

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No. 113

Wednesday, 22 September 2010

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, 19 May 2010*

2423. Hon Alison Xamon to the Minister for Environment (*SO 138(d) response - June 29 2010*)

2424. Hon Alison Xamon to the Minister for Environment (*SO 138(d) response - June 29 2010*)

Notice Given *Tuesday, 29 June 2010*

2531. Hon Robin Chapple to the Leader of the House representing the Minister for State Development (*SO 138(d) response - September 8 2010*)

Notice Given *Tuesday, 10 August 2010*

2645. Hon Giz Watson to the Minister for Environment (*SO 138(d) response - September 15 2010*)

Notice Given *Thursday, 19 August 2010*

2686. Hon Giz Watson to the Leader of the House representing the Premier

Notice Given *Tuesday, 7 September 2010*

2687. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

2688. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

2689. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

2690. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

2691. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

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2692. Hon Ljiljana Ravlich to the Minister for Training and Workforce Development
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2700. Hon Ljiljana Ravlich to the Minister for Training and Workforce Development
2701. Hon Robin Chapple to the Minister for Mines and Petroleum
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2715. Hon Robin Chapple to the Minister for Mines and Petroleum
2716. Hon Robin Chapple to the Minister for Environment
2717. Hon Robin Chapple to the Minister for Environment
2718. Hon Robin Chapple to the Minister for Environment
2719. Hon Robin Chapple to the Minister for Environment
2720. Hon Robin Chapple to the Minister for Environment
2722. Hon Giz Watson to the Minister for Environment
2723. Hon Lynn MacLaren to the Minister for Child Protection representing the Minister for Culture and the Arts
2724. Hon Lynn MacLaren to the Minister for Environment

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Postponed Questions

- 2725. Hon Robin Chapple to the Minister for Environment
- 2726. Hon Robin Chapple to the Leader of the House representing the Minister for Racing and Gaming
- 2727. Hon Robin Chapple to the Minister for Environment
- 2728. Hon Robin Chapple to the Minister for Environment
- 2729. Hon Robin Chapple to the Leader of the House representing the Minister for Housing
- 2730. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2731. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2732. Hon Robin Chapple to the Minister for Environment
- 2733. Hon Robin Chapple to the Minister for Environment
- 2734. Hon Robin Chapple to the Minister for Environment
- 2735. Hon Robin Chapple to the Minister for Transport
- 2736. Hon Robin Chapple to the Minister for Mines and Petroleum
- 2737. Hon Robin Chapple to the Minister for Energy representing the Minister for Heritage
- 2738. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Regional Development
- 2739. Hon Ken Travers to the Minister for Transport
- 2740. Hon Ken Travers to the Minister for Transport
- 2741. Hon Ken Travers to the Minister for Transport
- 2742. Hon Alison Xamon to the Minister for Child Protection representing the Minister for Forestry
- 2744. Hon Alison Xamon to the Minister for Child Protection representing the Minister for Planning
- 2745. Hon Alison Xamon to the Minister for Transport
- 2746. Hon Alison Xamon to the Minister for Child Protection
- 2747. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2748. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2749. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2750. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2751. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2752. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2753. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2754. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2755. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 2756. Hon Alison Xamon to the Minister for Energy representing the Minister for Education

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2757. Hon Alison Xamon to the Minister for Energy representing the Minister for Education

