous. Action taken must be commensurate with the assessed level on non-compliance. Common sense should prevail at all times.
 - (c) The lack of confidence shown by the Inspectorate in assessing this particular situation and dealing properly with it must be viewed with concern.'
- (2) If no to (1), will the Minister table the file note?
- (3) Can the Minister explain what are the dangers of verbal directions and approvals being given by the Inspectorate?
- (4) If no to (3), why not?
- (5) Can the Minister explain why the lack of confidence shown by the Inspectorate in assessing this particular situation and dealing properly with it must be viewed with concern?
- (6) If no to (5), why not?

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

I refer to a file note which I understand is dated March 8 1990 signed by J Jance, Senior Technical Engineer to the Assistant Director Research and Technical Services titled 'Croesus Shaft Site Visit - 2 March 1990' -

- (1) Is it correct that this file note exists on Departmental files and in part states 'On Friday, 2 March I was instructed, by the D.S.M.E, to make an urgent trip to Kalgoorlie to assess the reported problems associated with the operations at the Croesus Shaft which is

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managed by K.C.G.M. The events, and my observations, whilst in Kalgoorlie on that day were as follows -

- (a) The R.M.E was not clear on the matter of who gave the direction to prohibit the use of the cages at the shaft. This apparent direction resulted in ten miners having to climb some 500 metres of ladders to the surface.
 - (b) The two inspectors who were at the shaft when the alleged direction was given (the mechanical engineer and the District Inspector) both denied giving such a direction. They both assumed the direction was given by the R.M.E.
 - (c) There was no evidence of the direction by a Record Book entry. The R.M.E apparently failed to check that facet of the matter.
 - (d) The underground manager for the shaft indicated that he was verbally directed by the District Inspector to cease using the cages and that miners would have to climb to the surface.
 - (e) It was pointed out that the Registered Manager for the Shaft contacted the R.M.E and showed his concern about the miners having to climb to the surface. The D.M.E did not react positively to that concern and certainly did not inspect the site to assess the situation first hand.
 - (f) Overall, there appeared to be a high degree of confusion about the whole matter. Nobody was prepared to accept the responsibility for the events.'?
- (2) If no to (1), will the Minister table the file note?
 - (3) If yes to (1), can the Minister state the names of the D.M.E (District Mining Engineer) and the R.M.E (Regional Mining Engineer) who were involved with these matters?
 - (4) Is it correct that Mr Jim Boucaut was the Regional Mining Engineer (R.M.E) involved in this matter?
 - (5) If no to (4), then who was?

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

I refer to questions on notice Nos 273 of November 13 2002 and 334 of November 27 2002 -

- (1) Given that the Minister has not answered all the questions referred to in the above two questions will the Minister now provide answers to all the questions?
- (2) If no to (1), why not?
- (3) Will the Minister refer all these specific questions to the Cooke Review to ensure that the issues raised are thoroughly investigated and addressed in the review?
- (4) If no to (3), why not?

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650. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to question on notice No. 398 of March 4 2003 and the answers provided -

- (1) Can the Minister explain why it took well over four months from the August 24 2002 till January 15 2003 before the Kalgoorlie Cement Works (KCW) was asked to engage an acoustic consultant given that Mr Right had clearly verbally advised Mr Wayne Astill that the noise was intolerable during the day and was seriously affecting his sleeping patterns after working nightshift?
- (2) If no to (1), why not?
- (3) Can the Minister state the specific date on which KCW was advised by the DEP to retain stormwater on site?
- (4) If no to (3), why not?
- (5) Can the Minister state the specific date on which the DEP informed the City of Kalgoorlie-Boulder of the possibility of stormwater run-off from the site and the reasons(s) why this was done?
- (6) If no to (5), why not?
- (7) Can the Minister state the text of the letter or email that was provided to KCW from the DEP advising them to retain stormwater on site?
- (8) If no to (7), why not?

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

I refer to correspondence between the Minister's Departments and Mr Dale Zadow, and ask -

- (1) Did the Minister receive a fax from Dale Zadow of Windimurra Station on January 18 2003 regarding the revised management plan and a request to meet with the Minister or one of his advisors?
- (2) If yes to (1), when can Mr Zadow expect a reply?

