

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No.

Thursday, 11 April 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

LEGISLATIVE COUNCIL

QUESTIONS ASKED TODAY

Notice Given *Thursday, 11 April 2013*

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

I refer to concerns raised by a constituent regarding rubbish left on coastline and beaches around Kalbarri, and I ask the Minister to please advise me who is responsible for removal of rubbish, including fishermen's abandoned items, various pieces of flotsam and jetsam and general rubbish left strewn on the ground at beaches in this area of Western Australia?

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

With reference to the Department of Mines and Petroleum Environment eNewsletter titled 'Non Compliance costs over \$100,000', I ask:

- (a) can the Minister state the names of all the tenement holders who have been issued with fines for failing to comply with tenement conditions;
- (b) if no to (a), why not;
- (c) can the Minister state how many tenement holders were fined for clearing vegetation outside of the approved operating areas;
- (d) if no to (c), why not;
- (e) can the Minister state how many hectares of land in each respective case for each tenement was cleared to warrant a fine being issued for ground clearing and vegetation outside of approved operating areas;
- (f) if no to (e), why not;
- (g) can the Minister quote the text of the specific tenement condition, including the tenement number which was breached to warrant over \$100,000 of fines being issued to tenement holders;
- (h) if no to (g), why not;
- (i) can the Minister give the precise amount of fines issued for non-compliance matters;
- (j) if no to (i), why not;
- (k) can the Minister quote the sections of the *Mining Act 1978* or any other acts which may be applicable including any penalty which may be imposed for any officer/employee unlawfully releasing/disclosing information obtained while working within the department; and
- (l) with reference to the above media statement, dated 3 October 2008, can the Minister also state what specific measures have been in place since that date by the DMP to ensure no unauthorised confidential information is being released by Nick Galton Fenzi or other departmental staff to a senior former DMP employee Ms Janine Cameron who also works for KCGM, Barrick and Newmont?

LEGISLATIVE COUNCIL

Questions Asked Today

Notice Given *Thursday, 11 April 2013*

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

With regard to existing mining and petroleum tenements over the proposed 'A' class Horizontal Falls National Park and Marine Park area in the Kimberley region, I ask:

- (a) how many mining and petroleum tenements are there that are either partially or wholly within the proposed park boundary;
- (b) what are the tenure types and their status;
- (c) how many applications are pending and how many have been granted, and what is the duration of those granted;
- (d) will the Minister reject all current applications and revoke all existing tenements in the area;
- (e) if no to (d), why not;
- (f) will the Minister prevent any future mining and petroleum exploration tenements being taken out in the area;
- (g) if no to (f), why not; and
- (h) if no to (f), will the Minister explain how mining and petroleum tenements can exist in 'A' class national and marine parks without compromising the protection of this pristine natural environment?

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

With regard to question on notice No. 2432 asked in the Legislative Council on 20 May 2010 and specifically the Minister's answer to part (9) of this question, I ask:

- (a) does the Minister accept/agree that:
 - (i) Mr Alan Holmes did not receive the complaints from Mr Shaun Maddock but argued with him so as not to have to consider the complaints;
 - (ii) the complaints were not recorded; and
 - (iii) actions have not been taken in respect of the complaints;
- (b) If yes to (a), how does that position contrast with the answer provided to question on notice No. 2432 part (9)?

LEGISLATIVE COUNCIL

Questions Asked Today

Notice Given *Thursday, 11 April 2013*

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

With regard question on notice No. 2516 asked in the Legislative Council on 17 June 2010, and specifically to the answers to parts (1) to (18) of this question, I ask:

- (a) is it the case that between 10 August 2010 and 12 October 2010 the Minister referred to the answer as being an acceptable response to 37 separate parliamentary questions on notice that had been raised by me;
- (b) if no to (a), what is specifically 'acceptable' in relation to this matter;
- (c) is the answer referred to above acceptable under section 37 of the *Auditor General Act 2006*;
- (d) if yes to (c), why; and
- (e) if no to (c), why not?

