

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No. 148

Tuesday, 14 August 2007

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 ***Wednesday, 6 December 2006***

4443. Hon Simon O'Brien to the Parliamentary Secretary representing the Minister for Planning and Infrastructure (*SO 138(d) response - May 2 2007*)

Notice Given ***Tuesday, 20 March 2007***

4476. Hon Peter Collier to the Minister for Multicultural Interests and Citizenship (*SO 138(d) response - May 2 2007*)

4519. Hon Peter Collier to the Minister for Regional Development representing the Minister for Corrective Services (*SO 138(d) response - May 2 2007*)

4520. Hon Peter Collier to the Leader of the House representing the Minister for Small Business (*SO 138(d) response - May 2 2007*)

4521. Hon Peter Collier to the Leader of the House representing the Minister Assisting the Minister for Federal-State Relations (*SO 138(d) response - May 2 2007*)

4574. Hon Ray Halligan to the Minister for Regional Development representing the Minister for Corrective Services (*SO 138(d) response - May 2 2007*)

4575. Hon Ray Halligan to the Leader of the House representing the Minister for Small Business (*SO 138(d) response - May 2 2007*)

4576. Hon Ray Halligan to the Leader of the House representing the Minister Assisting the Minister for Federal-State Relations (*SO 138(d) response - May 2 2007*)

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Postponed Questions

4665. Hon Ray Halligan to the Leader of the House representing the Minister for Sport and Recreation (*SO 138(d) response - May 2 2007*)

Notice Given **Thursday, 3 May 2007**

4776. Hon Paul Llewellyn to the Parliamentary Secretary representing the Minister for the Environment

4777. Hon Paul Llewellyn to the Parliamentary Secretary representing the Minister for the Environment

Notice Given **Wednesday, 9 May 2007**

4835. Hon Helen Morton to the Leader of the House representing the Minister for Energy (*SO 138(d) response - June 26 2007*)

Notice Given **Thursday, 7 June 2007**

4945. Hon Barry House to the Leader of the House representing the Premier

4946. Hon Barry House to the Leader of the House representing the Minister for Innovation

4947. Hon Barry House to the Leader of the House representing the Minister for Science

4951. Hon Giz Watson to the Minister for Government Enterprises

Notice Given **Tuesday, 26 June 2007**

4961. Hon Norman Moore to the Minister for Goldfields-Esperance

4965. Hon Giz Watson to the Parliamentary Secretary representing the Minister for the Environment

Notice Given **Wednesday, 27 June 2007**

4973. Hon Giz Watson to the Parliamentary Secretary representing the Minister for the Environment

4974. Hon Giz Watson to the Leader of the House representing the Premier

4976. Hon Giz Watson to the Leader of the House representing the Premier

4980. Hon Giz Watson to the Minister for Government Enterprises

Notice Given **Thursday, 28 June 2007**

4981. Hon George Cash to the Leader of the House representing the Premier

4982. Hon Ray Halligan to the Leader of the House representing the Premier

4984. Hon Norman Moore to the Minister for Child Protection

4985. Hon Paul Llewellyn to the Parliamentary Secretary representing the Minister for the Environment

4986. Hon Paul Llewellyn to the Leader of the House representing the Minister for Energy

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QUESTIONS ASKED TODAY

*Notice given**Tuesday, 14 August 2007*

4988. Hon Giz Watson to the Parliamentary Secretary representing the Minister for the Environment

I refer to questions on notice numbers 2888 of 10 November 2005 and 3544 of 25 May 2006, in relation to the gold mine operated by Kalgoorlie Consolidated Gold Mines (KCGM) on behalf of the owners Newmont Mining and Barrick Gold, and a saline water spill which occurred on or about 22 May 2007 at the Mt Percy area which impacted upon an old Aboriginal Reserve in the area, and I ask -

- (1) Is it correct that the saline water spill went outside of the bunding and flowed onto the old Aboriginal Reserve?
- (2) If no to (1), why not?
- (3) Can the Minister state how far in metres did the saline water spill travel from the pipeline bunding and the amount of area in square metres that the saline water spill impacted upon?
- (4) If no to (3), why not?
- (5) Did KCGM breach section 50 of the *Environmental Protection Act 1986* by discharging waste water in which it was likely to cause pollution?
- (6) If no to (5), why not?
- (7) Will KCGM be prosecuted for breaching any section of the *Environmental Protection Act 1986* in causing the saline water spill at the Mount Percy operation?
- (8) If no to (7), why not?
- (9) Can the Minister explain why does the Department of Environment and Conservation continue to tolerate KCGM having saline water spillages that clearly are causing pollution or are likely to be causing pollution without facing prosecution?
- (10) If no to (9), why not?
- (11) Will the history of the offender, including frequency of all offences including with regard to saline water spillages be taken into consideration for any decision to prosecute KCGM in this matter?
- (12) If no to (11), why not?