2758. Hon Alison Xamon to the Minister for Energy representing the Minister for Education

2759. Hon Alison Xamon to the Minister for Energy representing the Minister for Education

Notice Given *Wednesday, 8 September 2010*

2760. Hon Ken Travers to the Minister for Transport

2761. Hon Giz Watson to the Parliamentary Secretary representing the Attorney General

Notice Given *Thursday, 9 September 2010*

2762. Hon Sue Ellery to the Minister for Child Protection

2763. Hon Sue Ellery to the Minister for Child Protection

2764. Hon Sue Ellery to the Minister for Child Protection

2765. Hon Sue Ellery to the Minister for Child Protection

2766. Hon Sue Ellery to the Minister for Child Protection

2767. Hon Kate Doust to the Minister for Energy

2768. Hon Kate Doust to the Minister for Energy

2769. Hon Kate Doust to the Minister for Energy

2770. Hon Kate Doust to the Minister for Energy

2771. Hon Kate Doust to the Minister for Energy

2772. Hon Kate Doust to the Minister for Energy

2773. Hon Kate Doust to the Minister for Energy (*SO 138(d) response - September 9 2010*)

2774. Hon Kate Doust to the Minister for Energy

2775. Hon Kate Doust to the Minister for Energy

2776. Hon Kate Doust to the Minister for Energy

2777. Hon Kate Doust to the Minister for Energy

2778. Hon Kate Doust to the Minister for Energy

Notice Given *Tuesday, 14 September 2010*

2779. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Regional Development

2780. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Lands

2781. Hon Ken Travers to the Minister for Child Protection representing the Minister for Planning

2782. Hon Ken Travers to the Minister for Transport

2783. Hon Ken Travers to the Leader of the House representing the Minister for Sport and Recreation

2784. Hon Alison Xamon to the Minister for Environment

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Postponed Questions

2785. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Lands

2786. Hon Robin Chapple to the Minister for Environment

2787. Hon Kate Doust to the Minister for Mines and Petroleum

Notice Given ***Wednesday, 15 September 2010***

2788. Hon Lynn MacLaren to the Leader of the House representing the Minister for Housing

2789. Hon Matt Benson-Lidholm to the Minister for Energy representing the Minister for Education

2790. Hon Sue Ellery to the Minister for Seniors and Volunteering

Notice Given ***Thursday, 16 September 2010***

2791. Hon Lynn MacLaren to the Minister for Transport

Notice Given ***Tuesday, 21 September 2010***

2792. Hon Jon Ford to the Minister for Mines and Petroleum

2793. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Regional Development

2794. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Mental Health

2795. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Mental Health

2796. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water

2797. Hon Alison Xamon to the Minister for Transport

2798. Hon Giz Watson to the Minister for Child Protection representing the Minister for Planning

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Notice given *Wednesday, 22 September 2010*

2799. Hon Robin Chapple to the Minister for Mines and Petroleum

With reference to questions pertaining to mines health and safety issues, question on notice No. 2516 and the Ministerial Statement of Thursday, 12 August 2010, I ask -

- (1) Of the 400 hours preparing answers to questions or the 715 office hours spent by officers sitting in their offices answering questions, -
 - (a) how many of these hours were actually spent in the offices answering questions; and
 - (b) how many of these hours were spent on mine sites investigating the issues raised?
- (2) Does the Minister consider that the issues identified in parliamentary questions by myself and addressed by actions of the Department of Mines and Petroleum (DMP) officers, in fixing the relevant problems, a waste of the Department's time?
- (3) Directly or indirectly, how many issues were resolved by DMP officers or mines as a result of questions I asked on health and safety issues?

2800. Hon Robin Chapple to the Minister for Mines and Petroleum

With reference to photographs taken on 21 January 2010, of clearing of vegetation and construction of bores undertaken with exploration equipment available for viewing at www.mp.wa.gov.au/rchapple/Kaltails, a document dated 3 December 2009 titled, 'KCGM Mining Proposal and Works Approval Application', questions on notice No. 2005 of 23 March 2010, No. 2589 of 30 June 2010, and No. 5970 of 27 February 2008, a media statement dated 13 November 2007 titled 'Minister tells mining companies to clean up their act', and a media statement dated 13 July 2010 titled 'environmental enforcement and compliance penalties reviewed', I ask -

- (1) With reference to question on notice No. 2005 of 23 March 2010, is it correct that when the Minister or Department of Mines and Petroleum (DMP) initiated forfeiture action in 1995, KCGM made a written submission which basically stated that 'In an effort to prevent such mistakes re-occurring, KCGM has introduced procedures to ensure all works which may require governmental approval being referred to the tenements and environmental departments of KCGM for advice'?
- (2) If no to (1), can the minister quote the specific text of what KCGM stated in its submission to the DMP or Minister when they were found to be in breach of tenement conditions?
- (3) Can the Minister explain the rationale as to why KCGM the operator for Barrick Gold of Australia, and Newmont Mining cannot have the maximum penalty imposed and applied for breaches of tenement conditions on General Purpose Leases G 26/165 and G26/166, given that this company has a long history of breaching tenement conditions including but not limited to, not obtaining the prior written approval of the DMP for its operations spanning right back as far as 1990?

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- (4) If no to (3), why not?
- (5) Can the Minister state all the breaches (regardless of the type of breach) of tenement conditions, the specific text of the condition breached for each tenement number, including any penalties that KCGM as operators for all tenements owned by Barrick Gold and Newmont Mining have incurred from 1990 through till 2010?
- (6) With reference to the media release dated 13 July 2010 referred to above, in relation to the monetary penalty of \$10 000 imposed on Holcim Australia, did the company have a prior history of breaching tenement conditions as in the case of KCGM of not seeking the prior written permission to clear land from the DMP ?
- (7) If no to (6), can the Minister explain the rationale as to how the fine of \$10 000 was calculated and determined?
- (8) If yes to (7), can the minister quote the tenement number and specific text of the conditions that were previously breached by Holcim Australia?

2801. Hon Robin Chapple to the Minister for Mines and Petroleum

With reference to photographs taken on 21 January 2010, of clearing of vegetation and construction of bores undertaken with exploration equipment available for viewing at, www.mp.wa.gov.au/rchapple/Kaltails, a document dated 3 December 2009 titled, 'KCGM Mining Proposal and Works Approval Application', questions on notice No. 2005 of 23 March 2010, No. 2589 of 30 June 2010, and No. 5970 of 27 February 2008, a media statement dated 13 November 2007 titled 'Minister tells mining companies to clean up their act', and a media statement dated 13 July 2010 titled 'environmental enforcement and compliance penalties reviewed', I ask -

- (1) Can the Minister table a large Department of Mines and Petroleum (DMP) map indicating and denoting where the specific locations, including mining tenure of where clearing of vegetation and construction of bores by KCGM employees/contractors took place on General Purpose Leases G 26/165 and G26/166?
- (2) If no to (1), why not?
- (3) Can the Minister table a large DMP map indicating and denoting where the specific locations, including mining tenure of where clearing of vegetation and construction of bores by KCGM employees/contractors took place on Prospecting Licences P 26/2790 and 26/2373?
- (4) If no to (3), why not?
- (5) Can the Minister table a large DMP map (separate to the maps requested in (1) and (3) for clarity purposes) indicating and denoting where the specific locations of where clearing of vegetation and construction of bores by KCGM employees/contractors took place in September 2009, on all areas which at the time in question did not have granted mining tenure?
- (6) If no to (5), why not?