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

With regard to question on notice No. 2516 asked in the Legislative Council on 17 June 2010, and specifically to the answers to parts (1) to (18) of this question, I ask:

- (a) in accordance with section 82 of the *Financial Management Act 2006*, did the Minister write to the Auditor General advising of his refusal to answer the question and stating his reasons why;
- (b) if no to (a), why not;
- (c) if yes to (a), will the Minister table a copy of this and of subsequent communication; and
- (d) if no to (c), why not?

LESISLATIVE COUNCIL

Questions Asked Today

Notice Given *Thursday, 11 April 2013*

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

With reference to the unauthorised disclosure of the contents of any official papers and documents and the release of confidential information/documents including, but not limited to, briefing notes, ministerial responses from the Department of Mines and Petroleum (DMP) staff by Mr Nick Galton Fenzi and other DMP staff members to various third parties including Mr Jim Williams and his wife Andrea Williams and a Corruption and Crime Commission media statement, dated 3 October 2008, titled 'Serious Misconduct Opinion', I ask:

- (a) does the Minister support the unauthorised release of the contents of any official papers and documents and the release of confidential information/documents appertaining to any party by Mr Nick Galton Fenzi to his partner whom he lives with, Ms Jayne Finch who works for Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM), Barrick Australia and Newmont Mining or any other staff member of KCGM;
- (b) if no to (a), why not;
- (c) if yes to (a), why;
- (d) with reference to the above, does the Minister support the unauthorised contents of any official papers and documents or the release of confidential information/documents to Mr Jim Williams or his wife Andrea Williams who run a business called Jim's Weeds and Seeds and also Botanica Consulting who provide consulting services to KCGM and the mining industry;
- (e) if no to (d), why not;
- (f) if yes to (d), why;
- (g) are Mr Nick Galton Fenzi and other DMP staff officers clearly aware of section 81 of the *Criminal Code* and the *Public Sector Management Act 1994* for the consequences of releasing the unauthorised disclosure of the contents of any official information papers and documents to third parties, including his partner Ms Jayne Finch;
- (h) if yes to (g), can the Minister explain how and on what specific date did Mr Nick Galton Fenzi first became aware of the consequences;
- (i) if no to (g), why not;
- (j) has Mr Nick Galton Fenzi and other departmental officers within the environmental section of the DMP attended workplace conduct and awareness training which points out the obligations of public servants not to disclose the contents of official papers, conversations and documents to third parties which is confidential information;
- (k) if yes to (j), can the Minister state on what specific dates did Mr Nick Galton Fenzi attend;
- (l) if no to (j), why not;
- (m) with reference to the above media statement, dated 3 October 2008, can the Minister explain how the public of Western Australia can have confidence that within Western Australian DMP documents, official information is not being released in an unauthorised manner;
- (n) can the Minister quote the sections of the *Mining Act 1978* or any other acts which may be applicable including any penalty which may be imposed for any officer/employee unlawfully releasing/disclosing information obtained while working within the department; and

LEGISLATIVE COUNCIL

Questions Asked Today

Notice Given *Thursday, 11 April 2013*

- (o) with reference to the above media statement, dated 3 October 2008, can the Minister also state what specific measures have been in place since that date by the DMP to ensure no unauthorised confidential information is being released by Nick Galton Fenzi or other departmental staff to a senior former DMP employee Ms Janine Cameron who also works for KCGM, Barrick and Newmont?

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

With regard to tenements held for the purpose of uranium exploration or mining in the Kimberley District, I ask:

- (a) how many tenements exist;
- (b) what are the tenement numbers;
- (c) where are these tenements located;
- (d) what is the status of each of these tenements;
- (e) who are the holders of each tenement;
- (f) who are the proponents of each tenement;
- (g) what is the end date for each of these tenements;
- (h) what is the individual status of engagement with traditional owners by the proponents identified in (f); and
- (i) in cases of indigenous representative bodies associated with engagement in relation to (h) who are they and who do they represent?

MALCOLM PEACOCK

Clerk of the Legislative Council