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Questions Asked Today*Notice given**Tuesday, 14 August 2007*

4989. Hon Giz Watson to the Leader of the House representing the Minister for Industry and Enterprise

I refer to the assessment of all applications for prospecting licences, exploration licences, miscellaneous licences and mining lease applications for compliance with marking out provisions and notifications by registered post required to pastoralists, adjoining tenement holders and others required under the *Mining Act 1978* and *Mining Regulations 1981*, and I ask -

- (1) Do all Mining Registrar offices within the state assess and check all applications for prospecting licences, exploration licences, miscellaneous licences and mining lease applications for compliance with marking out provisions and notifications by registered post required to pastoralists, adjoining tenement holders and others required under the *Mining Act 1978* and *Mining Regulations 1981*?
- (2) If no to (1), why not?
- (3) If yes to (1), how is this specifically done?
- (4) Does the Department of Industry and Resources have a policy, after having made preliminary assessment of affidavits required for all types of applications, that should the Department recognise a breach or failure to comply with notifications by registered post to pastoralists, adjoining tenement holders and others required under the *Mining Act 1978* and *Mining Regulations 1981*, the tenement is then recommended for refusal?
- (5) If no to (4), what is the specific policy or approach taken in these matters?
- (6) If yes to (4), how long a period of time has this policy or approach been taken?

4990. Hon Norman Moore to the Minister for Child Protection representing the Attorney General

I refer the Minister to question on notice No. 4983, and I ask -

- (1) Who, on behalf of the Yallingup Residents Association, lobbied the Minister?

4991. Hon Norman Moore to the Minister for Child Protection representing the Minister for Health

- (1) Can the Minister table documentation to prove he made a formal request for the Health Department to meet Eddy Lee and/or representatives from Amcom?
- (2) If no to (1), why not?
- (3) Is it common practice for the Minister to instruct the Health Department to meet contractors or subcontractors regarding potential business dealings for the operation of the health system?
- (4) How many times has the Minister instructed the Department to meet contractors or subcontractors regarding potential business dealings for the operation of the health system since becoming Minister for Health?
- (5) What is the normal process for contract tendering or potential business dealings for IT if no instruction is given by the Minister?
- (6) Was any work undertaken in relation to broadband or voice over IP systems for the Health Department after 1 May 2006?

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Questions Asked Today*Notice given**Tuesday, 14 August 2007*

4992. Hon Giz Watson to the Leader of the House representing the Premier

I refer to the Government's practice of imposing a 'no uranium mining' condition on mining leases granted since 22 June 2002, and ask -

- (1) Has any mining company sought compensation for the imposition of this condition?
- (2) Has any mining company indicated that it would seek compensation should the ban on uranium mining for post 22 June 2002 mining leases be entrenched through legislation?
- (3) Has the Government received legal advice as to whether compensation would be payable if the ban on uranium mining for post 22 June 2002 mining leases is entrenched through legislation?
- (4) If yes to (3), when was that legal advice sought and when was it received?

4993. Hon Giz Watson to the Leader of the House representing the Minister for Resources

- (1) What controls are in place regarding the transportation of materials and by-products containing uranium both within the State and to other jurisdictions within Australia?
- (2) Are mining companies required to notify the State Government if uranium ore is being stockpiled in this way?
- (3) If yes to (2), what is the notification process?
- (4) How much of the information is available to the public, and will the Minister advise where the public can access this information?

4994. Hon Giz Watson to the Leader of the House representing the Minister for Resources

- (1) Is the Minister aware of any mining operations in Western Australia that are storing uranium ore as a by-product of mining other commodities?
- (2) If yes to (1), will the Minister list any such operations?
- (3) What controls are in place to regulate the processing and storage of materials and by-products that contain uranium?

4995. Hon Nigel Hallett to the Parliamentary Secretary representing the Minister for the Environment

Could the Minister please detail -

- (1) How much was spent on pest, animal and weed control on unallocated Crown Land in 2006-2007?
- (2) Which parcels of unallocated Crown Land have these controls been put in place on?
- (3) How does the Government measure the success or failure of these control programs on unallocated Crown Land?