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

With regard to Standing Order 138 (c), 'Replies shall be concise, relevant, and free from argument or controversial matter' -

- (1) Does the Minister consider those answers to question on notice No. 290 of November 13 2002 to breach Standing Order 138 (c)?
- (2) If no to (1), why not?
- (3) If yes to (1), will the Minister now answer all of the questions posed to him?

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

I refer to question on notice No. 327 of November 27 2002 -

- (1) Given that the Minister has not provided a specific concise yes or no answer for parts (1), (2), (3), (4) and (5) will the Minister now provide concise answers to each of these questions?
- (2) If no to (1), why not?
- (3) Given that the Minister has answered 'yes' to part (10) of the questions can the Minister state to whom these 12 work directions and 10 stop work orders have been issued and the reasons why they were issued by the Department?
- (4) If no to (3), why not?
- (5) In relation to part (12) of the questions can the Minister explain why Mr Bill Biggs has made a general misleading statement to the media stating '... there are still a number of companies that need to put more work in' given the Minister has in part stated 'there are no specific numbers'?
- (6) If no to (5), why not?
- (7) Can the Minister state the names of the companies and sites where Mr Bill Biggs has stated 'there are still a number of companies that need to put more work in'?
- (8) If no to (7), why not?

654. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Indigenous Affairs

I refer to question on notice No. 340 of November 27 2002 and answers provided -

- (1) Given the Minister has previously stated 'The DIA Goldfields Regional Office in Kalgoorlie is currently investigating this allegation...' for answers to parts (4), (6), (8) and (10), will the Minister now provide answers to all these questions?
- (2) If no to (1), why not?
- (3) Will the Minister table a copy of the Preliminary Report commissioned in 1993 which was commissioned to assess the levels of dust and noise which also indicated the possibility of cyanide contamination?
- (4) If no to (3), why not?

655. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to a letter of appeal dated March 4 2003 from the Williamstown Residents Committee which I understand was faxed and also sent by mail -

- (1) Will the Appeals Convenor be visiting Kalgoorlie given that the Williamstown Residents Committee has specifically requested this in the letter in order that important evidence

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supporting their concerns under the *Environmental Protection Act 1986* can be presented and understood?

- (2) If no to (1), why not?
- (3) If yes, can the Minister state approximately on what specific date or month this will occur?

656. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to the Kalgoorlie Cement Works operated by Mark Posa in Kalgoorlie and a letter dated April 29 2002 signed by Judy Edwards, Minister for the Environment and Heritage -

- (1) Is it correct that Mr Wayne Astill from the Department of Environmental Protection (DEP) contacted Mr Chris Right on Friday, March 14 2003 and with words to the effect in part stated 'We referred the spraying of the renofinish or diesel/oil mixture to Worksafe'?
- (2) If no to (1), what specifically did Mr Wayne Astill state to Mr Right?
- (3) If yes to (1), why did Mr Wayne Astill abrogate the Departments specific responsibilities and obligations under the *Environmental Protection Act 1986* given that the Minister has previously stated 'The DEP has discussed alternative methods for applying the lubricant to decrease misting with the operator. The outcome of these discussions was for a brush application to be adopted by the operator and further monitoring by the DEP in order to ensure compliance'?
- (4) Can the Minister state why Mr Wayne Astill is clearly not monitoring and ensuring compliance given the Minister has previously stated 'The outcome of these discussions was for a brush application to be adopted by the operator and further monitoring by the DEP in order to ensure compliance'?
- (5) If no to (4), why not?
- (6) Did Mr Wayne Astill from the DEP refer the spraying of renofinish or diesel/oil mixture to Worksafe?
- (7) If yes to (6), can the Minister table a copy of the email or letter sent to Worksafe in relation to this matter?
- (8) If no to (6), why not?

657. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to the Department of Environmental Protection code of conduct which I understand is dated June 1998 and the public sector code of ethics -

- (1) Is it correct that part of this document states 'Conflicts of interest arise when we are influenced, or could appear to be influenced by personal interests. We need to behave and act with impartiality. Commitments should not be made which could bias our judgement. Accepting benefits: free entertainment, meals, gifts and other items of value. The nature of our business means that we interact from time in various formal and informal settings for the

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purposes of conducting our business. Various employees are involved in work associated with business ventures, such as environmental assessment's of proponents proposals, licences, inspections of operating premises and prosecutions of pollution incidents. It is when these occasions lead to, or are perceived by others to lead to, undue influence over our judgement, our decisions and our actions, that the line is over stepped. We should not accept any benefits that could be seen to compromise our integrity and impartiality. We should seek guidance from a senior officer where -

- (a) the situation or benefit could give the appearance of a conflict of interest with our past, present and future role, responsibilities or accountabilities;
 - (b) the situation or benefit could be interpreted by others, as an inducement or reward in exchange for a form of preferential treatment or benefit; or
 - (c) involve personal or privately associated financial benefit in any way.'?
- (2) If no to (1), will the Minister table the document?
 - (3) Can the Minister state on how many occasions in the last seven years Departmental officers, both past and present had any meals, free entertainment or accepted gifts from the alleged offender Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM) employees/staff in relation to complaints that have been made against that company under the *Environmental Protection Act 1986*?
 - (4) If no to (3), why not?
 - (5) If yes to (3), on each occasion can the Minister state what specific advice or guidance from senior officers if any was provided?
 - (6) Will the Minister implement, encourage or impose changes to the Departmental code of conduct to ensure under no circumstances are free entertainment, gifts, meals or other items of value are to be accepted by any departmental officers from KCGM or any other persons as part of their responsibilities and obligations?
 - (7) If no to (6), why not?
658. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer question on notice No. 332 of November 27 2002 and answers provided -

- (1) Can the Minister state why the entry to old workings is hazardous and a specialised undertaking given that inspectors from the Department of Industry and Resources supposedly regularly visit and go underground at prospectors/small scale old workings throughout the state?
- (2) If no to (1), why not?
- (3) Can the Minister state if the Department of Industry and Resources formerly the Department of Minerals and Energy or the Department of Mines has ever been resourced to be able to investigate and map old workings and mine shafts to assess the dangers or hazards posed?
- (4) If no to (3), why not?

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- (5) If yes to (3), can the Minister state the year and why these resources were taken away or diminished from the department?

659. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Indigenous Affairs

I refer to Mining Lease 36/7 where I understand CSR Ltd were requested in May 2002 to cease sand mining on the Mining Lease -

- (1) Can the Minister state why CSR were requested to cease sand mining in and around the sand quarry given that CSR had engaged Mr Harry Butler in 1992 to undertake a survey involving archaeological, flora, fauna and heritage concerns?
- (2) If no to (1), why not?
- (3) Can the Minister state or table what Mr Harry Butler found in relation to his survey?
- (4) If no to (3), why not?
- (5) Can the Minister state what investigations were undertaken by the Department of Indigenous Affairs (DIA) to verify any complaints made?
- (6) If no to (5), why not?
- (7) Can the Minister state what factual evidence, if any, does the DIA have that proves the existence of an Aboriginal Heritage site being located on Mining Lease 36/7?
- (8) If no to (7), why not?
- (9) Can the Minister state what specific involvement or actions did the Department of Minerals and Energy take against CSR in relation to this matter?
- (10) If no to (9), why not?
- (11) Can the Minister state what specifically did the Department of Minerals and Energy advise the DIA both orally and in writing concerning this matter?
- (12) If no to (11), why not?

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

I refer to Mining Lease 36/7 where I understand CSR Ltd were carrying out sand mining activities on and around a registered aboriginal site -

- (1) Did Mr Tony Bullen or others from the Department of Minerals and Energy receive complaints in relation to the above matter in February 2002
- (2) If yes to (1), what specific action, if any, did the Department take in relation to these matters?
- (3) Did CSR Ltd breach any tenement conditions or the *Mining Act 1978* and Regulations?
- (4) If yes to (3), was any forfeiture proceedings or prosecution proceedings implemented?
- (5) If no to (3), why not?

