

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No. 152

Thursday, 24 September 2015

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, 11 August 2015***

3278. Hon Lynn MacLaren to the Minister for Housing representing the Minister for Lands
(*SO108(2) response – 15 September 2015*)

Notice Given ***Tuesday, 8 September 2015***

3356. Hon Lynn MacLaren to the Parliamentary Secretary representing the Minister for Transport
3357. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
3358. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
3359. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
3360. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
3361. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
3362. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
3363. Hon Stephen Dawson to the Minister for Mental Health
3365. Hon Adele Farina to the Minister for Mental Health
3366. Hon Robin Chapple to the Minister for Mental Health representing the Minister for
Environment
3367. Hon Adele Farina to the Minister for Mental Health representing the Minister for Culture and
the Arts
3368. Hon Adele Farina to the Minister for Education
3369. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for
Environment
3370. Hon Robin Chapple to the Minister for Mental Health representing the Minister for
Environment
3371. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for
Water

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Postponed Questions

- 3372. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum
- 3373. Hon Sue Ellery to the Minister for Education
- 3374. Hon Sue Ellery to the Minister for Education
- 3375. Hon Sue Ellery to the Minister for Education
- 3376. Hon Sue Ellery to the Minister for Education
- 3377. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Local Government
- 3378. Hon Martin Aldridge to the Leader of the House representing the Premier
- 3379. Hon Martin Aldridge to the Leader of the House representing the Premier
- 3380. Hon Stephen Dawson to the Minister for Mental Health
- 3381. Hon Stephen Dawson to the Minister for Child Protection
- 3382. Hon Stephen Dawson to the Minister for Mental Health
- 3383. Hon Adele Farina to the Attorney General representing the Minister for Emergency Services
- 3384. Hon Adele Farina to the Attorney General representing the Minister for Emergency Services
- 3385. Hon Adele Farina to the Attorney General representing the Minister for Emergency Services

Notice Given Wednesday, 9 September 2015

- 3386. Hon Sally Talbot to the Attorney General representing the Minister for Corrective Services
- 3387. Hon Stephen Dawson to the Minister for Mental Health
- 3388. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 3389. Hon Lynn MacLaren to the Parliamentary Secretary representing the Minister for Transport
- 3390. Hon Stephen Dawson to the Attorney General

Notice Given Thursday, 10 September 2015

- 3391. Hon Sue Ellery to the Minister for Education
- 3392. Hon Stephen Dawson to the Parliamentary Secretary representing the Minister for Transport
- 3393. Hon Kate Doust to the Attorney General representing the Minister for Corrective Services
- 3394. Hon Stephen Dawson to the Minister for Child Protection
- 3395. Hon Stephen Dawson to the Minister for Child Protection
- 3396. Hon Stephen Dawson to the Minister for Child Protection
- 3397. Hon Stephen Dawson to the Minister for Child Protection
- 3398. Hon Stephen Dawson to the Minister for Child Protection
- 3399. Hon Stephen Dawson to the Minister for Child Protection
- 3400. Hon Stephen Dawson to the Minister for Child Protection
- 3401. Hon Stephen Dawson to the Minister for Child Protection

Notice Given Tuesday, 15 September 2015

- 3402. Hon Kate Doust to the Minister for Mental Health representing the Treasurer
- 3404. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health

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- 3405. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
- 3406. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
- 3407. Hon Adele Farina to the Attorney General representing the Minister for Police
- 3408. Hon Robin Chapple to the Minister for Aboriginal Affairs

Notice Given **Wednesday, 16 September 2015**

- 3409. Hon Stephen Dawson to the Minister for Child Protection
- 3410. Hon Stephen Dawson to the Minister for Mental Health
- 3411. Hon Alanna Clohesy to the Parliamentary Secretary representing the Minister for Health
- 3412. Hon Stephen Dawson to the Minister for Housing representing the Minister for Lands
- 3413. Hon Stephen Dawson to the Minister for Housing
- 3414. Hon Alanna Clohesy to the Minister for Mental Health representing the Minister for Planning
- 3415. Hon Kate Doust to the Attorney General representing the Minister for Police
- 3416. Hon Kate Doust to the Attorney General representing the Minister for Corrective Services
- 3417. Hon Stephen Dawson to the Minister for Mental Health
- 3418. Hon Stephen Dawson to the Leader of the House representing the Minister for Energy
- 3419. Hon Stephen Dawson to the Minister for Child Protection
- 3420. Hon Lynn MacLaren to the Minister for Agriculture and Food representing the Minister for Forestry
- 3421. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Environment

Notice Given **Thursday, 17 September 2015**

- 3422. Hon Stephen Dawson to the Minister for Child Protection
- 3423. Hon Stephen Dawson to the Minister for Child Protection
- 3424. Hon Robin Chapple to the Minister for Aboriginal Affairs
- 3425. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health

Notice Given **Tuesday, 22 September 2015**

- 3426. Hon Stephen Dawson to the Leader of the House representing the Minister for Energy
- 3427. Hon Adele Farina to the Attorney General representing the Minister for Police
- 3428. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
- 3429. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
- 3430. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
- 3431. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Water

