

WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

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### QUESTIONS

**No. 148**

**Thursday, 14 April 2011**

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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***                      ***Thursday, 17 February 2011***

3471. Hon Ljiljanna Ravlich to the Minister for Mental Health (*SO 138(d) response - April 5 2011*)

3474. Hon Ljiljanna Ravlich to the Minister for Mental Health (*SO 138(d) response - April 5 2011*)

***Notice Given***                      ***Tuesday, 15 March 2011***

3698. Hon Adele Farina to the Minister for Finance representing the Minister for Housing  
(*SO 138(d) response - April 13 2011*)

3700. Hon Adele Farina to the Minister for Finance representing the Minister for Housing  
(*SO 138(d) response - April 13 2011*)

***Notice Given***                      ***Wednesday, 16 March 2011***

3702. Hon Jon Ford to the Leader of the House representing the Minister for State Development

3703. Hon Jon Ford to the Leader of the House representing the Minister for State Development

3704. Hon Matt Benson-Lidholm to the Minister for Finance representing the Minister for Transport

3713. Hon Ljiljanna Ravlich to the Minister for Mental Health

3714. Hon Ljiljanna Ravlich to the Minister for Mental Health

3718. Hon Ljiljanna Ravlich to the Minister for Mental Health

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***Notice Given***                      ***Thursday, 17 March 2011***

3721. Hon Adele Farina to the Minister for Mental Health

cqb381.148.14Apr2011 (A292608)

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**Postponed Questions**

3733. Hon Ken Travers to the Leader of the House representing the Premier

**Notice Given** *Tuesday, 22 March 2011*

3735. Hon Sue Ellery to the Minister for Child Protection

3737. Hon Alison Xamon to the Minister for Energy representing the Minister for Education

3738. Hon Alison Xamon to the Minister for Mental Health representing the Minister for Water

3739. Hon Alison Xamon to the Minister for Child Protection representing the Minister for Local Government

3740. Hon Lynn MacLaren to the Minister for Finance representing the Minister for Housing

3741. Hon Giz Watson to the Minister for Energy representing the Minister for Police

3742. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

3743. Hon Robin Chapple to the Leader of the House representing the Minister for State Development

3744. Hon Robin Chapple to the Leader of the House representing the Minister for State Development

3745. Hon Robin Chapple to the Minister for Energy representing the Minister for Police

3746. Hon Robin Chapple to the Minister for Finance representing the Minister for Transport

3749. Hon Robin Chapple to the Minister for Mines and Petroleum

3751. Hon Robin Chapple to the Minister for Finance representing the Minister for Transport

3752. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

3753. Hon Ljiljana Ravlich to the Minister for Mental Health

3754. Hon Kate Doust to the Minister for Energy

**Notice Given** *Wednesday, 23 March 2011*

3755. Hon Sue Ellery to the Minister for Disability Services

3756. Hon Sue Ellery to the Leader of the House representing the Premier

**Notice Given** *Thursday, 24 March 2011*

3757. Hon Giz Watson to the Minister for Child Protection representing the Minister for Agriculture and Food

3758. Hon Giz Watson to the Minister for Child Protection representing the Minister for Agriculture and Food

3759. Hon Giz Watson to the Minister for Mental Health representing the Minister for Environment

3760. Hon Giz Watson to the Minister for Finance representing the Treasurer

3765. Hon Sue Ellery to the Minister for Child Protection

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**Postponed Questions**

- 3767. Hon Sue Ellery to the Minister for Child Protection
- 3768. Hon Sue Ellery to the Minister for Child Protection
- 3772. Hon Giz Watson to the Minister for Finance representing the Minister for Transport
- 3773. Hon Giz Watson to the Minister for Mental Health representing the Minister for Environment
- 3774. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Attorney General
- 3775. Hon Matt Benson-Lidholm to the Minister for Energy

***Notice Given                      Tuesday, 5 April 2011***

- 3776. Hon Alison Xamon to the Minister for Energy representing the Minister for Police
- 3777. Hon Sue Ellery to the Minister for Disability Services
- 3778. Hon Ken Travers to the Minister for Mental Health representing the Minister for Health
- 3779. Hon Alison Xamon to the Minister for Finance representing the Minister for Corrective Services
- 3780. Hon Alison Xamon to the Minister for Energy representing the Minister for Police
- 3781. Hon Alison Xamon to the Minister for Finance representing the Minister for Transport
- 3782. Hon Alison Xamon to the Minister for Finance representing the Minister for Transport
- 3783. Hon Giz Watson to the Minister for Mental Health representing the Minister for Environment
- 3784. Hon Giz Watson to the Minister for Mental Health representing the Minister for Environment
- 3785. Hon Giz Watson to the Parliamentary Secretary representing the Attorney General
- 3786. Hon Giz Watson to the Minister for Child Protection representing the Minister for Heritage
- 3787. Hon Robin Chapple to the Minister for Transport
- 3788. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment
- 3789. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment
- 3790. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Health
- 3791. Hon Sue Ellery to the Minister for Community Services
- 3792. Hon Sue Ellery to the Minister for Child Protection
- 3793. Hon Sue Ellery to the Minister for Mental Health
- 3794. Hon Ljiljanna Ravlich to the Minister for Finance representing the Minister for Corrective Services
- 3795. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Attorney General
- 3796. Hon Ljiljanna Ravlich to the Minister for Mental Health
- 3797. Hon Ljiljanna Ravlich to the Minister for Mental Health

