

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No. 40

Tuesday, March 4 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 *Wednesday, December 11 2002*

350. Hon Derrick Tomlinson to the Parliamentary Secretary representing the Minister for Health

Notice Given *Wednesday, December 18 2002*

355. Hon Peter Foss to the Minister for Racing and Gaming representing the Treasurer

Notice Given *Thursday, December 19 2002*

364. Hon Dee Margetts to the Minister for Housing and Works representing the Minister for the Environment and Heritage

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

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375. Hon Derrick Tomlinson to the Parliamentary Secretary representing the Minister for Indigenous Affairs
- (1) Since 1980 have there been any prosecutions for offences under Section 17 of the *Aboriginal Heritage Act 1972*?
 - (2) If yes, -
 - (a) when did the prosecution proceed;
 - (b) who were the defendants; and
 - (c) what was the outcome?
 - (3) Since 1995 have there been any complaints received about excavation, destruction or damage of any registered Aboriginal sites?
 - (4) If yes, -
 - (a) what were the sites; and
 - (b) what was the nature of the complaint?
376. Hon Jim Scott to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
- (1) What studies have been completed to ascertain the recreational needs of the current and forecasted populations living in the south-west metropolitan corridor?
 - (2) What beaches between Fremantle and Rockingham have been identified by the WAPC as serving the current and future bathing needs of the community?
 - (3) Has an estimate been made of the sustainable level of visitors each identified recreational beach can handle and if so will the Minister give detail?
377. Hon Jim Scott to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
- (1) In the period from, and including, 1993 to 2000, how many Metropolitan Region Scheme Amendments passed by Parliament, with or without modification, were opposed by a majority of public submissions?
 - (2) Will the Minister detail the MRS Amendments, MRS description and number, that were opposed by a majority of public submissions but were passed by Parliament with or without modification during this period?

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

Further to question on notice No. 294 of November 2002 regarding Cable Sands, the National Trust Australia (WA) and the issue of the Ludlow Tuart Forest -

- (1) Will the Minister table the agreement reached between Cable Sands and the National Trust Australia (WA) over the Ludlow Tuart Forest issue?
- (2) Will the Minister outline the agreement reached between Cable Sands and the National Trust Australia (WA) over the Ludlow Tuart Forest issue?

379. Hon Jim Scott to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services

Regarding the recent visit of the US warship USS Abraham Lincoln -

- (1) What police resources were required to protect the USS Abraham Lincoln and other associated warships berthed in Fremantle, Gauge Roads and Garden Island?
- (2) How many police were required to protect the USS Abraham Lincoln and other associated warships berthed in Fremantle, Gauge Roads and Garden Island?
- (3) How many police hours were required to protect the USS Abraham Lincoln and other associated warships berthed in Fremantle, Gauge Roads and Garden Island?
- (4) How many police vessels, and what sort vessels were used to protect the American warships?
- (5) What was the cost to Western Australian taxpayers for the police resources that were required to protect the USS Abraham Lincoln?
- (6) What are the normal duties of the police that were rostered for the purpose of patrolling around the USS Abraham Lincoln?

380. Hon Jim Scott to the Minister for Housing and Works

- (1) Has the Government investigated whether the lower parkland at Heathcote can be rezoned?
- (2) If so, what zoning is being contemplated?
- (3) Has the Government sought advice from the Crown Solicitors Office as to whether the Heathcote Co-ordination Agreement would allow the sale and or the rezoning of the area known as the lower parkland?
- (4) If so, why?
- (5) Has the Government investigated whether it can rezone the lower Parkland area of Heathcote without breaching the Heathcote Co-ordination Agreement it has made with the Melville City Council?

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381. Hon Jim Scott to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
- (1) Will the Minister detail what areas classed as railways reserves under the Metropolitan Region Scheme (MRS) have been removed and reclassified under the MRS in the last 10 years?
 - (2) Will the Minister detail the -
 - (a) MRS Amendment;
 - (b) date of the MRS Amendment; and
 - (c) amount of land (Ha) affected by the MRS Amendment,
 for each removal of rail reserve from the MRS?
 - (3) Will the Minister detail what areas, and the amount in hectares, that have been added to railway reserves under the MRS over the last 10 years?

