

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No. 91

Thursday, 27 May 2010

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, 4 May 2010***

- 2300. Hon Ken Travers to the Minister for Transport
- 2301. Hon Ken Travers to the Minister for Energy representing the Minister for Police
- 2302. Hon Ken Travers to the Minister for Transport
- 2303. Hon Ken Travers to the Minister for Transport
- 2304. Hon Robin Chapple to the Minister for Environment
- 2305. Hon Robin Chapple to the Minister for Transport representing the Minister for Indigenous Affairs
- 2306. Hon Robin Chapple to the Minister for Energy
- 2307. Hon Robin Chapple to the Minister for Energy
- 2308. Hon Robin Chapple to the Minister for Energy
- 2309. Hon Robin Chapple to the Minister for Energy
- 2310. Hon Robin Chapple to the Minister for Energy
- 2311. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2312. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2313. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2314. Hon Robin Chapple to the Minister for Environment

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- 2315. Hon Robin Chapple to the Minister for Environment
- 2316. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2317. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2318. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2319. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2320. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2321. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2322. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2323. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2324. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2325. Hon Robin Chapple to the Minister for Transport representing the Minister for Indigenous Affairs
- 2326. Hon Robin Chapple to the Minister for Environment
- 2327. Hon Alison Xamon to the Minister for Environment
- 2328. Hon Alison Xamon to the Minister for Child Protection representing the Minister for Planning
- 2329. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2330. Hon Alison Xamon to the Minister for Environment
- 2331. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2332. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2333. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Regional Development
- 2334. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Regional Development
- 2335. Hon Alison Xamon to the Minister for Environment
- 2337. Hon Alison Xamon to the Minister for Environment
- 2338. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2339. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2340. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2341. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2342. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2343. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2344. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2345. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water

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- 2346. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2347. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2348. Hon Alison Xamon to the Minister for Environment
- 2349. Hon Alison Xamon to the Minister for Environment
- 2350. Hon Alison Xamon to the Minister for Environment
- 2351. Hon Alison Xamon to the Minister for Environment
- 2352. Hon Alison Xamon to the Minister for Environment
- 2353. Hon Alison Xamon to the Minister for Environment
- 2354. Hon Alison Xamon to the Minister for Environment
- 2355. Hon Alison Xamon to the Minister for Environment
- 2356. Hon Alison Xamon to the Minister for Environment
- 2357. Hon Alison Xamon to the Minister for Environment
- 2358. Hon Alison Xamon to the Minister for Environment
- 2359. Hon Alison Xamon to the Minister for Environment
- 2360. Hon Alison Xamon to the Minister for Environment

Notice Given ***Wednesday, 5 May 2010***

- 2361. Hon Sally Talbot to the Parliamentary Secretary representing the Minister for Water
- 2362. Hon Jon Ford to the Minister for Mines and Petroleum
- 2363. Hon Jon Ford to the Minister for Mines and Petroleum
- 2364. Hon Jon Ford to the Minister for Mines and Petroleum
- 2365. Hon Jon Ford to the Minister for Mines and Petroleum
- 2366. Hon Jon Ford to the Minister for Mines and Petroleum
- 2367. Hon Jon Ford to the Minister for Mines and Petroleum
- 2368. Hon Jon Ford to the Minister for Mines and Petroleum
- 2369. Hon Jon Ford to the Minister for Mines and Petroleum
- 2370. Hon Jon Ford to the Minister for Mines and Petroleum
- 2371. Hon Jon Ford to the Minister for Mines and Petroleum

Notice Given ***Thursday, 6 May 2010***

- 2372. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2373. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2374. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2375. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

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- 2376. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2377. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2378. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2379. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2380. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2381. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2382. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2383. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2385. Hon Alison Xamon to the Minister for Transport
- 2386. Hon Giz Watson to the Minister for Environment
- 2387. Hon Giz Watson to the Minister for Child Protection representing the Minister for Planning
- 2388. Hon Giz Watson to the Parliamentary Secretary representing the Attorney General
- 2389. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2390. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2391. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2392. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2393. Hon Robin Chapple to the Minister for Environment
- 2394. Hon Robin Chapple to the Minister for Transport representing the Minister for Indigenous Affairs
- 2395. Hon Robin Chapple to the Minister for Environment
- 2396. Hon Lynn MacLaren to the Minister for Transport
- 2397. Hon Lynn MacLaren to the Minister for Energy representing the Minister for Local Government
- 2398. Hon Lynn MacLaren to the Minister for Child Protection representing the Minister for Agriculture and Food
- 2399. Hon Lynn MacLaren to the Minister for Energy representing the Minister for Local Government
- 2400. Hon Lynn MacLaren to the Minister for Child Protection representing the Minister for Agriculture and Food