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661. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to the Kundana Gold Mine located approximately 25 kilometres north west of Kalgoorlie, Department of Environmental Protection (DEP) licence number 7323, file number L99/98 -

- (1) Can the Minister quote or state the specific text of all the licence conditions, the date on which each condition was breached including an explanation how each condition was being breached, in the last six years for the above premises?
- (2) If no to (1), why not?
- (3) Can the Minister state what the penalty is for breaching a licence condition at the above premises or causing pollution as defined under the *Environmental Protection Act 1986*?
- (4) If no to (3), why not?

662. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to a newspaper article dated April 2 2003 which appeared in the *Kalgoorlie Miner* concerning the toxic Total Waste Management Facility in Kalgoorlie-Boulder titled 'Its just disgusting and its killing us, Driven out of home' -

- (1) Can the Minister state how many days the Department of Protection is going to continue to allow Total Waste Management to cause pollution breaching the *Environmental Protection Act 1986* with the odour from these premises which is severely affecting the health, welfare, convenience, comfort and amenity of the Miller family and others?
- (2) If no to (1), why not?
- (3) Will the Minister or the Department of Environmental Protection prosecute Total Waste Management for causing pollution with odour given that it is seriously affecting the health, welfare, convenience, comfort and amenity of the Miller family and others?
- (4) If no to (3), why not?

663. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to questions on notice Nos 387, 388, 389, 390, 391, 392 of March 4 2003 -

- (1) Can the Minister explain why she is not being open and accountable by asking the Department to provide answers to all of these questions referred to above?
- (2) If no to (1), why not?
- (3) Has Mr Harvey Johnstone or Mr Peter Skitmore who were both involved in these matters left the Department?
- (4) If yes to (3), can the Minister state on what specific dates each respective officer left the Department?

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- (5) Can the Minister explain why she is prepared to offer myself a meeting with Departmental staff and representatives from her office to discuss the concerns raised, yet is not prepared to answer on the public record all of the questions I have asked?
- (6) If no to (5), why not?
- (7) Can the Minister explain how Departmental staff and representatives from the Minister's office can factually discuss the concerns raised in all of the questions referred to above given the Minister is clearly already avoiding answering all of the questions?
- (8) If no to (7), why not?
- (9) Can the Minister explain how Departmental staff or representatives from her office can discuss the concerns raised without having conducted any research on all of these matters to be able to give logical and constructive answers?
- (10) If no to (9), why not?
- (11) Will the Minister now ask the Department to provide clear, concise and relevant answers to all the questions raised in the above referred to questions?
- (12) If no to (11), why not?

664. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to question on notice No. 532 of March 11 2003 and answers provided -

- (1) Can the Minister state what is the specific text of Condition W1 under the heading of 'Liquid Chemical Storage' on KCGM's Licence?
- (2) If no to (1), why not?
- (3) Can the Minister explain how the potential contamination from cyanide in the Fimiston I and Fimiston II tailings dams contaminating surface waters, contaminating underground waters, damaging vegetation or causing pollution can be adequately covered under condition W1 given that this condition is specifically concerned with the Liquid Chemical Storage of cyanide and not the Holding Facilities, the tailings dams themselves?
- (4) If no to (3), why not?
- (5) Is KCGM the operator of these premises specifically with the Fimiston I and Fimiston II tailings dams currently permitted under its licence conditions to contaminate surface or underground waters or with cyanide?
- (6) If yes to (7), why has the Department of Environmental Protection given KCGM this special privilege of being able to do this?
- (7) If no to (5), can the Minister state the specific text of the current licence which clearly prevents or stops KCGM from contaminating surface or underground waters with cyanide from the Fimiston I and Fimiston II tailings dams at these premises?

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665. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to question on notice No. 532 of March 11 2003 and answers provided -