Notice Given **Wednesday, 23 September 2015**

- 3432. Hon Sue Ellery to the Leader of the House representing the Minister for Training and Workforce Development

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Postponed Questions

- 3433. Hon Sue Ellery to the Leader of the House representing the Minister for Training and Workforce Development
- 3434. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 3435. Hon Stephen Dawson to the Minister for Housing
- 3436. Hon Stephen Dawson to the Minister for Housing

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*Notice Given**Thursday, 24 September 2015***3437. Hon Lynn MacLaren to the Parliamentary Secretary representing the Minister for Health:**

- (1) Will the Minister table the 2009 and 2011 Western Australian Food Monitoring Program and National Residue Survey results and chemical analysis report undertaken by the Chemistry Centre referred to in question on notice No. 3304, asked on 11 August 2015?
- (2) If no to (1), why not?
- (3) Will the Minister give details of action taken in 2009 and 2011 following the results of the department's survey and Chemistry Centre Analysis?
- (4) Given Endosulfan was listed on Annexe A of the Stockholm Convention for elimination in June 2011, what action did the department take to investigate the source of Endosulfan residues in Western Australian food?
- (5) What action has the department taken to ensure that food grown in Western Australia does not contain residues of Endosulfan and other persistent organic pollutants?
- (6) Has food containing residues of Endosulfan been consumed by the Western Australian public?
- (7) If yes to (6), will the Minister provide details?
- (8) Which local government authorities were involved in the Western Australian Food Monitoring Program in 2009 and 2011?
- (9) Which Local Governments Authorities were involved in the National Residue Surveys in 2009 and 2011?
- (10) Will the Minister provide details of action the department has taken in response to this evidence of non-compliance with the Australian New Zealand Food Standards Code?
- (11) Is the department concerned about the residues of Chlorpyrifos found in Western Australian food, given its toxicity and risks to human health?
- (12) If no to (11), why not?
- (13) What action will the department take to protect the Western Australian public from exposure to Chlorpyrifos in Western Australian grown food?
- (14) Has any food grown in Western Australia containing an exceedance of maximum residue limits for Endosulfan been exported to other countries?
- (15) If yes to (14), with the Minister table details?

3438. Hon Robin Chapple to the Minister for Agriculture and Food:

- (1) I refer to question on notice No. 3172, asked on 14 May 2015, to the Minister for Agriculture and Food, and the Minister's answer to 3172(d), which states that "even when zoned as priority agriculture this does not prevent mining as mining development is approved under the *Mining Act 1978* with environmental impacts assessed under the *Environmental Protection Act 1986*". The Minister's response does not distinguish in any way between bauxite on priority agricultural land that is subject to the jurisdiction of the *Mining Act 1978* and bauxite on priority agricultural land that is excluded from the Mining Act's jurisdiction, being bauxite

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on private land that was granted by the Crown before 1 January 1899, which is the property of the landowner, known as Minerals to Owner land (refer S9 of the *Mining Act 1978*), and I ask:

- (a) in the peri-urban Shire of Chittering which has been targeted by Bauxite Resources and Alpha Bauxite for six years now, is the Minister aware of the extent of Agricultural Resource land that is Minerals to Owner land where bauxite has been excluded from the jurisdiction of the *Mining Act 1978* and its predecessor, the *Mining Act 1903* for over 110 years;
 - (b) given that a proposal to explore for or mine bauxite on Minerals to Owner land in the Shire of Chittering is not subject to the *Mining Act 1978*, and is instead subject to planning laws and principles, does the Minister agree that such a proposal is within his portfolio and that SPP5 should be applied to preserve Agricultural Resource land from surface mining for bauxite (along with other relevant planning and environmental principles); and
 - (c) if no to (1)(a) and/or (1)(b), why not?
- (2) The Minister's answer to 3172(d) also states with great authority that "given bauxite mining is a mechanical extraction process where the soil above the deposit including the topsoil is carefully put aside (stockpiled), it is expected that the rehabilitation of the sites under the supervision of the Department of Mines and Petroleum and Department of Environmental Protection will return the sites to their previous level of agricultural production". Is the Minister aware that:
- (a) bauxite deposits are found in the top six to 12 metres of land, including the topsoil and surface material, and that all this material is permanently removed in the mining process, including between 65-75 percent waste (soil);
 - (b) following bauxite mining the soil profile and landforms are permanently changed thereby permanently altering the soil profile, the groundwater recharge and surface water runoff; and
 - (c) if no to (2)(a) and/or (2)(b), why not?
- (3) Is the Minister aware that the site of a trial bauxite mining operation undertaken by Bauxite Resources Limited on prime Agricultural Resource land in the Shire of Chittering in 2009-10 resulted in a concave 3.5 hectares paddock of highly compacted soil that residents have observed has been seeded and re-seeded by the landowner six times in five years to sustain the pasture, caused the removal or slow death of all mature Marri and Jarrah trees on the site and loss of any residual topsoil from high winds?
- (4) If yes to (3), is the Minister also aware that none of the operations or impacts of this bauxite operation were supervised, measured or monitored by the Department of Mines and Petroleum or the Department of Environmental Regulation before, during or after the operation?
- (5) If no to (4), why not?
- (6) Would the Minister provide an example of where bauxite mining has occurred on prime agricultural land in Western Australia and has been demonstrated to "return the sites to their previous level of agricultural production" supported by proper environmental measurement and data?
- (7) If no to (6), why not?