Notice Given ***Tuesday, 18 May 2010***

- 2401. Hon Ed Dermer to the Minister for Transport
- 2402. Hon Giz Watson to the Minister for Fisheries
- 2403. Hon Giz Watson to the Minister for Mines and Petroleum

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- 2404. Hon Robin Chapple to the Leader of the House representing the Minister for State Development
- 2405. Hon Robin Chapple to the Minister for Environment
- 2406. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Regional Development
- 2407. Hon Robin Chapple to the Minister for Environment
- 2408. Hon Giz Watson to the Minister for Fisheries
- 2409. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2410. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2411. Hon Alison Xamon to the Minister representing the Minister for Health

Notice Given Wednesday, 19 May 2010

- 2412. Hon Ken Travers to the Minister for Transport
- 2413. Hon Ken Travers to the Minister for Transport
- 2414. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2415. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2416. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2417. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2418. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2419. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2420. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2421. Hon Alison Xamon to the Minister for Environment
- 2422. Hon Alison Xamon to the Minister for Child Protection representing the Minister for Planning
- 2423. Hon Alison Xamon to the Minister for Environment
- 2424. Hon Alison Xamon to the Minister for Environment
- 2425. Hon Jon Ford to the Minister for Mines and Petroleum
- 2426. Hon Jon Ford to the Minister for Mines and Petroleum
- 2427. Hon Jon Ford to the Minister for Mines and Petroleum
- 2428. Hon Jon Ford to the Parliamentary Secretary representing the Minister for Water
- 2429. Hon Robin Chapple to the Minister for Mines and Petroleum

Notice Given Thursday, 20 May 2010

- 2430. Hon Giz Watson to the Minister for Environment
- 2431. Hon Helen Bullock to the Parliamentary Secretary representing the Minister for Regional Development

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Postponed Questions

- 2432. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2433. Hon Ken Travers to the Leader of the House representing the Minister for Sport and Recreation
- 2434. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Water
- 2435. Hon Ken Travers to the Minister for Transport representing the Minister for Health
- 2436. Hon Ken Travers to the Minister for Transport representing the Minister for Health
- 2437. Hon Ken Travers to the Minister for Transport representing the Minister for Health
- 2438. Hon Ken Travers to the Minister for Transport representing the Minister for Health
- 2439. Hon Ken Travers to the Minister for Transport representing the Minister for Health
- 2440. Hon Lynn MacLaren to the Leader of the House representing the Minister for Housing
- 2441. Hon Ljiljanna Ravlich to the Minister for Environment representing the Minister for Tourism

Notice Given Tuesday, 25 May 2010

- 2442. Hon Jon Ford to the Minister for Mines and Petroleum
- 2443. Hon Jon Ford to the Minister for Mines and Petroleum
- 2444. Hon Jon Ford to the Minister for Mines and Petroleum
- 2445. Hon Jon Ford to the Minister for Mines and Petroleum
- 2446. Hon Jon Ford to the Minister for Mines and Petroleum
- 2447. Hon Giz Watson to the Parliamentary Secretary representing the Minister for Lands
- 2448. Hon Giz Watson to the Minister for Environment
- 2449. Hon Giz Watson to the Minister for Energy representing the Minister for Heritage
- 2450. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2451. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2452. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2453. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2454. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2455. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2456. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2457. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2458. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2459. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2460. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2461. Hon Robin Chapple to the Minister for Mines and Petroleum

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Postponed Questions

2462. Hon Robin Chapple to the Minister for Mines and Petroleum
2463. Hon Robin Chapple to the Minister for Mines and Petroleum
2464. Hon Ken Travers to the Minister for Transport
2465. Hon Linda Savage to the Minister for Energy representing the Minister for Heritage
2466. Hon Linda Savage to the Minister for Energy representing the Minister for Heritage
2467. Hon Linda Savage to the Minister for Energy representing the Minister for Heritage

Notice Given ***Wednesday, 26 May 2010***

2468. Hon Lynn MacLaren to the Minister for Energy representing the Minister for Local Government

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QUESTIONS ASKED TODAY

*Notice given**Thursday, 27 May 2010*

2469. Hon Alison Xamon to the Leader of the House representing the Premier

I refer to the payment of attraction and retention benefits to public sector employees, and ask -

- (1) What criteria do employees need to meet, to be eligible to receive an attraction and retention benefit (ARB)?
- (2) How many employees, and in which departments/agencies, received ARBs in, -
 - (a) 2008;
 - (b) 2009; and
 - (c) 2010?
- (3) What was the total amount paid as ARB's in the public sector in, -
 - (a) 2008;
 - (b) 2009; and
 - (c) 2010?
- (4) What controls are in place to ensure the payment of ARBs is approved only in appropriate circumstances?
- (5) Are ARBs approved to individual employees or to specific job positions?
- (6) If approval is to job positions, how often are ARB entitlements reviewed, to ensure the staff member occupying the position in question, has the appropriate qualifications and skills to be entitled to receive an ARB?