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

The Mayor of South Perth, John Collins, was reported in the *Southern Gazette* of January 21 2003, as calling on the State Government to reinstate funding levels for the Travelsmart program -

- (1) What was the budget allocation for the Travelsmart program for each of the following years -
 - (a) 1999;
 - (b) 2000;
 - (c) 2001; and
 - (d) 2002?
- (2) How much Travelsmart funding has South Perth received for each of the following years -
 - (a) 1999;
 - (b) 2000;
 - (c) 2001; and
 - (d) 2002?

383. Hon Norman Moore to the Minister for Government Enterprises

Can the Minister provide the following information for 1997-98 to 2001-02 -

- (a) number of applications by the Water Corporation to the Water and Rivers' Commission to increase its licensed ground water extraction for supply to the Perth water scheme, including Mundaring Dam for supply to the Goldfields line;
- (b) volume of additional water sought;
- (c) additional volume approved by the Water and Rivers Commission; and

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- (d) for each approved application, please indicate if additional volume approved was ongoing or for a specific period?
384. Hon Norman Moore to the Minister for Government Enterprises
- (1) Can the Minister indicate the status of the three Yarragadee bores ground water supply project announced last April by the Premier, and in particular -
 - (a) when will these bores begin supplying water into the scheme water supply;
 - (b) what is the annual water extraction capacity for each bore field;
 - (c) what is the planned extraction rate for each bore field; and
 - (d) why hasn't the project met the Premier's announced time line which was for the summer officially just gone?
 - (2) Can the Minister table the final briefing provided by the Water Corporation to the Minister and Premier concerning these projects prior to the Premier's announcement last April?
385. Hon Norman Moore to the Minister for Government Enterprises
- (1) What market surveys have been undertaken for the Water Corporation since February 2001, other than the recent Market Equity survey?
 - (2) If so, can the Minister provide details of -
 - (a) the purpose of those surveys;
 - (b) companies or individuals undertaking the work;
 - (c) timing of the work;
 - (d) cost for each survey; and
 - (e) will the Minister table the results of all such surveys?
386. Hon Norman Moore to the Minister for Government Enterprises
- (1) Can the Minister provide the following information for the 2002-03 financial year to date with respect to all applications by the Water Corporation to the Water and Rivers' Commission to increase its licensed volume of ground water extraction for supply to the Perth water scheme, including Mundaring Dam for supply to the Goldfields line -
 - (a) date of each such applications by the Water Corporation to the Water and Rivers Commission;
 - (b) additional volume of ground water sought in each application; and
 - (c) additional volume approved by the Water and Rivers Commission upon each application?

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- (2) If there have been no such applications, can the Minister inform the Council as to when was the last application made, its outcome and the reason why no applications have been made since the last one?

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

I refer to a letter dated August 19 1993 and I understand it is signed by Peter Skitmore for Andrew Baker, Director Pollution Control Division, enquiries H Johnstone, titled 'Management of Oroya Tailings Dam' addressed to Mr Peter Rowe, The Manager - Mineral Processing, Kalgoorlie Consolidated Gold Mines (KCGM) -

- (1) Is it correct that part of this letter states 'I take this opportunity to point out the EPA's requirement that all hypersaline, cyanide or alkaline matter arising from your operations be retained on your lease be it surface or sub-surface contamination'?
- (2) If yes to (1), can the Minister explain why the EPA had this requirement?
- (3) If no to (1), will the Minister table a copy of the letter?
- (4) Is it correct that part of this letter states 'I expect at this time however, that all contaminated surface water or leakage be retained on your lease'?
- (5) If yes to (4), can the Minister explain why all contaminated surface water or leakage must be retained on KCGM's lease?