- (1) Is it correct that condition W3 for KCGM's Licence under the heading of 'Freeboard Requirement' states 'The Licensee shall maintain a minimum operational freeboard of 300mm within all holding facilities containing saline water, alkaline or cyanide constituents. This includes but is not limited to tailings storage facilities, return water dams and raw water dams'?
- (2) If no to (1), will the Minister state what is the specific text of the licence condition?
- (3) If yes to (2), can the Minister explain how the potential contamination from cyanide in the Fimiston I and Fimiston II tailings dams contaminating surface waters, contaminating underground waters, damaging vegetation or causing pollution can be adequately covered under condition W3 given that this condition is specifically concerned with the Freeboard Requirement and not the Holding Facilities the tailings dams themselves?
- (4) If no to (3), why not?
- (5) Is it correct that condition W4 for KCGM's licence under the heading of 'Bunding of Pipelines' states 'The Licensee shall ensure that all pipelines containing saline, alkaline or cyanide constituents are either buried or sited within appropriately bunded facilities. This includes but is not limited to tailings delivery lines, return water lines and saline water lines'?
- (6) Where pipelines are situated above ground, the licensee shall ensure that catch pits are sited at appropriate low points along the pipeline route to enable the containment of spills'?
- (7) If no to (5), will the Minister state what is the specific text of the licence condition?
- (8) If yes to (5), can the Minister explain how the potential contamination from cyanide in the Fimiston I and Fimiston II tailings dams contaminating surface waters, contaminating underground waters, damaging vegetation or causing pollution can be adequately covered under condition W4 given that this condition is specifically concerned with the Bunding of Pipelines and not the Holding Facilities the tailings dams themselves?

666. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to the Kalgoorlie Cement Works operated by Mark Posa in Kalgoorlie -

- (1) Has the Department of Environmental Protection or the Minister in the last 15 months received any vexatious complaints from the neighbour Mr Chris Right concerning the above cement works?
- (2) If yes to (1), can the Minister state which specific complaints were vexatious along with the reasons and justification as to why they were considered vexatious?

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667. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM) operator for Barrick Mines and Newmont Mining Licence number 6420, file L137/88 covering the Fimiston Plant and Tailings Disposal -

- (1) Is it correct that condition W1 under the heading 'Holding Facilities- Contaminated Matter' on the licence issued on Monday, 25 January 1999 stated 'All matter containing saline, alkaline or cyanide constituents shall be retained within holding facilities, such that there is no discernible impairment of surface waters, underground waters or surrounding vegetation.'?
- (2) If no to (1), will the Minister table a copy of the licence conditions?
- (3) If yes to (1), can the Minister explain the reason(s) and justification as to why the word 'cyanide' was specifically removed from this condition of licence in subsequent issuing of licences given the condition under the heading of 'Holding Facilities- Contaminated Matter' now states 'The Licensee shall retain all matter containing saline or alkaline constituents shall be retained within holding facilities in a manner which prevents pollution. Pollution includes, but is not limited to the constituents of tailings damaging vegetation, contaminating surface waters or contaminating underground waters'?
- (4) Will the Minister of the Department of Environmental Protection immediately amend KCGM's Licence to include the word cyanide as it was when the licence was issued on January 25 1999 or to that stated in question (3) above?
- (5) If no to (4), why not?
- (6) Can the Minister state why and how many other environmental licences issued by the Department of Environmental Protection in the state for various other large and small scale mine sites commencing from January 25 1999 up to present day still have the word cyanide under the heading of Holding Facilities - Contaminated Matter included in their licence condition similar or identical to that stated in question (3) above?
- (7) If no to (6) why not?

668. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to Loongana Lime premises in Kalgoorlie near Parkeston which burns waste oil and seriously affects the health, welfare, convenience, comfort and amenity of nearby residents in Williamstown, Ninga Mia and other parts of Kalgoorlie-Boulder -

- (1) Is it correct that condition number A7(a) for the Loongana Lime premises states 'Waste oil shall not be burnt in the kiln unless the kiln temperature is equal to or in excess of 1200 degrees celsius'?
- (2) If no to (1), to will the Minister table a copy of the licence conditions?
- (3) Is it correct that licence condition number A7(b) states 'The temperature of the kiln shall be measured continuously, and the results continuously recorded on a chart-recording device or electronic equipment approved by the Director. The records shall be marked with the correct

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date and time when the kiln is starting up and shut down, and at least daily during continuous operating in between. The records shall be retained on the premises for a minimum of 3 months and shall be available at all times for inspection by an inspector appointed under the *Environmental Protection Act 1986*?

