

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No. 29

Tuesday, 15 October 2013

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, 10 September 2013***

- 273. Hon Robin Chapple to the Leader of the House representing the Minister for State Development
- 277. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Transport
- 282. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Lands
- 283. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum
- 284. Hon Sally Talbot to the Minister for Child Protection
- 285. Hon Sally Talbot to the Minister for Child Protection
- 286. Hon Sally Talbot to the Minister for Child Protection
- 287. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Planning

Notice Given ***Thursday, 12 September 2013***

- 292. Hon Sally Talbot to the Attorney General representing the Minister for Police
- 293. Hon Darren West to the Attorney General representing the Minister for Emergency Services

Notice Given ***Tuesday, 17 September 2013***

- 294. Hon Ken Travers to the Leader of the House representing the Premier
- 295. Hon Ken Travers to the Leader of the House representing the Premier
- 296. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 297. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 298. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 299. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 300. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 301. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Tourism

LEGISLATIVE COUNCIL

Postponed Questions

- 302. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 303. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 304. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 305. Hon Ken Travers to the Attorney General representing the Minister for Road Safety
- 306. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 307. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 308. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 309. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Water
- 310. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 312. Hon Ken Travers to the Attorney General representing the Minister for Road Safety
- 313. Hon Ken Travers to the Attorney General representing the Minister for Road Safety
- 314. Hon Ken Travers to the Attorney General representing the Minister for Road Safety
- 315. Hon Ken Travers to the Attorney General representing the Minister for Road Safety
- 316. Hon Ken Travers to the Attorney General representing the Minister for Road Safety
- 317. Hon Ken Travers to the Attorney General representing the Minister for Road Safety
- 318. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 319. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 320. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 321. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 322. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
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- 326. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 327. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 328. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 329. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 330. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Fisheries

Notice Given**Wednesday, 18 September 2013**

- 331. Hon Robin Chapple to the Minister for Aboriginal Affairs
- 332. Hon Robin Chapple to the Minister for Aboriginal Affairs
- 333. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Planning

LEGISLATIVE COUNCIL

QUESTIONS ASKED TODAY

*Notice Given**Tuesday, 15 October 2013***334. Hon Robin Chapple to the Leader of the House representing the Minister for State Development:**

- (1) Was a meeting held with Nimbus Mines and the Minister or his staff in September 2011 to discuss Nimbus Mines desire to acquire ML 235SA and ML 249SA:
- (a) if yes to (1), which Ministers, Members of Parliament, departmental officers and representatives of Nimbus Mines were in attendance;
 - (b) if yes to (1), in what capacity did each of those persons in attendance participate in the discussions;
 - (c) if yes to (1), did the Premier indicate support for the Nimbus Mines concept and indicate that the State Government would endeavour to support Nimbus Mines in bringing the parties together to facilitate a commercial agreement for the transfer of the Mount Goldsworthy Iron Ore Project to Nimbus Mines from the current State Agreement holder BHP-Billiton;
 - (d) if yes to (c), did such facilitation occur; and
 - (e) if yes to (d), on what date did this occur and who was present at that facilitation meeting?
- (2) Was a subsequent meeting held with Nimbus Mines and the Minister or his staff in early 2012 to further discuss Nimbus Mines desire to acquire ML 235SA and ML 249SA:
- (a) if yes to (2), which Ministers, Members of Parliament, departmental officers and representatives of Nimbus Mines were in attendance;
 - (b) if yes to (2), in what capacity did each of those persons in attendance participate in the discussions; and
 - (c) if yes to (2), was any action committed to by any Minister or departmental officer as a result of that meeting?

335. Hon Robin Chapple to the Leader of the House representing the Minister for Energy:

What is the rate of gas being lost to the atmosphere from pipelines which connect each gas field to its customers in Western Australia?

336. Hon Robin Chapple to the Leader of the House representing the Minister for Energy:

- (1) How much electricity is generated, on an annual basis, in Western Australia using each of the following categories of fuel type:
- (a) coal;
 - (b) gas;
 - (c) oil products;
 - (d) other non-renewable sources;
 - (e) wind;
 - (f) solar; and
 - (g) other renewable sources?

LEGISLATIVE COUNCIL

Questions Asked Today

Notice Given *Tuesday, 15 October 2013*

- (2) What is the breakdown of each of the figures supplied in answer to (1), for each of the following:
- (a) South West Interconnected System;
 - (b) North West Interconnected System; and
 - (c) other?