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**Postponed Questions**

- 3798. Hon Ljiljanna Ravlich to the Minister for Mental Health
- 3799. Hon Ljiljanna Ravlich to the Minister for Commerce
- 3800. Hon Ljiljanna Ravlich to the Minister for Commerce
- 3801. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 3802. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 3803. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 3804. Hon Ljiljanna Ravlich to the Minister for Commerce

***Notice Given***                      ***Wednesday, 6 April 2011***

- 3805. Hon Nick Goiran to the Minister for Mental Health representing the Minister for Health
- 3806. Hon Ed Dermer to the Minister for Mental Health representing the Minister for Health
- 3807. Hon Alison Xamon to the Minister for Child Protection
- 3808. Hon Alison Xamon to the Parliamentary Secretary representing the Attorney General
- 3809. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

***Notice Given***                      ***Thursday, 7 April 2011***

- 3810. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
- 3811. Hon Giz Watson to the Minister for Energy representing the Minister for Education
- 3812. Hon Ljiljanna Ravlich to the Minister for Mental Health
- 3813. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Attorney General
- 3814. Hon Ljiljanna Ravlich to the Parliamentary Secretary representing the Attorney General
- 3815. Hon Kate Doust to the Minister for Energy

***Notice Given***                      ***Tuesday, 12 April 2011***

- 3816. Hon Robin Chapple to the Minister for Finance representing the Minister for Transport
- 3817. Hon Robin Chapple to the Leader of the House representing the Premier
- 3818. Hon Alison Xamon to the Minister for Mental Health representing the Minister for Health
- 3819. Hon Alison Xamon to the Minister for Finance representing the Minister for Transport
- 3820. Hon Alison Xamon to the Minister for Mental Health representing the Minister for Water
- 3821. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment
- 3822. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment
- 3823. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

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**Postponed Questions**

- 3824. Hon Robin Chapple to the Minister for Finance representing the Minister for Transport
- 3825. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Regional Development
- 3826. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Regional Development
- 3827. Hon Robin Chapple to the Minister for Mines and Petroleum
- 3828. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Lands
- 3829. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Health
- 3830. Hon Giz Watson to the Leader of the House representing the Minister for State Development
- 3831. Hon Giz Watson to the Minister for Mental Health representing the Minister for Health

***Notice Given                      Wednesday, 13 April 2011***

- 3832. Hon Robin Chapple to the Minister for Finance representing the Minister for Transport
- 3833. Hon Kate Doust to the Minister for Energy
- 3834. Hon Kate Doust to the Minister for Energy
- 3835. Hon Kate Doust to the Minister for Energy
- 3836. Hon Kate Doust to the Minister for Energy

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**QUESTIONS ASKED TODAY**


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**Notice given****Thursday, 14 April 2011**

3837. Hon Ljiljanna Ravlich to the Minister for Mental Health representing the Minister for Planning

I refer to the proposed development at Lot 50 in Exmouth, with the proponents being Exmouth Limestone Pty Ltd (the lessee) and Ezion Holdings, a wholly owned and based Singapore company, the developer and lessor, and I ask -

- (1) When was development approval first granted for the project?
- (2) Has development approval expired for the project at any time?
- (3) If yes to (2), when?
- (4) Has an extension of the development approval expired for the project at any time?
- (5) If yes to (4), when?
- (6) Who made the application for an extension of development approval?
- (7) If the application for an extension of development approval was granted, -
  - (a) when was it granted; and
  - (b) for how long?

3838. Hon Alison Xamon to the Parliamentary Secretary representing the Attorney General

I refer to the issuing custody orders under the *Criminal Law (Mentally Impaired Accused) Act 1996*, and ask -

- (1) How many custody orders have been made in the Magistrates Court since 1996?
- (2) Which years were the custody orders made?
- (3) Did the custody orders arise from lack of fitness to stand trial or section 27 defence under the *Criminal Code*?
- (4) How many custody orders have been made in the Children's Court since 1996?
- (5) Which years were the custody orders made?
- (6) Did the custody orders arise from lack of fitness to stand trial or section 27 defence under the *Criminal Code*?

