

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## QUESTIONS

**No. 17**

**Tuesday, 6 August 2013**

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Questions appear according to the date on which notice was delivered.  
When a question has been answered it is removed from the postponed list.

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## POSTPONED QUESTIONS

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*Notice Given*            *Tuesday, 11 June 2013*

87. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum
94. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum

*Notice Given*            *Thursday, 13 June 2013*

114. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
115. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum

*Notice Given*            *Tuesday, 18 June 2013*

118. Hon Darren West to the Parliamentary Secretary representing the Minister for Tourism
119. Hon Stephen Dawson to the Parliamentary Secretary representing the Minister for Tourism
120. Hon Alanna Clohesy to the Parliamentary Secretary representing the Minister for Health

*Notice Given*            *Wednesday, 19 June 2013*

125. Hon Sally Talbot to the Minister for Disability Services

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**Postponed Questions****Notice Given**            **Tuesday, 25 June 2013**

127. Hon Alanna Clohesy to the Minister for Agriculture and Food representing the Minister for Housing
128. Hon Alanna Clohesy to the Minister for Agriculture and Food representing the Minister for Housing
129. Hon Alanna Clohesy to the Minister for Agriculture and Food representing the Minister for Housing
130. Hon Alanna Clohesy to the Minister for Agriculture and Food representing the Minister for Housing
133. Hon Sally Talbot to the Minister for Mental Health
134. Hon Darren West to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum
135. Hon Adele Farina to the Attorney General representing the Minister for Corrective Services
136. Hon Adele Farina to the Minister for Agriculture and Food representing the Minister for Housing
137. Hon Adele Farina to the Minister for Agriculture and Food representing the Minister for Housing
138. Hon Adele Farina to the Minister for Child Protection
145. Hon Adele Farina to the Attorney General representing the Minister for Police
146. Hon Adele Farina to the Attorney General representing the Minister for Police
147. Hon Adele Farina to the Attorney General representing the Minister for Police
148. Hon Adele Farina to the Attorney General representing the Minister for Police
149. Hon Adele Farina to the Attorney General representing the Minister for Police
152. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
153. Hon Adele Farina to the Minister for Mental Health
154. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
155. Hon Adele Farina to the Minister for Mental Health
160. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
162. Hon Adele Farina to the Minister for Agriculture and Food representing the Minister for Housing
163. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Regional Development

**Notice Given**            **Wednesday, 26 June 2013**

164. Hon Adele Farina to the Minister for Mental Health representing the Minister for Community Services
165. Hon Darren West to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum
166. Hon Alanna Clohesy to the Leader of the House representing the Minister for Energy
167. Hon Amber-Jade Sanderson to the Minister for Agriculture and Food representing the Minister for Housing

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168. Hon Stephen Dawson to the Minister for Agriculture and Food representing the Minister for Fisheries
169. Hon Samantha Rowe to the Leader of the House representing the Minister for Finance
170. Hon Alanna Clohesy to the Minister for Commerce
171. Hon Samantha Rowe to the Minister for Mental Health representing the Treasurer
172. Hon Amber-Jade Sanderson to the Parliamentary Secretary representing the Minister for Water
173. Hon Darren West to the Minister for Mental Health representing the Minister for Planning
174. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health

***Notice Given Thursday, 27 June 2013***

176. Hon Sally Talbot to the Parliamentary Secretary representing the Minister for Health
177. Hon Sally Talbot to the Minister for Mental Health
178. Hon Sally Talbot to the Minister for Mental Health
179. Hon Sally Talbot to the Minister for Child Protection
180. Hon Sally Talbot to the Minister for Mental Health
181. Hon Nick Goiran to the Parliamentary Secretary representing the Minister for Health
182. Hon Nick Goiran to the Parliamentary Secretary representing the Minister for Health
183. Hon Sue Ellery to the Parliamentary Secretary representing the Minister for Health
184. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum
185. Hon Stephen Dawson to the Minister for Agriculture and Food representing the Minister for Housing
186. Hon Sally Talbot to the Minister for Mental Health

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*Notice Given*                      *Tuesday, 6 August 2013*

**187. Hon Robin Chapple to the Minister for Aboriginal Affairs:**

With regard to the Aboriginal interim registered heritage site 23323, Burrup Peninsula, Murujuga, and questions on notice Nos 5024, 5737 and the subsequent question without notice No. 58 of 16 May 2013, I ask:

- (a) do any of the following describe the current status of this site:
  - (i) a registered site;
  - (ii) an interim registered site; and
  - (iii) an "other heritage place";
- (b) if yes to any of (a)(i), (ii) or (iii), why is it in that category of site;
- (c) will the Minister confirm that the Aboriginal Cultural Material Committee (ACMC) determined that site 23323 was a site on 15 August 2011;
- (d) if yes to (c), over how many meetings did the ACMC deliberate on this issue;
- (e) did the ACMC require and assess further information to assist in their deliberations;
- (f) is it correct that section 37(2) authorises the Registrar to administer the operations of the ACMC and "perform such other functions as are allocated to the Registrar by this Act";
- (g) is there a section within the *Aboriginal Heritage Act 1972* that includes the ability of any other party other than the Minister, to not accept the recommendations of the ACMC;
- (h) who within the Department of Indigenous Affairs (the department) did not accept that the site 23323 was a registered site and decided that there was insufficient information;
- (i) in what capacity did that person determine that the ACMC's decision was incorrect;
- (j) did that person have the authority to make that decision;
- (k) if yes to (j), under what section of the *Aboriginal Heritage Act 1972* did that person make that decision;
- (l) if no to (j), will that decision be rescinded;
- (m) if no to (l), why not;
- (n) in reference to the answer to (8) of question 5024 of 7 March 2012, has the department concluded its work with cultural groups in refining the values and boundaries of site DIA 23323;
- (o) if no to (n), why not;
- (p) if yes to (n), when will site 23323 appear on the register; and
- (q) if no to (n), when will that work be concluded?

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

I refer to the recent catastrophic collapse of the community water supply tower and tank at One Arm Point, and I ask:

- (a) what was the cause of the collapse;
- (b) how many other communities have a water tower and tank of similar age and design;
- (c) are the tanks inspected on a regular basis;
- (d) if no to (c), why not;
- (e) if yes to (c), how often;
- (f) what steps, if any, have been taken to mitigate risk to other communities in (b) which have these similar water tanks; and
- (g) if no to (c), will the Minister order an urgent inspection of all such tanks to minimise the risk of serious injury to any bystanders should another collapse occur?

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

- (1) How many complaints did the Department of Transport receive in 2012 that a taxi driver did not have proper identification on display in their taxi?
- (2) How many complaints did the Department of Transport receive in 2012 that a taxi was being operated by an unlicensed driver?
- (3) How many investigations did the Department of Transport undertake in 2012 into a taxi drivers not having proper identification on display in their taxi?
- (4) What was the outcome of these investigations?
- (5) How many investigations did the Department of Transport undertake in 2012 into a taxi being operated by an unlicensed driver?
- (6) What was the outcome of these investigations?

**190. Hon Sally Talbot to the Minister for Child Protection:**

Of the 87 children in the care of the chief executive officer of the Department for Child Protection and Family Support who have been picked up by police since 2011 as part of Operation Safe Place, how many have a diagnosis of foetal alcohol spectrum disorder?

**191. Hon Robin Chapple to the Minister for Aboriginal Affairs:**

With regard to the section 18 notice, dated 23 October 2012, submitted by Holcim (Australia) Pty Ltd (the Landowner) to the Aboriginal Cultural Material Committee (ACMC) pursuant to section 18(2) of the *Aboriginal Heritage Act 1972* (AHA), I ask:

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- (a) are the sites DIA 26711, DIA 32590, DIA 32589, DIA 32586, DIA 32586, DIA 26712, DIA 32585, DIA 32587, DIA 26713, DIA 32584, DIA 32588 and DIA 32583 to be protected from damage or destruction by Holcim (Australia) Pty Ltd in pursuit of their desires to quarry portions of M47/306, M47/309, M47/331 and M47/353;
- (b) if yes to (a), how;
- (c) if no to (a), why not;
- (d) will the Minister table his grant of consent to Holcim (Australia) Pty Ltd to the use of the land for the purpose subject to conditions;
- (e) were all the sites identified to exist in (a) within M47/306, M47/309, M47/331 and M47/353 subject to the section 18 notice and the Minister's subsequent grant of consent to the use of the land;
- (f) if no to (e), why not;
- (g) if no to (e), will the Minister cause Holcim (Australia) Pty Ltd to include all the sites contained within the quarry portions of M47/306, M47/309, M47/331 and M47/353 as the subject of a section 18 notice;
- (h) if no to (g), why not;
- (i) given that damage has been sustained by rock art (petroglyphs), by fly rock, during the blasting of rock on the Burrup, what conditions has the Minister placed on blasting activities by Holcim (Australia) Pty Ltd to insure that no damage is sustained to sites CEM1001, CEM1002, CEM1008, CEM1009, CEM1010, CEM1012, CEM1014, CEM1015, CEM1016, CEM1017, CEM1018, CEM1019, CEM1020, CEM1021, CEM1023, CEM1026, CEM1027, CEM1028, CEM1029, CEM1030, CEM1031, CEM1032, CEM1033, CEM1035, CEM1036, CEM1037, CME1037, DIA 32583, DIA 32621, DIA 32622, and DIA 8858 contained within the National Heritage Listed area of the Dampier Archipelago and adjacent to M47/306, M47/309, M47/331 and M47/353, by fly rock or blast effect; and
- (j) if none to (i), why not?