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- (4) How many species of weeds have been eliminated or eradicated in Western Australia from 2001 to the present?

4996. Hon Helen Morton to the Parliamentary Secretary representing the Deputy Premier

Further to question on notice No. 4813 answered on 26 June 2007, will the Deputy Premier please -

- (1) Name each of the Board members of the Economic Regulation Authority and specifically the remuneration they received in each of the following years -
- (a) 2003-2004;
 - (b) 2004-2005;
 - (c) 2005-2006; and
 - (d) 2006-2007?
- (2) Who is the current Chairman and how long has this person been in the position?
- (3) Who is the current part-time member of the Board?
- (4) How long has this person been a member?
- (5) What does part-time constitute as a Board Member?

4997. Hon Nigel Hallett to the Parliamentary Secretary representing the Minister for the Environment

- (1) How many Shire recycling facilities have been closed in rural and regional Western Australia in -
- (a) 2001-2002;
 - (b) 2002-03;
 - (c) 2003-04;
 - (d) 2004-05;
 - (e) 2005-06; and
 - (f) 2006-07?
- (2) How much funding has gone to local Government for recycling in the years -
- (a) 2001-02;
 - (b) 2002-03;
 - (c) 2003-04;
 - (d) 2004-05;
 - (e) 2005-06; and
 - (f) 2006-07?

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4998. Hon Helen Morton to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

Referring to the part of Tonkin Highway that runs parallel to River Road, Bayswater and the request for residents for a noise wall -

- (1) What noise levels are considered within the normal range?
- (2) Will the Minister please table the MRD test results taken in 2007?
- (3) Will the Minister please table any follow up test results?
- (4) What, if any, additional information is being sought?
- (5) What recommendations have been considered?
- (6) When will a decision be made on appropriate action?
- (7) Who will pay for the noise wall, if that is the recommendation?

4999. Hon George Cash to the Minister for Regional Development representing the Minister for Police and Emergency Services

Would the Minister provide a list of the number of police officers; police staff and the total personnel in each of the following regions/portfolios -

- (a) Office of the Commissioner;
- (b) Deputy Commissioner (Operations);
- (c) Deputy Commissioner (Specialist Services);
- (d) Executive Director;
- (e) media and public affairs;
- (f) strategy and performance;
- (g) corruption prevention and investigation;
- (h) asset management;
- (i) corporate and community development;
- (j) corporate programmes and development;
- (k) finance;
- (l) human resources;
- (m) temporary holdings and others;
- (n) professional development; and
- (o) Police Academy?

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Questions Asked Today*Notice given**Tuesday, 14 August 2007*

5000. Hon Ray Halligan to the Minister Assisting the Minister for Planning and Infrastructure

I refer to the Auditor General's Third Public Sector Performance Report of 2007 concerning the management of land tax and metropolitan region improvement tax, and ask -

- (1) What caused the data inaccuracies to which the Auditor General referred?
- (2) What actions have been taken or are planned to correct these procedures that resulted in about 10 percent of land tax assessments in 2006-2007 being incorrect?

5001. Hon Ray Halligan to the Parliamentary Secretary representing the Treasurer

I refer to the Auditor General's Third Public Sector Performance Report of 2007 concerning the management of land tax and metropolitan region improvement tax, and ask -

- (1) What was the cause of the 2 159 adjusted assessments that were issued by the Office of State Revenue?
- (2) How much did the biggest single re-assessment involve?
- (3) How many tax years were involved?
- (4) What action has been taken to ensure that procedures are correct in future?
- (5) Why does the Office of State Revenue believe it will take 18 months to clear the backlog identified in the report?
- (6) Is there any reason this process cannot be done more expeditiously?
- (7) What is the estimated 'likely loss of significant revenue' to which the Auditor General referred?

5002. Hon Ray Halligan to the Minister Assisting the Minister for Planning and Infrastructure

I refer to the Auditor General's Third Public Sector Performance Report of 2007 concerning the management of land tax and metropolitan region improvement tax, and ask -

- (1) Does the Minister accept the Auditor General's statement that the majority of the errors in land and ownership matters have their origin in Landgate's database?
- (2) How does the Minister explain that, in a single month in 2006, the number of identified mismatches more than trebled?
- (3) Is it proposed to evaluate the work of the Land Data Integrity Project and Land Data Management Team in their efforts to resolve land and ownership discrepancies?
- (4) What does the Minister regard as an acceptable monthly variation in these figures?
- (5) Is any further action proposed to reduce the current average of 6 408 new variations every month?
- (6) If yes to (5), what further actions are proposed?
- (7) If no to (5), why not?