388. 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. 625 of September 23, 1999 concerning pollution from the Oroya tailings dam operated by Kalgoorlie Consolidated Gold Mines (KCGM) Pty Ltd -

- (1) Can the Minister explain why the surface water could not be construed to be an outbreak of groundwater or seepage from the inspection undertaken on December 6 1993 given that the Department of Environmental Protection/Environmental Protection Authority -
 - (a) were previously in receipt of independent advice from Mr Alan Bradley and a letter from the Acting State Mining Engineer addressed to Kalgoorlie Consolidated Gold Mines Pty Ltd dated August 13 1993 which in part states 'I have received a letter from Optimum Resources Pty Ltd complaining of extensive pollution of land held by them as Prospecting Licence 26/1848 and 26/1858 allegedly resulting from excessive water seepage from the Oroya tailings storage facilities and further, that KCGM employees had undertaken a number of unacceptable/or illegal acts upon the land. ...Following this inspection we are of the view that there can be little doubt the wet and boggy ground conditions on parts of Prospecting Licence 26/1848 are primarily the result of leakage from the Oroya tailings facility and that Optimum Resources complaints on this matter are largely justified';
 - (b) the complaint of surface leakage and seepage from the Oroya tailings dam on Optimum Resources tenements on January 5 1993 was inspected by a Water

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Authority of WA officer who acted for the Environmental Protection Authority in Kalgoorlie and traced the source back to the tailings dam with photographic evidence taken on January 7 1993;

- (c) sent a letter signed by Mr Peter Skitmore for Andrew Baker, Director Pollution Control Division dated August 19 1993 addressed to KCGM which outlines considerable surface leakage from the tailings facilities walls on the northern and southern sides particularly one location situated under mullock armouring;
- (d) were in receipt of a report dated February 3 1993 titled 'Oroya Tailings Dam, Hydrological investigations and Management Plan'; and
- (e) a video provided to the Department/EPA by Optimum Resources in which Mr Baker stated in a briefing note to the Minister which states 'I don't think there is much doubt that water is leaking through the walls of the Oroya facility given Mr Bradley's observations and the video provided by Optimum Resources'?

(2) If no to (1), why not?

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

I refer to a report titled 'Oroya Tailings Dam Hydrological Investigations and Management Plan dated February 3 1993', Report Number 92640224 completed by Golder Associates which I understand is held on departmental files and an inspection undertaken by Mr Harvey Johnstone on the January 28 1993 who travelled from Perth to Kalgoorlie to verify and determine to source of the pollution -

- (1) Does the Department of Environmental Protection or its predecessor departments/Environmental Protection Authority have a copy of this report on file?
- (2) If yes to (1), on what date was it received and placed on file?
- (3) Is it correct that parts of the report states 'The particular concern of WAWA is seepage from two areas near the toe of the Oroya dam wall, one along the south wall and the other along the north wall, and a broader area of seepage coming from the vicinity of the Goloconda plant. ... An inspection of the seepage noted by WAWA at the Oroya dam was conducted on 15 January 1993. The seepage along the south wall appears to originate from a distinct spring and is very localised. The rate of flow across the surface is estimated to be between $1/4$ L/sec and $1/2$ L/sec. This water flows to the south-east and spreads across one of the former Balgold leach pads where most probably evaporates. ...The north wall seepage appears to be from a more diffuse source near the junction of the Oroya tailings dam and the disused Balgold tailings dam. The rate of flow through a conduit under a temporary bund wall was estimated to be about $1/2$ L/sec, and KCGM staff have indicated that this flow rate has been consistent for some time. This seepage joins with other seepage coming from the area around the Goloconda plant a short distance to the north-west. All of this seepage migrates to the east for a few hundred metres across several of the former Balgold leach pads before evaporating and/or infiltrating through damaged pad liners.?'
- (4) If no to (3), will the Minister table a complete copy of the report?