**192. Hon Robin Chapple to the Minister for Aboriginal Affairs:**

I refer to the Minister for Mines reply to question on notice No. 5437, answered on 1 May 2012, in which he states that site Lake Yindarlgooda, Mammu Tjukurrpa registered site 30602 is not a registered site. In the Minister for Mines' reply, he states that "I am informed that before such a site can be registered, the Aboriginal Material Cultural Committee (ACMC) must consult with land owners, which includes the holders of any mining tenement, as defined under the *Aboriginal Heritage Act 1972* (the Act)", and ask:

- (a) will the Minister specify under which current provision of the Act this is the case;
- (b) will the Minister identify the source of the advice to the Minister for Mines on this matter;
- (c) was the advice that the Minister for Mines received accurate;

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- (d) did Aboriginal custodians request registration of this site:
  - (i) if so, when; and
  - (ii) will the Minister tender the relevant correspondence;
- (e) what was the initial view of the ACMC on the registration of this site;
- (f) did the Aboriginal custodians present evidence to the ACMC and Department of Aboriginal affairs (DAA) supporting the view that the whole of the lake was a 'place of significance' under the terms of the Act;
- (g) if yes to (f), what was the nature of this evidence;
- (h) was this evidence provided by senior Aboriginal authorities for this area;
- (i) what was the view of the ACMC on the evidence provided by custodians;
- (j) what decision did DAA come to as to the Aboriginal custodians' view that the whole of the Lake was a site;
- (k) if DAA rejected the Aboriginal custodians' view, will the Minister state on what basis their view was rejected;
- (l) did DAA's final decision on the registration of this site differ from the view of the ACMC;
- (m) was the ACMC advised to reject registration of the site, and if so, by which DAA officer;
- (n) if DAA rejected the advice of the ACMC, will the Minister state on what basis their view was rejected;
- (o) under what part of the Act can the DAA reject the advice or views of the ACMC;
- (p) have the holders of mining tenements covering the lake made any representations to the Minister requesting that the lake not be registered as a sacred site:
  - (i) if yes to (p), what was the nature, date and source of these representations; and
  - (ii) if yes to (p), will the Minister tender the relevant correspondence;
- (q) have the holders of mining tenements covering the lake made any representations to DAA staff members requesting that the Lake not be registered as a sacred site:
  - (i) if yes to (q), what was the nature, date and source of these representations; and
  - (ii) if yes to (q), will the Minister tender the relevant correspondence;
- (r) was DAA's decision not to register the site influenced in any way by these representations; and
- (s) under what power contained within the Act can the DAA or the Registrar refuse, alter or overturn the decisions of the ACMC?

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

In respect of the answers to question on notice No. 25 asked by Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment regarding the Derby Tidal Power Project, I further ask:

- (a) is this matter subject to the *Environment Protection and Biodiversity Conservation Act 1999*;
- (b) if yes to (a), what role or dialogue is the State having in respect to an assessment under the *Environment Protection and Biodiversity Conservation Act 1999*;
- (c) has the Federal Government had any communication with the State on this matter;
- (d) if yes to (c), on what dates, and will the Minister table all such correspondence;
- (e) has the State provided any advice to the Federal authorities on the proposed Derby Tidal Power Project; and
- (f) if yes to (e), on what dates and will the Minister table all correspondence?

**194. Hon Sally Talbot to the Minister for Child Protection:**

I refer to question on notice No. 181 of 1996 concerning the recommendation of the Official Secretary to the United Kingdom High Commission on 14 August 1958 suggestion to the Immigration Department that other boys institutions holding child migrants be checked for the commission of sexual offences by staff, and I ask:

- (a) were any such checks made on Western Australian institutions holding child-migrant boys;
- (b) if yes to (a), which institutions were checked, on what dates, and by whom;
- (c) if yes to (a), will the Minister inform the Royal Commission into Institutional Responses to Child Sex Abuse of the results of those checks; and
- (d) if no to (c), why not?