2470. Hon Alison Xamon to the Leader of the House representing the Premier

I refer to the payment of attraction and retention benefits to staff in the Resources Safety Division during 2008 and 2009, and ask -

- (1) Did the Office of the Public Sector Standards Commissioner receive any complaints, that employees in the Resources Safety Division had been paid attraction and retention benefits to which they were not entitled?
- (2) If yes to (1), -
 - (a) what was the specific nature of these complaints;
 - (b) were the complaints investigated;
 - (c) what was the finding; and
 - (d) what was the outcome?
- (3) Has any disciplinary action been taken as a result of the complaint?

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- (4) If yes to (3), what action was taken?
- (5) If no to (3), why not?
- (6) Has action been taken to cease and recover any payments found to be inappropriate?
- (7) What controls are in place in the Resources Safety Division to ensure the appropriate expenditure of public monies?
- (8) Have any of the controls been implemented as a result of the complaints?

2471. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the KCGM Superpit operations, and question on notice No. 2287, and ask -

- (1) In light of the answer provided in part (7) for question on notice No. 2287, can the Minister explain why incorrect and misleading information has been provided, given that the complainant has received no communications in writing, confirming that the company has agreed to put the complainant back to her original duties upon, getting full medical clearance?
- (2) If no to (1), why not?
- (3) Has the complainant received any notification in writing or verbally that KCGM staff involved in this matter have been disciplined?
- (4) If no to (3), why not?
- (5) Will the Department of Mines and Petroleum (DMP) write to the complainant, specifically detailing the results of the investigation with respect to the bullying and victimization, over raising safety concerns at KCGM operations including what specifically this person can return to as original duties?
- (6) If no to (5), why not?
- (7) If yes to (5), when will this happen?
- (8) Can the Minister explain and define what is meant by the term original duties, in the context of the answer provided for question on notice No. 2287?
- (9) If no to (7), why not?
- (10) Does the DMP agree that the complainant or any worker should be subjected to a psychiatric assessment, when there is no evidence to support the necessity of such an assessment?
- (11) If no to (9), why not?
- (12) Can the Minister explain why every employee who is employed with KCGM in the first instance is not subjected to a psychiatric assessment, in order that they can perform the duties expected of them on a mine site in Western Australia?
- (13) If no to (12), why not?
- (14) Can the Minister explain and define what is meant by the term full medical clearance, in the context of the answer provided for question on notice No. 2287?
- (15) If no to (14), why not?

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- (16) Is the DMP strongly committed to stopping all occurrences of victimization, bullying and intimidation and ensuring that the complainant is satisfied with the outcome of the investigation, given this person should never have been subjected to this type of conduct, behaviour in the first instance?
- (17) If yes to (16), will the DMP expediently take action which facilitates this to happen without further stress and grief imposed on the complainant?
- (18) If no to (16), why not?

2472. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the KCGM Superpit operations, and questions on notice No's. 2287 and 2432, and ask -

- (1) Regarding the answer provided in part (7)(viii), for question on notice No. 2287, is it correct that the inspectors referred to in this answer are, Mr. Alan Holmes and Mr. David Watson, both from the Department of Mines and Petroleum (DMP), and that the union representative referred to in this answer is Mr. Shaun Maddock of the Australian Workers Union (AWU)?
- (2) If no to (1), what specifically is correct?
- (3) Is it correct that this is the same inspector and union representative, referred to in question No. 2432, in which Mr. Alan Holmes specifically refused to receive a complaint concerning serious safety breaches from Mr. Shaun Maddock, because he was an AWU representative?
- (4) If no to (3), what specifically is correct?
- (5) Can the Minister explain how the process involves both the inspectorate and union representatives, given that the AWU representative has not been contacted in any way since the initial complaint was made on 27 November 2009, and given that on or about 13 May 2010 Mr Alan Holmes refused to take a complaint from Mr. Shaun Maddock?
- (6) If no to (5), why not?
- (7) Can the Minister explain and detail the process in relation to the answer which refers to involving inspectorate and union representatives?
- (8) If no to (7), why not?
- (9) Can the Minister explain how, KCGM staff involved in the alleged bullying have been disciplined, as stated in part (7)(xiii), of question on notice No. 2287?
- (10) If no to (9), why not?
- (11) With respect to the discipline of KCGM staff referred to in question on notice No. 2287, has this discipline been limited to Mr Tony Brown?
- (12) If no to (11), what are the names of the staff against which disciplinary action was taken?
- (13) If yes to (11), does the DMP regard the nature of the discipline as being appropriate to serve as a deterrent for the rest of the workforce not to engage in bullying, victimization and intimidation?