337. Hon Robin Chapple to the Minister for Mental Health representing the Treasurer:

I refer to the answer to question without notice No. 128 of 11 June 2013, and I ask:

- (a) has the Economic Regulation Authority (ERA) issued any section 32 notices to Western Power in the past five years;
- (b) if yes to (a), on what dates, and what was the reason for issuing each notice;
- (c) if yes to (a), in each instance, did the ERA receive a response from Western Power;
- (d) if yes to (c), in each instance, was further action taken by the ERA;
- (e) if yes to (d), in each instance, was the nature of this action a letter of reprimand and/or a monetary penalty; and
- (f) in any of the instances in (b), where Western Power did not satisfactorily address the notice, was a penalty applied, and if not, why not?

338. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Housing:

I refer to the Minister's media statement of 19 June 2013 concerning the Derby accommodation tender, and I ask:

- (a) were there any tenders from local Kimberley firms;
- (b) was there any encouragement given to local Kimberley firms to tender;
- (c) will the successful tenderer use fly-in, fly-out labour;
- (d) how many local people will be employed on this project; and
- (e) how many local Aboriginal people will be employed on this project?

339. Hon Robin Chapple to the Minister for Agriculture and Food:

I refer to reports that dairy product buyer, Fonterra Group, has ceased buying milk produced on land affected by drilling waste in New Zealand, due to concerns about health effects, and I ask:

- (a) is the practice of mining or exploration waste being applied to farming land, known as "land farming", currently permitted in Western Australia; and
- (b) if yes to (a), will the Minister take action to prevent this practice from occurring?

340. Hon Rick Mazza to the Minister for Mental Health representing the Minister for Environment:

In respect of culling operations formerly undertaken by the Department of Environment and Conservation, including in co-operation with other government agencies and the use of contractors for the financial years 2009-10, 2010-11 and 2011-12, please provide the following:

- (a) the number of:
 - (i) aerial shoots; and
 - (ii) ground shoots;

LEGISLATIVE COUNCIL

Questions Asked Today

Notice Given *Tuesday, 15 October 2013*

- (b) the total number of personnel involved;
- (c) the number and species of feral animals culled for each exercise;
- (d) the location of the exercise;
- (e) the total cost of each shoot; and
- (f) the total cost for each animal that was culled?

341. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:

- (1) When will the “Roads 2030 Regional Road Development Strategies” be completed by Main Roads?
- (2) Will the Minister table a copy of the strategy?
- (3) If yes to (2), when?
- (4) If no to (2), why not?

342. Hon Robin Chapple to the Minister for Child Protection:

I refer to a question without notice asked on 10 September 2013 regarding Aboriginal children under the care of the Department of Child Protection, and I ask:

- (a) can the Minister please provide reasons why the number of children in care in the Kimberley region is so much higher, as much as double in some instances, than in other regions of the State;
- (b) what monitoring is being undertaken to better understand the current situation throughout the State but especially in the Kimberley;
- (c) which policies of Government are contributing to the current dire situation;
- (d) does the Government consider the current situation to be acceptable;
- (e) if not, what steps are being taken to reduce the numbers of children in care in the Kimberley and elsewhere in the State;
- (f) can the Minister please provide reasons for the steady increase in the number of Aboriginal children in care each year from 2009 to 2013; and
- (g) what steps will the Government take to turn this trend around?

343. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum:

I refer to the media release of Wednesday, 18 September 2013, “State Government cuts more mining red tape”, and I ask:

- (a) other than the statement contained in the media release saying that Department of Mines and Petroleum has increased the validity period for Programmes of Work to four years, has there been a regulatory or legislative method used to achieve this extension;
- (b) if no to (a), why not;
- (c) if yes to (a), will the Minister advise the House by which method this has been achieved;
- (d) what consultation process over the changes to the Programme of Work was entered into with which parties; and

LEGISLATIVE COUNCIL

Questions Asked Today

Notice Given *Tuesday, 15 October 2013*

- (e) on what dates were the increase to the validity period for Programmes of Work to four years introduced?