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- (8) Does the Minister agree that Farmnote 39/2001 – Recharge Management for Salinity Control issued by the department to advise farmers on the management of groundwater salinity suggests that the impacts of clearing all remnant native vegetation and stripping all pasture from large areas of priority agricultural land for the purpose of bauxite mining is likely to result in increased groundwater recharge at the sites and therefore an increased risk of downslope salinity in the area?
- (9) If yes to (8), why?
- (10) If no to (8), why not?
- 3439. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Planning:**
- (1) I refer to question on notice No. 3171 asked on 14 May 2015 to the Minister representing the Minister for Planning. The Minister’s answer to 3171(a) and 3171(b) says that State Planning Policy 2.5 – Land Use Planning in Rural Areas (SPP2.5) “protects rural land generally and priority agricultural land in particular”. The Minister states that this policy “is the principal statutory planning mechanism for protecting the State’s rural and agricultural interests”, and I ask:
- (a) can the Minister confirm how and when SPP2.5 applies to “protect the State’s rural and agricultural interests” and “priority agricultural land in particular” when resource companies seek to explore or mine such land for bauxite under the *Mining Act 1978*; and
- (b) if no to (a), why not?
- (2) The Minister’s answer to 3171(d) states that any request to mine the Felicitas and Fortuna bauxite projects “would be considered under the *Mining Act 1978* and the *Environmental Protection Act 1986*” and “the impacts on surrounding agricultural uses and residents would form part of the deliberations”, and I ask:
- (a) can the Minister explain in what way SPP2.5 would be part of the deliberations under the referenced Acts if a proposal is made to develop bauxite deposits on priority agricultural land;
- (b) if SPP2.5 is not part of the deliberations under the referenced Acts about impacts on priority agricultural land, how does SPP2.5 operate as the “principal statutory mechanism for protecting the State’s rural and agricultural interests”; and
- (c) if SPP2.5 does not operate in those circumstances, can the Minister confirm whether his replies to 3171(a) and 3171(b) are correct?
- (3) The Minister’s answer to 3171(c) refers to the “feasibility study” (of which there is no sign) that has been considered for a number of years (four) in respect of the Felicitas and Fortuna deposits. Bauxite Resources Limited and Yankuang Resources are in mediation of a dispute about the future of this feasibility study. Has the Minister considered the profound impacts of open-ended speculation about a large scale bauxite mine across the Shires of Toodyay, Northam and Mundaring on property values and land use planning in those Shires, and the direct impact of this adverse speculation on residents:

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- (a) if yes to (3), how long does the Minister consider is reasonable for such a state of affairs to continue in the interests of proper land use planning and the existing agricultural and tourism economies in those Shires; and
- (b) if no to (3), why not?
- (4) The Minister's answers do not distinguish in any way between bauxite on agricultural land that is subject to the jurisdiction of the *Mining Act 1978* and bauxite on agricultural land that is excluded from the Mining Act's jurisdiction, being bauxite on private land that was granted by the Crown before 1 January 1899, which is the property of the landowner - known as Minerals to Owner land (refer S9 of the *Mining Act 1978*), and I ask:
 - (a) in the peri-urban Shire of Chittering which has been targeted by Bauxite Resources and now Alpha Bauxite for six years now, is the Minister aware of the extent of priority agricultural land that is Minerals to Owner land where bauxite has been excluded from the jurisdiction of the *Mining Act 1978* and its predecessor, the *Mining Act 1903* for over 110 years; and
 - (b) if no to (a), why not?
- (5) Given that a proposal to explore for or mine bauxite on Minerals to Owner land in the Shire of Chittering is subject to the local Town Planning Scheme which does not permit Industry-Mining as a land use and Planning principles generally, can the Minister confirm that Chittering property owners are entitled to protect their property rights and amenity by relying on the protection of their Town Planning Scheme and general planning principles, including SPP2.5, to prevent this industrial land use from being imposed on Minerals to Owner land in the Shire:
 - (a) if no to (5), why not?

3440. Hon Stephen Dawson to the Minister for Child Protection:

- (1) During the month of May 2015, what was the total number of registered carers with four or more children placed with them by category of relative and non-relative carer, by district?
- (2) During the month of May 2015, how many carers had a "carer record screening" overdue or not recorded by category of relative and non-relative carer, by district?
- (3) During the month of May 2015, how many carers had overdue "carer reviews" by category of relative and non-relative carer, by district?

NIGEL PRATT

Clerk of the Legislative Council