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- (5) Did Mr Harvey Johnstone or other Environmental Protection Authority officers visit the Oroya Tailings dam on the January 28 1993 and observe any of the leakage and seepage from the Oroya Tailings dam on the surface adjacent to the facility as outlined or similar to that stated in question (3) above?
- (6) If no to (5), where specifically did Mr Harvey Johnstone or other Environmental Protection Authority officers go to in relation to the Oroya tailings facility given they had travelled from Perth to Kalgoorlie to investigate the alleged source being the Oroya tailings dam?

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

I refer to a briefing note which I understand was prepared by Mr Harvey Johnstone, signed by Andrew Baker dated November 3 1993 addressed to the Honourable Minister for the Environment concerning the Oroya Tailings dam, pollution, tree deaths and vegetation damage caused by Kalgoorlie Consolidated Gold Mines Pty Ltd -

- (1) Is it correct that part of the briefing note states 'I don't think there is much doubt that water is leaking through the walls of the Oroya Facility given Mr Bradley's observations and the video provided by Optimum Resources'?
- (2) If yes to (1), can the Minister state what part(s) of Optimum's video showed leakage and seepage through the walls and the amount of video footage in minutes which enabled Mr Baker to make this particular observation?
- (3) If no to (1), can the Minister state what specifically does it state?
- (4) Is it correct that part of the briefing note states 'Results of water quality monitoring indicate low levels of cyanide in the water immediately adjacent to the dam walls, whilst further away from the walls the water is extremely saline (probably the cause of the tree deaths)'?
- (5) If no to (4), will the Minister table a copy of this briefing note?
- (6) If yes to (4), whom and on what specific dates undertook the water sampling which indicated low levels of cyanide in the water adjacent to the dam walls?

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

I refer to a letter dated August 19 1993 I understand is signed by Peter Skitmore for Andrew Baker, Director Pollution Control Division, enquiries H Johnstone, titled 'Management of Oroya Tailings Dam' addressed to Mr Peter Rowe, The Manager- Mineral Processing, Kalgoorlie Consolidated Gold Mines -

- (1) Is it correct that part of this letter states 'I also take this opportunity to raise the issue of compliance with licence conditions for the Oroya facilities, specifically conditions B1, B4 and B8. Condition B1 requires saline, alkaline or cyanide solutions to be retained within holding facilities. I have been advised that there is considerable surface leakage from the tailings facilities walls on the northern and southern sides particularly one location situated under

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mullock armouring. I request that you investigate and implement appropriate measures to prevent this leakage through the dam walls’?

- (2) If no to (1), can the Minister state what is specifically stated in the letter?
- (3) If yes to (1), can the Minister state specifically from whom the department was advised that there was considerable surface leakage from the tailings facilities walls and how this advice came about?
- (4) Is it correct that the advice that there was considerable surface leakage from the Oroya tailings facility came from Mr Alan Bradley from the Department of Minerals and Energy who visited the Oroya tailings dam on August 6 1993 and who observed leakages from the northern and southern sides of the tailings facility?
- (5) If no to (4), how did that advice about considerable surface leakage come about?
- (6) Is it correct that part of the letter states ‘Condition B4 requires the licensee, where practical, to install a perimeter drain downstream of the external toe of the tailings dam. Given the current situation with leakage, I believe that it is now practical to install that toe drain around the perimeter of the Oroya dam facilities. Condition B8 requires the immediate reporting of any failure of components of the tailings system to the Regional Water Authority office. I understand that the leakage through the Oroya walls has not been formally reported in accordance with the condition of licence and I certainly have no record of such a report’?
- (7) If no to (6), can the Minister state what is specifically stated in the letter?
- (8) Is it correct that part of the letter states ‘Notwithstanding these measures, I have received information that sodden ground conditions persist on parts of an adjacent lease, held by Optimum Resources as Prospecting Licence 26/1848, and that these conditions are primarily caused by leakage from the Oroya Tailings dams and associated facilities’?
- (9) If yes to (8), can the Minister state what specific information had been received by the department to make that statement and to factually rely on it to write the letter?
- (10) If no to (8), can the Minister state what is specifically stated in the letter?