344. Hon Robin Chapple to the Minister for Aboriginal Affairs:

With regard to recommendations of the *Indigenous Implementation Board* final report, February 2011, specifically dot point 1 of Recommendations for the Further Development of Regional Governance on page 21 and dot points 1 and 2 of Recommendations to Promote Aboriginal Culture on page 22, I ask:

- (a) does the Minister support the recommendations;
- (b) if no to (a), why not;
- (c) has the Minister taken any action to achieve any of the outcomes promoted in the recommendations;
- (d) if no to (c), why not;
- (e) if yes to (c), will the Minister please outline them;
- (f) has the Minister established a “culturally legitimate representational system, with funding from Royalties for Regions”, as suggested in the recommendations;
- (g) if no to (f), why not;
- (h) has the Minister established a “fund that can be used to leverage support from a range of sectors and organisations to allow Aboriginal language centres to preserve and teach Aboriginal languages” as recommended on page 22;
- (i) if no to (h), why not;
- (j) have the “Departments working with children and young people established a budget to fund community elders and mentors to teach them about their culture and assist to reconnect them to the cultural life of their people”, as recommended on page 22;
- (k) if no to (j), why not; and
- (l) if yes to (j), will the Minister please outline what has been done?

345. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum:

I refer to reports that dairy product buyer, Fonterra Group, has ceased buying milk produced on land affected by drilling waste in New Zealand, due to concerns about health effects, and I ask:

- (a) is the practice of mining or exploration waste being applied to farming land, known as “land farming”, currently permitted in Western Australia; and
- (b) if yes to (a), will the Minister take action to prevent this practice from occurring?

LEGISLATIVE COUNCIL

Questions Asked Today

*Notice Given**Tuesday, 15 October 2013***346. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment:**

I refer to reports that dairy product buyer, Fonterra Group, has ceased buying milk produced on land affected by drilling waste in New Zealand, due to concerns about health effects, and I ask:

- (a) is the practice of mining or exploration waste being applied to farming land, known as “land farming”, currently permitted in Western Australia; and
- (b) if yes to (a), will the Minister take action to prevent this practice from occurring?

347. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum:

- (1) Are any of the Department of Mines and Petroleum officers 475 visa holders?
- (2) If yes to (1), can the Minister please list them and provide the following information:
 - (a) what department sections do they work in; and
 - (b) what level they are on?

348. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment:

I refer to my questions (a) to (f) in question on notice No. 107 from 12 June 2013, and the recent ruling by the Honourable Chief Justice Wayne Martin, of the Supreme Court of Western Australia, that the Environmental Protection Authority’s (EPA) assessment of the Browse LNG Precinct Proposal is invalid, and I ask:

- (a) will the Minister please table all declarations of interest made by EPA members for the period requested in question on notice No. 107; and
- (b) given the seriousness of the ruling by Chief Justice Martin, if no to (a), why not?

349. Hon Robin Chapple to the Minister for Aboriginal Affairs:

- (1) Under the *Aboriginal Heritage Act 1972*, how many sites are registered on, or in the near vicinity of, the Helena Aurora Range (Bungabin) in the Yilgarn Shire:
 - (a) where are these sites;
 - (b) when were they registered; and
 - (c) what is the reported significance of each of them?
- (2) Has any mining company or its agent sought section 18 consent to destroy, damage or interfere with any Aboriginal site or sites in this area at any time in the past five years:
 - (a) if yes to (2), which company(s);
 - (b) for which sites; and
 - (c) when?
- (3) Have any site disturbance or destruction approvals (or consents) been given by the department or Minister for Aboriginal Affairs to any mining company in this area in the past five years:
 - (a) if yes to (3), to whom;
 - (b) in relation to which site or sites; and
 - (c) when?

LEGISLATIVE COUNCIL

Questions Asked Today

Notice Given **Tuesday, 15 October 2013**

- (4) Based on departmental records, how many Aboriginal Heritage site surveys have been conducted in this area in the past ten years, and by whom:
 - (a) as a result of these surveys, have any sites been:
 - (i) found; and
 - (ii) registered?
- (5) Has the mining company Polaris Metals provided any information or reports to the department on:
 - (a) sites it is aware of on, or in the vicinity of, the Helena Aurora Range (Bungalbin);
 - (b) sites it has identified following surveys in the same area; and
 - (c) sites it wishes to destroy or disturb in the same vicinity?
- (6) Have any officials from the Department of Aboriginal Affairs met with any representatives of Polaris Metals over the past five years:
 - (a) if yes to (6), who were the officers;
 - (b) when did the meeting(s) occur; and
 - (c) what was discussed?
- (7) Has the department or Minister of Aboriginal Affairs received any advice or reports from the Aboriginal Cultural Materials Committee on the Helena Aurora Range (Bungalbin) area, including in relation to its cultural significance to Aboriginal people or the presence of significant cultural values or sites?