**195. Hon Sally Talbot to the Minister for Child Protection:**

For each of the utilities Synergy, Horizon, Water Corporation and Alinta in relation to the Hardship Utilities Grant Scheme (HUGS) for April, June and July 2013:

- (a) what was the number of approved grants;
- (b) what was the total grant amount; and
- (c) what was the average amount paid?



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**196. Hon Sally Talbot to the Minister for Child Protection:**

For all Hardship Utility Grant Scheme (HUGS) applicants processed by the Department of Child Protection in April, June and July 2013, can the department please detail how many applicants were from:

- (a) Great Southern Region;
- (b) South West Region;
- (c) Goldfields Region;
- (d) Murchison-Gascoyne Region;
- (e) Wheatbelt Region;
- (f) East Kimberley Region;
- (g) West Kimberley Region;
- (h) Pilbara Region;
- (i) Peel Region; and
- (j) Mid West?

**197. Hon Sally Talbot to the Minister for Child Protection:**

For all Hardship Utility Grant Scheme (HUGS) applicants processed by the Department of Child Protection in April, June and July 2013, can the department please provide the number of applications by:

- (a) postcode;
- (b) regional development region;
- (c) main source of income;
- (d) family status;
- (e) number of children;
- (f) gender;
- (g) age;
- (h) housing tenure; and
- (i) ethnicity?

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

I refer to the photos and video of a Caterpillar D8T Dozer from WesTrac and Caterpillar 336DL Hydraulic Excavator hired from PHS Pty Ltd in Area C in the Pilbara on the South Flank site on or around 15/16 of April 2011. The photos are located at <http://www.robinchapple.com/qdata> (titled: South Flank 1, South Flank 2, South Flank 3, South Flank 4) and the accompanying video at <http://youtu.be/fx7w9BAdkj4>, and ask:

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- (a) does the Minister consider that using a chain on the 336DL Hydraulic Excavator bucket assembly to attach to the Caterpillar D8T Dozer ripper for lifting purposes, whilst workers were carrying out work on the ripper structure, a safe practice:
  - (i) if yes to (a), why; and
  - (ii) if no to (a), what will the Minister do to investigate this matter;
- (b) was this matter of unsafe practice brought to the attention of the department:
  - (i) if yes to (b), when and by whom;
  - (ii) if yes to (b), what action was taken; and
  - (iii) if no to (b), why was this matter not brought to the attention of the department; and
- (c) was a site supervisor on site at the time:
  - (i) if yes to (c), was the unsafe practice brought to the attention of that officer; and
  - (ii) if yes to either (c) or (c)(i), why did the site supervisor allow this unsafe practice to continue?

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

With reference to Dr Ken King, the CEO of Pilbara Development Commission since January 2013, I ask:

- (a) will the Minister please table a list of all flights undertaken by Dr Ken King in relation to his role as CEO of the Pilbara Development Commission, including any commuting to and from his home in Queensland;
- (b) will the Minister identify which flights were commercial and which were charter;
- (c) will the Minister table a cost breakdown for both commercial and charter flights undertaken by Dr King;
- (d) does Dr King have an entertainment budget:
  - (i) if yes to (d), what is that budget; and
  - (ii) if yes to (d), will the Minister provide a monthly breakdown of expenditure by Dr King since his appointment;
- (e) where is Dr King's office located; and
- (f) how much time has Dr King spent in the Pilbara since his appointment?

**200. Hon Lynn MacLaren to the Minister for Agriculture and Food representing the Minister for Forestry:**

Will the Minister please provide a list of the current base stumpages for:

- (a) native forest; and
- (b) plantations?

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**201. Hon Kate Doust to the Minister for Commerce:**

I refer to WorkSafe in the 2010-2011 financial year, and I ask:

- (a) how many Worksafe full-time equivalent employees (FTE) were allocated to inspections and investigations of workplaces and/or accidents;
- (b) where are each of the FTE in (a) located;
- (c) how many of these positions were vacant;
- (d) where were the vacant positions located;
- (e) of the FTE in (a), how many were:
  - (i) ongoing public sector employees; and
  - (ii) employed under fixed-term contracts;
- (f) for each of those employed under contract, what is the term of their contract;
- (g) how many of the FTE positions in (a) are specialist positions in which the inspector/investigator is required to have the expertise to investigate specific types of worksites;
- (h) for each of the FTE in (g):
  - (i) what is the specialist area;
  - (ii) where is the position located; and
  - (iii) which, if any, were vacant;
- (i) what was the Budget Actual for Worksafe for the 2011–12 financial year; and
- (j) how much, if any, of that budget was spent on legal action?