392. 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. 977 of November 25 1999 concerning pollution from the Oroya Tailings dam operated by Kalgoorlie Consolidated Gold Mines Pty Ltd -

- (1) Will the Minister ask or direct that the Department of Environmental Protection write to Mr S Kean apologising for stating ‘Both videos provided by your company indicate that they were taken during or after periods of rainfall in the area’ given -
 - (a) that this statement is evidently wrong and misleading; and
 - (b) ‘Video one’ was taken on January 9 1993 with no rainfall shown in the video, there was no significant rainfall recorded prior to the taking of the video for 31 days according to a meteorological report and Kalgoorlie experienced a record 19 days over 35 degrees Celsius during the month, the previous highest was 18 days in January 1969?

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- (2) If no to (1), why not?
- (3) Can the Minister state approximately how many minutes of video two shows rainfall is not evident?
- (4) If no to (3), why not?
- (5) Can the Minister advise if rain was evident on video two during the footage taken on July 17 and 18 1993?
- (6) If no to (5), why not?

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

I refer to a letter dated February 7 2003 signed by Craig Byers, Environmental Officer, reference 3409, titled 'Re: Vibration and Noise Complaints' concerning Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM) operator for Barrick Gold and Newmont Australia Super Pit mining operations -

- (1) Can the Minister state how many times in the last two years the Department of Environmental Protection (DEP) has carried out spot checks of KCGM's vibration, noise and dust levels?
- (2) If no to (1), why not?
- (3) In relation to spot checks for vibration can the Minister state how the DEP carried out these checks, the type of equipment used by the Department and all of the specific locations in which it was carried out?
- (4) If no to (3), why not?
- (5) In relation to spot checks for dust levels can the Minister state how the DEP carried out these checks, the type of equipment used by the Department and all of the specific locations in which it was carried out?
- (6) If no to (5), why not?
- (7) In relation to spot checks for noise can the Minister state how the DEP carried out these checks, the type of equipment used by the Department and all of the specific locations in which it was carried out?
- (8) If no to (6), why not?
- (9) Is it correct that 'The Stores Cutback is inside the original approval area approved in the 1990 CER' and within the previously defined 1992 safety exclusion zone as defined in the *Government Gazette* - April 1997?
- (10) If no to (9), why not?
- (11) If yes to (9), how did the DEP factually determine this?
- (12) Will the DEP provide me with a copy of the blasting noise and vibration results from all the sites for the past four years?
- (13) If no to (12), why not?

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- (14) Will the DEP provide me with a copy of all the dust monitoring results for the past four years from all the sites?
- (15) If no to (14), why not?

394. Hon Robin Chapple to the Minister for Racing and Gaming representing the Minister for Consumer and Employment Protection

I refer to the Kalgoorlie Cement Works located in Kalgoorlie Boulder within a residential area, a Worksafe of Western Australia document improvement notice issued to Kalgoorlie Cement Works, Mark Posa Manager, which I understand is dated November 13 2001 -

- (1) Can the Minister state how many improvement notices, the specific text of each improvement notice, breaches of regulations or Acts that have been identified at this site in the last three years?
- (2) If no to (1), why not?
- (3) Will Worksafe investigate Kalgoorlie Cement Works practice of allowing untrained children under the age of 18 years to operate equipment such as a forklift/bobcat loader?
- (4) If no to (3), why not?
- (5) Is it correct that part of this document states 'I have formed the opinion that you are contravening regulation 3.98(1) of the Occupational Safety and Health Regulations 1996 and the grounds for my opinion are oxy/acetylene manifold blow pipe sets are not fitted with flash arresters'?
- (6) If no to (5), can the Minister state what specifically in part was stated in the document?
- (7) What is the penalty for contravening the Occupational Safety and Health Regulations?
- (8) Has the site been recently inspected to ensure compliance with this improvement notice and all other legislation pertaining to the site?
- (9) If no to (8), why not?
- (10) If yes to (8), on what date was it inspected and what specific matters did Worksafe advise the operator to comply with?