350. Hon Robin Chapple to the Minister for Aboriginal Affairs:

With regard to the Stolen Wages Reparation Scheme Western Australia, I ask:

- (a) is the Minister aware of the claim of Ms Margaret Oakes from Kununurra, whose application to the Stolen Wages Reparation Scheme Western Australia was refused because she was born on 17 February 1958 and not “before 1958” as per the guidelines;
- (b) if yes to (a), is the Minister aware that the guidelines are inconsistent with the legislative and administrative history used as the logic for the cut off, which should have been “before 1 July 1958” rather than “before 1958” and will the Minister now re-consider Ms Oakes’ eligibility;
- (c) if no to (a), will the Minister consider making an *ex gratia* payment to Ms Oakes to rectify the anomaly in her case;
- (d) does the Minister accept that the establishment of the Stolen Wages Reparation Scheme Western Australia raised the hopes of all Aboriginal people for the unpaid work they did that they would finally receive the monies owed to them;
- (e) if yes to (d), does the Minister accept that the very narrow guidelines of the Stolen Wages Reparation Scheme Western Australia discriminated against many in our community and have cast the Government in a very bad light;
- (f) will the Minister establish a committee of inquiry to examine all aspects of the scheme; and
- (g) if no to (f), why not?

LEGISLATIVE COUNCIL

Questions Asked Today*Notice Given**Tuesday, 15 October 2013***351. Hon Nick Goiran to the Minister for Mental Health representing the Treasurer:**

I refer to all motor vehicle third party insurance claims with the Insurance Commission of Western Australia for the financial year ending 30 June 2013, and I ask:

- (a) how many notices of claims were received;
- (b) how many claims were settled without the need for a judgment after trial;
- (c) how many claims were finalised by virtue of a judgment after trial;
- (d) further to (b), how many of those claims were settled:
 - (i) prior to the issue of a Writ of Summons (or similar); and
 - (ii) after the issue of a Writ and at any time up to and including a pre-trial conference;
- (e) further to (b), how many of those claims included a reduction, whether in part or whole, for the general damages deductible;
- (f) further to (c), how many of those claims included a reduction, whether in part or whole, for the general damages deductible;
- (g) further to (e) and (f), what is the total in dollar terms of the general damages deductible for those claims;
- (h) how many claims remained unresolved;
- (i) in how many of those unresolved claims is liability disputed; and
- (j) in how many of those unresolved claims is the Commission involved in court proceedings?

352. Hon Robin Chapple to the Minister for Aboriginal Affairs:

With regard to the Stolen Wages Reparation Scheme Western Australia, I ask:

- (a) is the Minister aware of the claim of Mr Norman Echo from the Warmun Community in the Kimberley, whose application to the Stolen Wages Reparation Scheme Western Australia was refused because “Bedford Downs Station, Springvale Station and Ruby Plains Station are not institutions or facilities within the scope of the Reparation Scheme”;
- (b) is the Minister also aware that Mr Echo worked on these stations for many years from the age of fifteen or sixteen and was not paid by any of them;
- (c) is the Minister further aware that Mr Echo applied for a review of the decision and that this was refused;
- (d) is the Minister aware that many Aboriginal people consider the Stolen Wages Reparation Scheme Western Australia to be unfair as they contend that non-payment of wages occurred as a direct consequence of State Government policy, regardless of where they worked, and that therefore the State Government should apologise and make amends to all Aboriginal people who were affected;
- (e) will the Minister establish a committee of inquiry to examine all aspects of the scheme; and
- (f) if no to (e), why not?

LEGISLATIVE COUNCIL

Questions Asked Today

*Notice Given**Tuesday, 15 October 2013***353. Hon Robin Chapple to the Minister for Aboriginal Affairs:**

With regard to the Stolen Wages Reparation Scheme Western Australia, I ask:

- (a) is the Minister aware of the claim of Mr John Echo from the Warmun Community in the Kimberley, whose application to the Stolen Wages Reparation Scheme Western Australia was refused because he was “not born before 1958”;
- (b) does the Minister consider the guidelines of the Stolen Wages Reparation Scheme Western Australia to be fair to all Aboriginal people who had their wages withheld;
- (c) is the Minister aware that Mr Echo was born in 1962 and taken from his family in the East Kimberley to Beagle Bay when he was just four, that he went to school and worked there until he turned twelve, that he received no wages during this time and his experiences were the same as other children who were just a few years older than him yet he was found to be ineligible;
- (d) if yes to (c), does the Minister consider this to be a fair arrangement;
- (e) is the Minister aware that Mr Echo worked at Bedford Down Station from the age of twelve and that his wages were withheld;
- (f) is the Minister aware that many Aboriginal people consider the guidelines of the Stolen Wages Reparation Scheme Western Australia to be unfair as non-payment of wages occurred as a direct consequence of State Government policy, regardless of their employer and where they worked, and that therefore the State Government should apologise and make amends to all Aboriginal people who were affected;
- (g) is the Minister aware that there are scores of people at the Warmun community who consider they have been unfairly treated as regards the Stolen Wages Reparation Scheme Western Australia;
- (h) if yes to (g), will the Minister meet and listen to their grievances first-hand; and
- (i) if no to (g), why not?

354. Hon Robin Chapple to the Minister for Aboriginal Affairs:

With regard to the Nyoongar Tent Embassy set up at the State-listed Aboriginal Heritage Site (ID3589) on Heirisson Island in February-March 2012, I ask:

- (a) what was the total Western Australian Police expenditure on surveillance of people camping on the island, in accordance with the law, in order to protect a registered Aboriginal Heritage site;
- (b) what was to total Western Australian Police expenditure on raiding and removing these same people;
- (c) how many of the Aboriginal people gathered at this Aboriginal Heritage site were arrested or prosecuted for illegal camping;
- (d) how many Aboriginal people were arrested or prosecuted on other charges;
- (e) which of these charges were upheld by the courts and what was the outcome; and
- (f) what actions did the Department of Aboriginal Affairs take to ascertain the status and legitimacy under the *Aboriginal Heritage Act 1972* of the Aboriginal people gathered at the Tent Embassy and to advise the Western Australian Police of the same?

LEGISLATIVE COUNCIL

Questions Asked Today

Notice Given Tuesday, 15 October 2013

355. Hon Robin Chapple to the Attorney General representing the Minister for Police:

With regard to the Nyoongar Tent Embassy set up at the State-listed Aboriginal Heritage Site, ID3589, on Heirisson Island in February-March 2012, I ask:

- (a) what was the total Western Australian Police expenditure on surveillance of people camping on the island, in accordance with the law, in order to protect a registered Aboriginal Heritage site;
- (b) what was to total Western Australian Police expenditure on raiding and removing these same people;
- (c) how many of the Aboriginal people gathered at this Aboriginal Heritage site were arrested or prosecuted for illegal camping;
- (d) how many Aboriginal people were arrested or prosecuted on other charges;
- (e) which of these charges were upheld by the courts and what was the outcome; and
- (f) what actions did the Western Australian Police take to ascertain, together with Department of Aboriginal Affairs, the status and legitimacy under the *Aboriginal Heritage Act 1972* of the Aboriginal people gathered at the Tent Embassy:
 - (i) if none, why not?

356. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Regional Development:

- (1) In reference to question on notice No. 5326 asked on 20 March 2012, in respect of the Goldfields-Esperance Development Commission (GEDC), and the Custom Mill Project Leonora; reference to website http://s4.zetaboards.com/Gold_Detecting/topic/9221898/1/ (need to log in) or copy of email string from that website located at <http://www.robinchapple.com/sites/default/files/New%20Mill%20emails.pdf>; page 17 of the Shire of Leonora Minutes of the 20th September 2011 located at http://www.robinchapple.com/sites/default/files/Leonora%20minutes_sep_11.pdf, I ask:
 - (a) was a meeting proposed to be held regarding the Leonora custom mill project in the GEDC office at 10am on Monday, 12 December 2011;
 - (b) if yes to (a), did that meeting occur;
 - (c) did the GEDC CEO, Robert Hicks, send an email on 16 November 2011 promoting attendance at this meeting;
 - (d) did the Shire of Leonora, in acquitting their Royalties for Regions Country Local Government Funds, identify they had engaged Australian Mining Advisors to undertake work related to the Leonora custom mill project;
 - (e) is it correct that the Shire of Leonora council minutes of Tuesday, 20 September 2011 stated “the Shire and staff will be seeking further support for the project at a Ministerial level”;
 - (f) what approach and to whom did the Shire make to either the Minister, staff or agencies under his purview in relation to this matter;