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2473. Hon Robin Chapple to the Minister for Mines and Petroleum

With reference to contract work carried out by Downer EDI at Rio Tinto's Paraburdoo Operations, I ask -

- (1) Is the Minister or the Department aware of concerns arising over incidents of victimisation, bullying, or racial discrimination involving Indigenous employees, contractors, or trainees at the Paraburdoo operations?
- (2) If yes to (1), will the Minister state the number and nature of the incidents he or the Department have been made aware of?
- (3) If no to (2), why not?
- (4) On how many occasions have Downer EDI employees, contractors, or trainees at Paraburdoo accessed Workers' Compensation?
- (5) Will the Minister state on how many occasions have Downer EDI employees, contractors or trainees have been admitted to medical facilities at Paraburdoo, including the local hospital?
- (6) If no to (2), why not?
- (7) Is the Minister aware of any matter concerning Downer EDI, that has been referred to the Australian Human Rights and Equal Opportunities Commission?
- (8) If yes to (7), what is the nature of this matter?
- (9) Does the Government have any fiscal involvement in Indigenous Training Programs operated by Rio Tinto or contractors to Rio Tinto in Western Australia?

2474. Hon Robin Chapple to the Minister for Environment

I refer to the work of Dr Martin Parry of the Grantham Institute for Climate Change and Dr Malte Meinshausen of the Potsdam Climate Institute available at, [http://www.robinchapple.org.au/sites/robinchapple.org.au/files/Consequences of Delayed Action on Climate Change.pdf](http://www.robinchapple.org.au/sites/robinchapple.org.au/files/Consequences%20of%20Delayed%20Action%20on%20Climate%20Change.pdf), and the current lack of an emissions reduction target for Western Australia, and ask -

- (1) Does the Minister agree with the assessment of Dr. Parry et al?
- (2) If no to (2), why not?
- (3) Notwithstanding the absence of a national Emissions Reduction Scheme, does the Minister believe it is appropriate for Western Australia to continue without a timely and effective package of policies to reduce emissions?
- (4) If yes to (3), why?
- (5) If no to (3), why not?
- (6) Will the Minister consider nominating an emissions reduction target for Western Australia in the absence of a national scheme?
- (7) If no to (6), why not?

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- (8) Has the Department of Environment and Conservation recommended an emissions reduction target for Western Australia to the Minister?
- (9) If yes to (8), what is the recommended target?
- (10) If no to (8), why not?
- (11) Does the Minister acknowledge the need for Western Australia to develop strategies to adapt to climate change as a matter of urgency?
- (12) If no to (11), why not?
- (13) If yes to (11), will the Minister indicate a timeline for development of a State climate adaptation strategy independent of the delayed Commonwealth EMS and associated policies?

2475. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the KCGM operations owned by Barrick Gold and Newmont Mining, also referred to as the superpit in the Kalgoorlie Boulder region, and its management team, and I ask -

- (1) Has it been reported, both to the Department of Mines and Petroleum (DMP) or to the company's internal reporting system, that on or around 24 May 2010, a drill rig was operating on the edge of the oxide zone on the Golden Pike Cutback, which was approximately five metres tall in height, when the edge of the oxide zone slipped, and the drill rig was seen to be falling over that part of the open pit?
- (2) If no to (1), will the DMP inspectorate expediently conduct an investigation and advise the Minister as to the specific factual circumstances concerning this incident?
- (3) If yes to (1), have any sections or regulations of the *Mines Safety and Inspection Act 1994 and Regulations 1995* been breached?
- (4) Will the resident manager or any other person at KCGM, be prosecuted for this incident referred to in (1) if correct?
- (5) If no to (4), why not?
- (6) Can the Minister explain why the drill rig referred to in (1), was operating so close to the edge of the oxide zone in the open pit as to allow it to slip over the edge?
- (7) If no to (6), why not?
- (8) Can the Minister state the amount of dirt/material in tonnes that was involved in the slip and why this amount of dirt moved which is referred to in (1)?
- (9) If no to (8), why not?

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Questions Asked Today

Notice given

Thursday, 27 May 2010

2476. Hon Nick Goiran to the Parliamentary Secretary representing the Attorney General

For each of the past calendar or financial years since the adoption of the current section 78 of the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*, what were the number of, -

- (a) people fined under the above-mentioned section; and
- (b) compliance audits/checks or similar proactive enforcement actions undertaken with regard to section 78?

MALCOLM PEACOCK

Clerk of the Legislative Council