395. Hon Robin Chapple to the Minister for Racing and Gaming representing the Minister for Consumer and Employment Protection

I refer to a Worksafe of Western Australia document improvement notice issued to Kalgoorlie Cement Works, operated by Mr Mark Posa Manager, which I understand is dated November 13 2001 -

- (1) Is it correct that part of this document states 'I have formed the opinion that you are contravening section 19(1) (a) of the *Occupational Safety and Health Act 1984* and the grounds for my opinion are sections of walkway around batching plant has not been provided and maintained with a guard rail that prevents persons from potential falls from open edges'?
- (2) If no to (1), can the Minister state what specifically in part was stated in the document?
- (3) What is the penalty for contravening the *Occupational Safety and Health Act*?

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- (4) Has the site been recently inspected to ensure compliance with this improvement notice and all other legislation pertaining to the site?
- (5) If no to (4), why not?
- (6) If yes to (4), on what date was it inspected and what specific matters did Worksafe advise the operator to comply with?

396. Hon Robin Chapple to the Minister for Racing and Gaming representing the Minister for Consumer and Employment Protection

I refer to a Worksafe of Western Australia document improvement notice issued to Kalgoorlie Cement Works, operated by Mark Posa Manager, which I understand is dated November 13 2001 -

- (1) Is it correct that part of this document states 'I have formed the opinion that you are contravening section 21(1) (b) of the *Occupational Safety and Health Act 1984* and the grounds for my opinion are at the time of visit cement tanks were sighted stored one above the other in close proximity to residential property?
- (2) If no to (1), can the Minister state what specifically in part was stated in the document?
- (3) What is the penalty for contravening the *Occupational Safety and Health Act*?
- (4) Has the site been recently inspected to ensure compliance with this improvement notice and all other legislation pertaining to the site?
- (5) If no to (4), why not?
- (6) If yes to (4), on what date was it inspected and what specific matters did Worksafe advise the operator to comply with?
- (7) Will Worksafe prosecute the owner of these premises for contravening the Act or regulations given as of February 25 2003 cement items were being stored one above the other in close proximity to residential property?
- (8) If no to (7), why not?

397. Hon Robin Chapple to the Minister for Racing and Gaming representing the Minister for Consumer and Employment Protection

I refer to a Worksafe of Western Australia document improvement notice issued to Kalgoorlie Cement Works, Mark Posa Manager, which I understand is dated November 13 2001 -

- (1) Is it correct that part of this document states 'I have formed the opinion that you are contravening regulation 3.60(3)(b) of the *Occupational Safety and Health Regulations 1996* and the grounds for my opinion are workplace areas where electricity is supplied to portable equipment through fixed sockets are not protected against earth leakage current (risk of shock or electrocution to employees)?
- (2) If no to (1), can the Minister state what specifically in part was stated in the document?
- (3) What is the penalty for contravening the *Occupational Safety and Health Regulations*?

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- (4) Has the site been recently inspected to ensure compliance with this improvement notice and all other legislation pertaining to the site?
- (5) If no to (4), why not?
- (6) If yes to (4), on what date was it inspected and what specific matters did Worksafe advise the operator to comply with?

398. 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 Saturday February 22 2003 titled 'Cement works likely to move' which appeared in the Kalgoorlie Miner -

- (1) Is it correct that complaints from Mr Chris Right last year led to noise monitoring conducted by the Department of Environmental Protection (DEP) which showed a breach of the noise regulations?
- (2) If yes to (1), can the Minister state which specific regulation was being breached?
- (3) If no to (1), why not?
- (4) Can the Minister state the date on which the noise monitoring commenced, over how many days was the noise monitoring conducted, and the date on which the DEP instructed the Kalgoorlie Cement works to engage acoustic consultants?
- (5) If no to (4), can the Minister explain why the DEP instructed Kalgoorlie Cement Works to engage acoustic consultants?
- (6) If no to (6), why not?
- (7) Can the Minister explain why the DEP has selectively attempted to portray that Mr Right is the only resident concerned about the Kalgoorlie Cement Works given that Mr Right has in his possession a petition signed by other residents in the area who are also concerned?
- (8) If no to (8), why not?
- (9) Will the Minister or the DEP direct/instruct Kalgoorlie Cement Works to diligently ensure and take action to prevent all contaminants from the cement works after rainfall from leaving the premises, given that contaminants have been allowed to leave the cement works property and flow into Mr Right's property and also down the laneway at the rear of the property?
- (10) If no to (10), will the Minister direct/instruct that the Regional Operations Director visit Kalgoorlie so evidence can be shown and presented in order for a written instruction/direction to be made to the Kalgoorlie Cement works?