LEGISLATIVE COUNCIL

Questions Asked Today

Notice Given **Tuesday, 15 October 2013**

- (g) is the Minister aware of an email signed off from Graham Thomson, Logistics Management Services, which states “We are assisting Bruno Sceresini (Australian Mining Advisors) with the preparation of a business case to have a regional mill established in Leonora”;
 - (h) with respect to (a), was it appropriate for Graham Thomson as chair of the GEDC and the Regional Development Council to allow or permit the GEDC office to be used for these meetings, given his interest in the matter; and
 - (i) was it appropriate for the GEDC CEO to send out emails promoting the meeting for the benefit of Mr Thomson?
- (2) With reference to the answer to question on notice No. 5326 which included the statement “the Goldfields-Esperance Development Commission....have been unable to find any record of being approached by any party seeking assistance in the building of a gold processing plant in Leonora” and despite the Shire of Leonora President being on the board of the GEDC, officers of the GEDC hosting meetings related to that project at the GEDC office, the custom mill for gold ore being identified as a priority project in the Goldfields-Esperance Strategic Development Plan drafted by the GEDC, the Chairman of the GEDC being somehow involved with Australian Mining Advisors on this project and answer to question on notice No. 5326 being answered the way it was, did the GEDC or the Ministers department deliberately mislead the Minister and/or did the Minister mislead Parliament:
- (a) in respect of answers to (2), what action will the Minister take;
 - (b) in respect of answers to (2), will the Minister apologise for misleading the Parliament;
 - (c) in respect of the answers to all of the above, will the Minister review the answers given to question on notice No. 5326, and provide corrected answers; and
 - (d) if no to (c), why not?

357. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Regional Development:

With reference to the Foodbank application for Royalties for Regions funding in 2009 outlined in the Foodbank business case document located at

<http://www.robinchapple.com/sites/default/files/Foodbank%20business%20case.pdf>, when Graham Thomson was Chairman of the Goldfields-Esperance Development Commission (GEDC) and responsible for both the assessment and approval of Royalties for Regions grant applications, I ask:

- (a) was Foodbank granted \$200,000 Royalties for Regions funding from the GEDC;
- (b) did Foodbank acquire a transportable building for the project via Graham Thomson or companies he controls;
- (c) did Graham Thomson and/or his company Logistics Management Services complete the costing and relevant plans for the Foodbank application for funding;
- (d) did Graham Thomson declare a conflict of interest and remove himself for consideration of the Foodbank application;
- (e) if no to (d), why not; and
- (f) If no to (d), what action will the Minister take?

LEGISLATIVE COUNCIL

Questions Asked Today

Notice Given *Tuesday, 15 October 2013*

358. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Health:

In regards to the government ordered study on the health risks associated with iron-oxide dust in Port Hedland, I ask:

- (a) is the study still on target to be concluded by 2015:
 - (i) if no to (a), why not; and
 - (ii) if yes to (a), when exactly will the study be completed;
- (b) will the Minister please list all the people who have been involved in the study, including the dates of their involvement and their roles; and
- (c) advise who is currently the chair of the study?

359. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum:

I refer to the photos of dust at <http://www.robinchapple.com/sites/default/files/2013-10-09%20ThunderBox%20Dust.pdf> emanating from the Thunderbox Gold Mine on 9 October 2013, and I ask:

- (a) why did this fugitive dust emission eventuate;
- (b) what was the source of the fugitive dust emission;
- (c) was this fugitive dust emission incident reported to the Department of Mines and Petroleum;
- (d) if no to (c), why not;
- (e) is there a condition contained within the licence condition for the Thunderbox mine that seeks to prevent such a fugitive dust emission;
- (f) if no to (e), why not;
- (g) if yes to (e), will the Minister table the licence; and
- (h) if yes to (e), what actions are available to the Minister to prosecute or cause the Thunderbox Mine to cease such fugitive dust emissions?

360. Hon Kate Doust to the Minister for Commerce:

I refer to question without notice No. 1018 from 28 November 2012 regarding the review of the *Industry and Technology Development Act 1998* and my follow up question on 8 August 2013, and I ask:

- (a) has the preliminary draft report of the review been finalised;
- (b) if no to (a), when will the report be finalised; and
- (c) if yes to (a):
 - (i) will the Minister table a copy of the report; and
 - (ii) will the Minister table a copy of the response to the findings?

MALCOLM PEACOCK

Clerk of the Legislative Council