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5003. Hon Ray Halligan to the Minister for Child Protection representing the Attorney General

I refer to the Auditor General's Third Public Sector Performance Report of 2007 concerning Legal Aid in Western Australia, and ask -

- (1) When will the administrative improvements recommended by the Auditor General for the Legal Aid Commission be implemented?
- (2) Is it proposed to re-assess procedures after the improvements have been made?
- (3) If yes to (2), when?
- (4) If no to (2), why not?
- (5) Is there any estimate of the number of people who missed out on assistance as a result of the weaknesses identified by the Auditor General?
- (6) If yes to (5), is there any estimate of the amount of the funds involved?
- (7) Is there any indication of people having been overpaid as a result of the administrative weaknesses identified by the Auditor General?

5004. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Culture and the Arts

I refer to the Auditor General's Third Public Sector Performance Report of 2007 concerning the administration of grants, and ask -

- (1) What action has been taken to implement the recommendations of the Auditor General in respect of the administration of grants?
- (2) Is it proposed to re-assess these improvements?
- (3) If yes to (2), when?
- (4) If no to (2), why not?
- (5) Which are the major organisations referred to by the Auditor General as having received \$12 445 183 in funding in 2005-2006?
- (6) How much did each of these organisations receive?
- (7) For what purpose was the money used?
- (8) Were any of these organisations included in the key findings of the Auditor General concerning lack of documentation, other errors and inconsistencies and inadequate reviews?
- (9) Were any of these organisations overpaid?
- (10) If yes to (9), which ones and by how much?

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Questions Asked Today*Notice given**Tuesday, 14 August 2007*

5005. Hon Ray Halligan to the Minister for the Kimberley, Pilbara and Gascoyne

I refer to the Auditor General's Third Public Sector Performance Report of 2007 concerning the administration of grants, and ask -

- (1) What action has been taken to implement the recommendations of the Auditor General in respect of the administration of grants?
- (2) Is it proposed to re-assess these improvements?
- (3) If yes to (2), when?
- (4) If no to (2), why not?
- (5) Were any of the grants made by the Pilbara Development Commission found to be incorrect as a result of the Auditor General's report?
- (6) If yes to (5), which ones and by how much?

5006. Hon Giz Watson to the Minister for Child Protection representing the Attorney General

Regarding the answer to question on notice No. 1287 of 13 June 2006, and question on notice No. 4696 of 27 March 2007, in relation to the *Magistrates Courts Act* review, I ask -

- (1) When did the Steering Committee finalise its review of the *Magistrates Courts Act 2004* and associated legislation?
- (2) Has the Committee made any recommendations to the Attorney General as a consequence of the findings of the review?
- (3) If yes to (2), have these recommendations led to the drafting of amendments to the *Magistrates Courts Act* and associated legislation?
- (4) If yes to (3), can the Attorney General give any indication as to the legislative priority which has been allocated to the proposed changes to the legislation?

5007. Hon Giz Watson to the Minister for Child Protection representing the Attorney General

Regarding the court recording contract which came into effect in mid December 2006, I ask -

- (1) What date did the current court recording contract, which governs the preparation of transcripts of court proceedings and the monitoring of court recordings, comes into effect?
- (2) Which companies or individuals were awarded the contract for the provision of court recording services for each jurisdiction in Western Australia?
- (3) What were the total costs of the court recording contract for each of the following jurisdictions for the first six months of the calendar year to 30 June 2006 -
 - (a) Magistrates Courts;
 - (b) District Court;
 - (c) Supreme Court; and
 - (d) Family Court?

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- (4) What were the total costs of the court recording contract for each of the following jurisdictions for the first six months of the calendar year to 30 June 2007 -
- (a) Magistrates Courts;
 - (b) District Court;
 - (c) Supreme Court; and
 - (d) Family Court?
- (5) What were the total number of transcripts prepared for each month from 1st January 2006 to 30th June 2006, and 1st January 2007 to 30th June 2007, for -
- (a) Magistrates Courts;
 - (b) District Court;
 - (c) Supreme Court; and
 - (d) Family Court?
- (6) Has the Department audited the performance of the court recording contract for all jurisdictions of the court system up to 30 June 2007, and has an evaluation been received by the Director General of the Department of the Attorney General and the Attorney General?