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- (7) Will the DMP seek to have a high penalty imposed as part of forfeiture action on KCGM for each of the respective breaches of tenement conditions on Prospecting Licence P26/2790 and P26/2373?
- (8) Has KCGM as operator for Barrick Gold and Newmont Mining, breached any other tenement conditions other than on tenements G26/165, G26/166 and P26/2790 and P26/2373?
- (9) If yes to (8), what were those tenement numbers and the specific text of the conditions breached?

2802. Hon Robin Chapple to the Minister for Mines and Petroleum

With reference to photographs taken on 21 January 2010, of clearing of vegetation and construction of bores undertaken with exploration equipment available for viewing at, www.mp.wa.gov.au/rchapple/Kaltails, a document dated 3 December 2009 titled, 'KCGM Mining Proposal and Works Approval Application', questions on notice No. 2589 of 30 June 2010, and No. 5970 of 27 February 2008, a media statement dated 13 November 2007 titled 'Minister tells mining companies to clean up their act', and a media statement dated 13 July 2010 titled 'environmental enforcement and compliance penalties reviewed', I ask -

- (1) Will the Department of Mines and Petroleum (DMP) initiate forfeiture action on General Purpose Leases 26/165 and G 26/166 for failing to abide by tenement conditions?
- (2) If no to (2), why not?
- (3) Given that the Minister has stated that 'exploration and clearing activities' were carried out in September 2009 without the necessary prior approvals, will the DMP initiate forfeiture action on Prospecting Licences P26/2373 and P26/2790?
- (4) If no to (3), why not?
- (5) Can the Minister explain the rationale and differences as to how forfeiture action is initiated by the DMP in relation to a General Purpose lease as opposed to a Prospecting Licence?
- (6) If no to (5), why not?
- (7) What is the maximum cumulative monetary penalty that can be imposed by the Minister for a breach of the tenement conditions concerning G26/165 and G26/166?
- (8) What is the maximum monetary penalty that can be imposed for a breach of tenement conditions on Prospecting Licence 26/2790 and 26/2373 for each of the tenement conditions?
- (9) Can the Minister describe what specific type of machinery and equipment was used in September 2009 by KCGM contractors/employees to carry out 'exploration and clearing activities'?
- (10) If no to (10), why not?
- (11) Can the Minister state the duration over how many days and hours approximately that 'exploration and clearing' activities took place on G26/165, G26/166, P26/2790, P26/2373 and areas of land which did not have granted mining tenure?
- (12) If no to (11), why not?

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- (13) Does the DMP regard the breaches of tenement conditions by KCGM on G26/165 and G26/166 as being extremely serious given that KCGM in a very similar manner were previously fined \$57 500 in 1995 for a breach of tenement conditions in failing to obtain the prior written permission of the DMP for clearing and construction activities on the Fimiston 2 tailings dam?
- (14) If no to (13), why not?
- (15) Does the DMP regard the breaches of tenement conditions by KCGM on P26/2790 and P26/2373 as being extremely serious?
- (16) If yes to (15), -
- (a) to what extent; and
- (b) why?
- (17) If no to (15), why not?
- (18) Given that the Minister has stated in part for question on notice No. 2589 of 30 June 2010 that 'none of the other mining tenements mentioned were granted until early October 2009', does the DMP regard 'exploration and clearing activities' being undertaken by KCGM employees/contractors on unallocated crown land without any form of granted mining tenure as being extremely serious?
- (19) If no to (18), why not?
- (20) If yes to (18), -
- (a) why; and
- (b) what action if any, does the DMP intend to take on this matter?
- (21) With reference to the media release dated 13 November 2007 referred to above, in relation to the monetary penalty of \$20 000 imposed on Hancock Prospecting, did the company have a prior history of breaching tenement conditions as in the case of KCGM?
- (22) If no to (21), can the Minister explain the rationale as to how the fine of \$20 000 was calculated?
- (23) If yes to (21), can the minister quote the tenement number and specific text of the conditions that were previously breached by Hancock Prospecting?
- (24) With reference to the media release dated 13 November 2007 referred to above, in relation to the monetary penalty of \$71 500 imposed on Golden West Resources, did the company have a prior history of breaching tenement conditions as in the case of KCGM?
- (25) If no to (24), can the Minister explain the rationale as to how the fine of \$71 500 was calculated and determined?
- (26) If yes to (24), can the minister quote the tenement number and specific text of the conditions that were previously breached by Golden West Resources?

MALCOLM PEACOCK
Clerk of the Legislative Council