3839. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to question on notice No. 3248 asked on 2 December 2010, and ask -

- (1) Can the Minister explain the rationale in the context of what relevance does of the, 'information was being provided to a statutory supervisory body', have in terms of all the information that was released free of charge to the lawyer concerned?

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- (2) If no to (1), why not?
- (3) Will the Department of Mines and Petroleum for any Wardens Court matter, not necessarily all the matters raised in question on notice No. 3248 referred to above in the last five years, refund large fees charged to any person including practitioners in obtaining transcripts on the basis that they were the legal representative of one of the parties to the proceedings when they were charged by the Department?
- (4) If no to (3), why not?
- (5) If yes to (3), when will this occur?
- (6) At any time did the Regional Mining Registrar or any other staff member sign a statement or several statements and provide that to the lawyer concerned?
- (7) If yes to (6), will the Minister quote the full text of those documents?
- (8) At any time did the lawyer email or send by post to the Regional Mining Registrar or any other staff member a copy of a draft statement seeking that it be signed?
- (9) If yes to (8), will the Minister quote the full text of that email and the draft statement?
- (10) Does the Minister stand by the answer that Ms McKenzie did not have access to the files?
- (11) If no to (10), why has this changed?
- (12) Can the Minister explain what Ms McKenzie precisely did for the three hours when she visited the Regional Mining Registrar?
- (13) If no to (12), why not?
- (14) Can the Minister explain the rationale as to how the documents that were tabled as part of tabled paper No. 2943 were specifically identified and then released to Ms McKenzie?
- (15) If no to (14), why not?
- (16) Can the Minister explain why only the documents for tabled paper 2943 were released to Ms McKenzie and not all the documents which exist on the departmental files?
- (17) If no to (16), why not?

3840. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

I refer to a media statement dated 16 June 2008, from the Department of Environment and Conservation (DEC) entitled, 'Hazelmere rendering company pays \$25 000 penalty for odour emission', and unreasonable odour emissions of ammonium nitrate fumes from blasts which seriously impacted upon residents which occurred on 11 and 16 February 2010, at a site managed by Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM), who is the management company for Newmont and Barrick at the Mount Charlotte gold mining operations, and ask -

- (1) Will KCGM be prosecuted under the *Environmental Protection Act 1986*, for causing unreasonable odour emissions for the incidents on 11 and 16 February 2010, in the same/similar manner as other companies referred to, in the DEC media statements above?

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**Questions Asked Today***Notice given**Thursday, 14 April 2011*

- (2) If no to (1), why not?
- (3) If yes to (1), when will prosecution proceedings be commenced or implemented?
- (4) Is it correct that the DEC has evidence in the form of a copy of a letter from KCGM dated 3 February 2010, addressed to a resident which in part states, 'As discussed on the phone, the odour was the result of post-firing blast fumes that were not appropriately contained by the spray system ... However, on behalf of KCGM, I would like to apologise to you and your family for the inconvenience experienced for both of these incidents regarding the failure of sprays to activate (a copy of previous letter attached, as requested)'?
- (5) If no to (4), what was specifically stated in the letter dated 3 February 2010?
- (6) Was the above mentioned letter in (4), considered by the DEC as part of its investigation before it was finalised into these matters along with many statements from persons affected?
- (7) If no to (6), why not?
- (8) If yes to (6), how was the letter dated 3 February 2010 taken into consideration?

3841. Hon Max Trenorden to the Minister for Mental Health representing the Minister for Water

I refer to the Minister's advice to the Clerk Assistant (Committees), tabled on 22 February 2011, indicating the Government is unable to respond, within the four month period required by Standing Order 337, to the recommendations contained in the Standing Committee on Public Administration's Report No. 11- Recreation Activities within Public Drinking Water Source Areas, and ask -

Is the Minister in a position to advise the House when a response to Report No. 11 can be expected?

3842. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to question on notice No. 3624, answered by the Minister for Transport on 13 April 2011, and ask -

- (1) Is it correct that BHP Billiton or a subsidiary corporation thereof has conducted a trial transportation of uranium product from Western Australia to South Australia?
- (2) If yes to (1), -
  - (a) how many times has this been done and on what dates;
  - (b) what quantity of uranium was transported;
  - (c) what was the route taken by the shipment;
  - (d) did the shipment pass through Kalgoorlie or its environs;
  - (e) from where was the uranium sourced;
  - (f) what was the ultimate destination of the uranium; and
  - (g) was the uranium sold for export having been transported to South Australia?
- (3) What regulations cover the transportation of uranium in Western Australia?
- (4) What are the reporting requirements for the Department of Transport under these regulations?

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*Notice given*

*Thursday, 14 April 2011*

- (5) What requirements are there with regards to consultation with stakeholders and communities along a shipment route where radioactive materials are involved?
- (6) Will the Minister table all reports by his Department relating to any transportation of uranium in 2010-2011?

**NIGEL LAKE**

Acting Clerk of the Legislative Council