5008. Hon Norman Moore to the Minister for Child Protection representing the Attorney General

I refer to the answer to question on notice No.4943 and ask -

- (1) Who were the representatives of the Yallingup Residents Association who lobbied the Minister?
- (2) Are any of these persons included on the Government's register of lobbyists?
- (3) If yes to (2), who are they?

5009. Hon Giz Watson to the Parliamentary Secretary representing the Minister for the Environment

With regard to the assessment carried out by the Environmental Protection Authority (EPA), 'Pluto LNG Development, Burrup Peninsula, Bulletin 1259', which is currently under appeal, and the Aboriginal Cultural Committee Resolution (ACMC) 2006/150: Consent Declined - Mining in relation to Site B. Given that the ACMC resolved to recommend to the Minister for Indigenous Affairs that consent be declined to Woodside Energy Limited (the Landowner) to use the land described in Schedule 1 of the Notice as Lot 572 on Deposited Plan 28209 (Industrial Site B) (the Land), for the purpose described in schedule 2 of the notice as development and operation of an LNG Plant and all associated infrastructure and facilities (the Purpose) -

- (1) How is the EPA able to determine and recommend to the Minister for the Environment that the proposed Pluto Development meets its objectives -
 - (a) from an Aboriginal cultural perspective; and
 - (b) from a scientific heritage perspective, given that the Dampier Archipelago is now on the National Heritage Register?

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- (2) Given that the site data evidence presented to the EPA by Woodside in their PER for the area concerned was quite different from the data supplied by the Department of Aboriginal Affairs in answer to question on notice No. 4455, answered 31 May 2007 for the same area. How can the EPA make a satisfactory recommendation to the Minister?

5010. Hon Robyn McSweeney to the Minister for Local Government representing the Minister for Heritage

I refer to the Labor Government's 2001 election policy, 'Heritage for the New Millennium', and ask -

- (1) Did the policy state that Labor will, 'work to pass a new heritage Act that will protect the State's heritage interests', and that, 'a review is long overdue?
- (2) Is the Minister aware that the Government's procrastination on this promised Bill was raised in Parliament on, 20 June 2002 (grievance), 12 December 2003 (question), 1 April 2004 (grievance), 22 June 2004 (two questions), and 1 August 2006 (question)?
- (3) What amendments has the Government made to the *Heritage Act 1990*, since being elected in 2001?
- (4) Given the recommendation of the Select Committee on Heritage laws that the *Heritage Act 1990* be re-written in plain English, will a Bill for a new Act be introduced?
- (5) If yes to (4) -
 - (a) when; and
 - (b) what is the current drafting status?
- (6) If no to (4), why not?

5011. Hon Robyn McSweeney to the Minister for Local Government representing the Minister for Heritage

I refer to the promises made in Labor Governments 2001 election policy, 'Heritage for the New Millennium', and ask -

- (1) What is the current status of each of the promises listed in the following sections of the policy -
 - (a) executive summary;
 - (b) The Heritage Act;
 - (c) review heritage assessment processes;
 - (d) protect State owned heritage sites;
 - (e) work with local Government to preserve heritage sites;
 - (f) assistance and advice; and
 - (g) improve heritage awareness throughout Western Australia?

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Questions Asked Today

Notice given *Tuesday, 14 August 2007*

5012. Hon Robyn McSweeney to the Minister for Local Government representing the Minister for Heritage

I refer to the promises made in Labor Governments 2001 election policy, 'Heritage for the New Millennium', and ask -

- (1) Is the Minister aware that, other than local heritage funding which may be mentioned in policies for regional areas, there is no dedicated heritage policy listed on the Australian Labor Party's website under 'WA Labor's 2005 Election Policies'?
- (2) Did Labor have a 2005 heritage policy?
- (3) If yes to (2) -
 - (a) what was the title; and
 - (b) where can it be obtained?
- (4) If no to (2), why not?

5013. Hon Norman Moore to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

I refer the Minister to question without notice No. 500, asked on 26 June 2007, concerning the Convention Centre contract, and ask -

- (1) Will the Minister table the 2004 variation to the November 2001 contract?
- (2) If no to (1), why not?
- (3) Why does the Minister believe that consent is needed from other parties involved in the 2004 contract variation before the Minister can table the contract in parliament?
- (4) Why did the current Government agree to numerous and significant changes to the 2000 Convention Centre agreement, made between the previous Government and Multiplex?

MIA BETJEMAN

Clerk of the Legislative Council