- (4) If no to (3), will the Minister table a copy of licence conditions?
- (5) Can the Minister state what is the penalty for breaching a condition of licence on these premises?
- (6) If no to (5), why not?
- (7) Has Loongana Lime breached condition A7(a) in burning waste oil under 1200 degrees celsius on any of the last 40 days?
- (8) If yes to (7), will the Department of Environmental Protection (DEP) prosecute Loongana lime under the *Environmental Protection Act 1986* in order to demonstrate that it regards a breach of licence conditions as extremely serious?
- (9) If no to (7), why not?
- (10) Can the Minister table all of the temperature results in degrees celsius showing the specific date and time for the last 40 days showing the temperature that the waste oil has been burnt at in the kiln?
- (11) If no to (10), why not?
- (12) Has Loongana lime breached condition A7(b) in not keeping a continuous record of the results for the temperature of the kiln showing the temperature at which the waste oil has been burnt at in the kilns in the last 3 months?
- (13) If yes to (12), will the DEP prosecute Loongana lime under the *Environmental Protection Act 1986* in order to demonstrate that it regards a breach of licence conditions as extremely serious?

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

With regard to the Minerals Environment Liaison Committee (MELC) -

- (1) Will the Minister please supply a current organisation membership list citing the representatives of these bodies?
- (2) How many times did MELC met in the last and current financial years and how many times is MELC proposing to meet in the next financial year?

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670. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

With regard to the Burrup Rock Art Monitoring Research Workshop held in Dampier on Saturday, March 29 2003. It was stated that should the Rock Art Monitoring committee come to a view after the four years of the study period that there is an impact on the Rock Art, then Burrup industry would be required to regulate their emissions accordingly -

- (1) Is the Burrup industry aware that they may in the future be required to retrofit their plants with technology yet to be devised that will limit their emissions?
- (2) If no to (1), how will the Minister instruct the Burrup industries to comply with any future environmental regulatory changes without exposing the Government of the day to litigation?
- (3) Are the Burrup industries being advised in writing of the possible changes to their licence to operate should the Rock Art Monitoring committee find a need to control certain emissions?
- (4) If no to (3), why not?
- (5) Is the Minister aware of the legal action taken by Methanex (*Methanex vs. the United States of America*) in which, as a result of as a result of changes in pollutant legislation, they are seeking compensation of \$970 million from the U.S. Government for loss of future profits?

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

With regard to Burrup Rock Art Monitoring Research Workshop held in Dampier on Saturday, March 29 2003. It was stated that should Rock Art Monitoring committee come to a view after the four years of the study period that there is impact on the Rock Art then Burrup industry would be required to regulate their emissions accordingly -

- (1) Is the Burrup industry aware that they may in the future be required to retro fit their plants with technology yet to be devised that will limit their emissions?
- (2) If no to (1), how will the Government instruct Burrup industry to comply with any future regulatory changes without exposing the government of the day to litigation?
- (3) Are the Burrup industries being advised in writing of the possible changes to their licence to operate conditions should the Rock Art Monitoring committee find a need to control certain emissions?
- (4) If no to (3), why not?
- (5) Is the Minister aware of the legal action taken by Methanex (*Methanex vs. the United States of America*) in which, as a result of as a result of changes in pollutant legislation, they are seeking compensation of \$970 million from the U.S. Government for loss of market share and future profits?

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672. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

With regard to the Department for Planning and Infrastructure's 'Broome Boat Harbour Site Selection Report -

- (1) Will the report be provided to the Steering Committee and Community Reference Group members?
- (2) If yes to (1), when is the report to be provided to the Steering Committee and Community Reference Group members?
- (3) Will the report be provided to the Kimberley Land Council and native title claimants for the areas proposed as options in the report, and if so when?
- (4) Will the report be available to members of the Broome community via means other than that of a Web Page download?
- (5) If no to (4), why not?