**202. Hon Lynn MacLaren to the Minister for Agriculture and Food representing the Minister for Forestry:**

- (1) At what average age is regrowth karri resulting from clear-felling conducted since 1967 first thinned?
- (2) For the year 2012-2013 regarding thinning of regrowth karri resulting from clear-felling conducted since 1967:
  - (a) what area was thinned;
  - (b) what volume of logs was extracted;
  - (c) how much of this volume was:
    - (i) first and second grade karri sawlogs; and
    - (ii) chip logs; and

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- (d) what was the volume of:
  - (i) first and second grade karri sawlogs; and
  - (ii) chip logs estimated to be extracted from thinnings that year?

**203. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Heritage:**

- (1) With regard to the human heritage of old timber towns in Western Australia, are forest heritage sites subject to the Government Property Disposal Process?
- (2) If yes to (1), has this process been carried out in former timber towns in Western Australia?
- (3) Have historical archaeologists been consulted about the human heritage of former timber towns by either the Forest Products Commission or the Department of Parks and Wildlife?
- (4) If no to (3), why not?
- (5) Have there been inspections of the human heritage of forests before deep ploughing for replanting or grading for tourist facilities?
- (6) If yes to (5), will the Minister please table these inspections?
- (7) If no to (5), why not?

**204. Hon Kate Doust to the Minister for Commerce:**

- (1) Will the Department of Commerce update the publication State of the Work Environment Work-related fatalities, Western Australia, 2006-2007 to 2011-2012 to include data from 2012-2013?
- (2) If yes to (1), when will the updated publication be available?
- (3) If no to (1), for the period 2012-2013 what was the total number of fatalities by:
  - (a) employment type;
  - (b) occupation;
  - (c) employment type (e.g. employed, self-employed apprentice etc.) age group;
  - (d) age group and industry division; and
  - (e) category (e.g. electrocution, falls, mobile plant etc.)?

**205. Hon Kate Doust to the Minister for Commerce:**

- (1) I refer to the WorkSafe division within the Department of Commerce and I ask, how many calls were made to the call centre for the reporting period 2012-2013?
- (2) Of the calls received how many were:
  - (a) general feedback;
  - (b) complaints; and

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- (c) reporting incidents, possible breaches or providing a 'tip'?
- (3) In relation to (2)(c), is there an agreed timeframe to investigate tips:
  - (a) if yes to (3), what is the timeframe; and
  - (b) if no to (3), what was the average time taken to follow up?

**206. Hon Kate Doust to the Minister for Commerce:**

I refer to the WorkSafe division within the Department of Commerce and I ask, in relation to the annual reporting periods 2009-2010; 2010-2011; 2011-2012, and 2012-2013:

- (a) how many prohibition notices were issued by a WorkSafe for each of the years in question;
- (b) how many requests for review of a prohibition notice were lodged for each year in question and what was the result of each of the reviews;
- (c) how many 'failure to comply with a prohibition notice' lead to prosecution and what was the result of prosecution; and
- (d) how many 'failure to comply with a prohibition notice' lead to applying alternative enforcement actions and what was the result of those actions?

**207. Hon Kate Doust to the Minister for Commerce:**

I refer to the WorkSafe division within the Department of Commerce and I ask, in relation to the annual reporting periods 2009-2010, 2010-2011, 2011-2012 and 2012-2013:

- (a) how many improvement notices were issued by WorkSafe, by industry:
  - (i) what was the average time taken to remedy (fix) an alleged breach;
  - (ii) how many alleged breaches were not completed by the compliance date; and
  - (iii) what action was taken by WorkSafe to follow-up on matters not completed by the compliance date;
- (b) how many request for an extensions to the compliance deadline for improvement notices:
  - (i) were made;
  - (ii) were granted; and
  - (iii) were not granted; and
- (c) how many requests for review of improvement notices were made:
  - (i) of these, how may notices were affirmed, modified or cancelled?

**MALCOLM PEACOCK**

Clerk of the Legislative Council