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

I refer to a website concerning the Kalgoorlie Cement Works which is operated by Mark Posa in Kalgoorlie Boulder address www.wn.com.au/righty -

- (1) Has the Department of Environmental Protection (DEP) investigated all of the issues, concerns, photographs and video evidence shown on this website?
- (2) If yes to (1), can the Minister state on what specific dates each issue raised, was investigated by the DEP and what was the action if any taken by the department for each issue raised?
- (3) Will the Minister direct that Mr Robert Atkins Regional Operations Director visit Kalgoorlie in order that Mr Chris Right can clearly show him further extensive evidence which is not shown on this website so that it can be clearly interpreted and verified with visual observations of his concerns with the Kalgoorlie Cement Works?
- (4) If no to (3), why not?

400. 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 located within Kalgoorlie-Boulder, corner of Wilson and Oberthur streets in a residential area and newspaper article dated Thursday, January 16 2003 titled 'DEP in for major Change' which appeared in *The West Australian* newspaper -

- (1) Did the Department of Environmental Protection (DEP) issue an environmental field notice in the months of December 2002, January 2003 to Kalgoorlie Cement Works in relation to dust leaving the site?
- (2) If yes to (1), can the Minister quote the specific text of the Environmental Field notice and provide the date on which it was issued?
- (3) Can the Minister state -
 - (a) how many letters, emails and complaints; and
 - (b) the specific nature of each complaint/issue raised has the Department of Environmental Protection received,
 concerning the Kalgoorlie Cement works prior the DEP issuing an Environmental Field Notice?
- (4) Will the Minister or the Department of Environmental Protection immediately direct that the Kalgoorlie Cement Works ensure that the loading hopper be partially enclosed and an extractor fan blow into a filter or other baghouse be installed to ensure that the neighbour next door does not continually have to make complaints about dust being generated from the site which severely affects his health, amenity and property?
- (5) If no to (4), why not?
- (6) Will the Department of Environmental Protection now undertake prosecution against Kalgoorlie Cement Works for breaching the *Environmental Protection Act 1986* and any other legislation administered by the Department?

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- (7) If no to (6), why not?
- (8) Is it correct that the Minister has advised the DEP 'I told them today we need a shake-up... I want a change in the culture of the organization to a focus on protecting the environment and the community, I don't want to hear any more about negotiated solutions with polluters. I want the DEP to be a strong regulator. Prosecution should not be something which is the last resort, it should be an active tool'?
- (9) If no to (8), what specifically did the Minister state to the DEP?
- (10) If yes to (8), will the Minister make it very clear to the Kalgoorlie Regional office of the DEP to ensure that the neighbour Mr Chris Right does not have to keep continually making complaints to the DEP in order to have the issues properly and thoroughly addressed in the first instance?

401. 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 Wednesday, July 17 2002 titled 'Crisis Looming for Two Liquid Waste Disposal Companies' which appeared in the *Kalgoorlie Miner* newspaper -

- (1) Is it correct that in mid May 2001 the Department of Environmental Protection found that water levels at the evaporation ponds did not comply with licence conditions?
- (2) If yes to (1), what is the penalty for breaching licence conditions?
- (3) Can the Minister quote or state the specific text of the licence condition which was being breached and explain how it was being breached?
- (4) If no to (3), why not?
- (5) Can the Minister state who is the owner and operator of the plant where the licence conditions were being breached?
- (6) If no to (5), why not?

L B MARQUET

Clerk of the Legislative Council