673. Hon Peter Foss to the Minister for the Kimberley, Pilbara and Gascoyne

- (1) What programs are conducted in the Minister for the Kimberley, Pilbara and Gascoyne's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

674. Hon Peter Foss to the Minister for Local Government and Regional Development

- (1) What programs are conducted in the Minister for Local Government and Regional Development's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

675. Hon Peter Foss to the Minister for Housing and Works

- (1) What programs are conducted in the Minister for Housing and Works' portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

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676. Hon Peter Foss to the Minister for Goldfields-Esperance
- (1) What programs are conducted in the Minister for Goldfields-Esperance's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
 - (2) What are the details of these programs?
 - (3) What funds are made available to these programs?
 - (4) What is the source of those funds?
677. Hon Peter Foss to the Minister for Government Enterprises
- (1) What programs are conducted in the Minister for Government Enterprises' portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
 - (2) What are the details of these programs?
 - (3) What funds are made available to these programs?
 - (4) What is the source of those funds?
678. Hon Peter Foss to the Minister for Racing and Gaming
- (1) What programs are conducted in the Minister for Racing and Gaming's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
 - (2) What are the details of these programs?
 - (3) What funds are made available to these programs?
 - (4) What is the source of those funds?
679. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Sport and Recreation
- (1) What programs are conducted in the Minister for Sport and Recreation's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
 - (2) What are the details of these programs?
 - (3) What funds are made available to these programs?
 - (4) What is the source of those funds?
680. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Education and Training
- (1) What programs are conducted in the Minister for Education and Training's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
 - (2) What are the details of these programs?
 - (3) What funds are made available to these programs?
 - (4) What is the source of those funds?

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681. Hon Peter Foss to the Leader of the House representing the Minister for Federal Affairs

- (1) What programs are conducted in the Minister for Federal Affairs' portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

682. Hon Peter Foss to the Leader of the House representing the Minister for Public Sector Management

- (1) What programs are conducted in the Minister for Public Sector Management's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

683. Hon Peter Foss to the Leader of the House representing the Premier

- (1) What programs are conducted in the Premier's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

684. Hon Peter Foss to the Minister for Racing and Gaming representing the Minister for Justice and Legal Affairs

- (1) What programs are conducted in the Minister for Justice and Legal Affairs' portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

685. Hon Peter Foss to the Minister for Racing and Gaming representing the Attorney General

- (1) What programs are conducted in the Attorney General's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?

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- (3) What funds are made available to these programs?
 - (4) What is the source of those funds?
686. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Disability Services
- (1) What programs are conducted in the Minister for Disability Services' portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
 - (2) What are the details of these programs?
 - (3) What funds are made available to these programs?
 - (4) What is the source of those funds?
687. Hon Peter Foss to the Parliamentary Secretary representing the Minister for Community Development, Women's Interests, Seniors and Youth
- (1) What programs are conducted in the Minister for Community Development, Women's Interests, Seniors and Youth's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
 - (2) What are the details of these programs?
 - (3) What funds are made available to these programs?
 - (4) What is the source of those funds?
688. Hon Peter Foss to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services
- (1) What programs are conducted in the Minister for Police and Emergency Services' portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
 - (2) What are the details of these programs?
 - (3) What funds are made available to these programs?
 - (4) What is the source of those funds?
689. Hon Peter Foss to the Minister for the Midwest, Wheatbelt and Great Southern
- (1) What programs are conducted in the Minister for the Midwest, Wheatbelt and Great Southern's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
 - (2) What are the details of these programs?
 - (3) What funds are made available to these programs?
 - (4) What is the source of those funds?

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690. Hon Peter Foss to the Minister for Agriculture, Forestry and Fisheries

- (1) What programs are conducted in the Minister for Agriculture, Forestry and Fisheries' portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

691. Hon Dee Margetts to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

With regard to Main Roads' policy on roadside tree removal -

- (1) What is Main Road's current policy on roadside tree clearing?
- (2) What guidelines does Main Roads follow in the determination of the width of the roadside reserve necessary to clear?
- (3) Does Main Roads liaise with other Government departments such as the Department of Environment and Heritage, Department of State Development and the Department of Agriculture to ascertain whether the clearing on roadside trees and vegetation is carried out with a consideration of salinity salt levels, soil and land conservation and biodiversity issues in mind?
- (4) Has Main Roads contracted the removal of roadside trees to private company?
- (5) If yes to (4), is this contract applicable to roads throughout the States?
- (6) If yes to (4), what company/companies has/have been contracted to carry out this work?
- (7) What guidelines do the contracted company/companies follow when clearing roadside trees and vegetation?
- (8) What tonnage of vegetation has Main Roads cleared from roadsides throughout Western Australian over the last six months?

L B MARQUET

Clerk of the Legislative Council