

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No. 93

Thursday, 17 June 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 ***Thursday, 6 May 2010***

- 2372. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
- 2373. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development
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- 2382. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
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2410. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water

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2414. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

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2421. Hon Alison Xamon to the Minister for Environment

2422. Hon Alison Xamon to the Minister for Child Protection representing the Minister for Planning

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2430. Hon Giz Watson to the Leader of the House representing the State Development

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- 2465. Hon Linda Savage to the Minister for Energy representing the Minister for Heritage
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2467. Hon Linda Savage to the Minister for Energy representing the Minister for Heritage

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2468. Hon Lynn MacLaren to the Minister for Energy representing the Minister for Local Government

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2469. Hon Alison Xamon to the Leader of the House representing the Premier

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2471. Hon Robin Chapple to the Minister for Mines and Petroleum

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2475. Hon Robin Chapple to the Minister for Mines and Petroleum

2476. Hon Nick Goiran to the Parliamentary Secretary representing the Attorney General

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2477. Hon Giz Watson to the Minister for Environment

2478. Hon Giz Watson to the Minister for Child Protection representing the Minister for Agriculture and Food

2479. Hon Giz Watson to the Minister for Environment

2480. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

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2485. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

2486. Hon Giz Watson to the Minister for Energy representing the Minister for Police

2487. Hon Lynn MacLaren to the Minister for Environment

2488. Hon Robin Chapple to the Minister for Mines and Petroleum

2489. Hon Robin Chapple to the Minister for Mines and Petroleum

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- 2495. Hon Ken Travers to the Minister for Transport
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- 2498. Hon Ken Travers to the Minister for Transport
- 2499. Hon Alison Xamon to the Leader of the House representing the Minister for Commerce
- 2500. Hon Alison Xamon to the Minister for Transport
- 2501. Hon Alison Xamon to the Minister for Child Protection representing the Minister for Planning
- 2502. Hon Alison Xamon to the Minister for Child Protection representing the Minister for Planning
- 2503. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Regional Development
- 2504. Hon Alison Xamon to the Minister for Transport
- 2505. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Water
- 2506. Hon Giz Watson to the Minister for Energy representing the Minister for Police

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2507. Hon Ken Travers to the Minister for Energy representing the Minister for Education
I refer to the funding for school upgrades announced in the State Budget, and ask -

- (1) For each of the following State Electorates, -
 - (a) which schools will receive funding; and
 - (b) how much will be spent on each school over the next four years in, -
 - (i) Joondalup;
 - (ii) Hillarys;
 - (iii) Wanneroo;
 - (iv) Kingsley; and
 - (v) Ocean Reef?
- (2) How much of the funding in (1)(a), is Commonwealth funds?

2508. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Water
I refer to the funding of \$10.9 million for the Beenyp Wastewater Treatment Plant Amplification, announced in the State Budget, and ask -

- (1) What will this money be used for?
- (2) When did the construction of this project commence?

2509. Hon Ken Travers to the Minister for Energy representing the Minister for Emergency Services
I refer to the Emergency Services Levy, and ask -

- (1) What is the average amount, for the levy paid in 2009-2010, for each of the following State Electorates, -
 - (a) Joondalup;
 - (b) Hillarys;
 - (c) Wanneroo;
 - (d) Kingsley; and
 - (e) Ocean Reef?
- (2) What is the estimated amount for the levy to be paid in the 2010-11 financial year, for the following State Electorates, -
 - (a) Joondalup;
 - (b) Hillarys;

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- (c) Wanneroo;
- (d) Kingsley; and
- (e) Ocean Reef?

2510. Hon Ken Travers to the Minister for Youth

I refer to the extra \$2.3 million, announced in the State Budget for Cadets WA, and ask -

- (1) For each of the following State Electorates, -
 - (a) which cadet units will receive funding; and
 - (b) how much will each unit receive over the next four years in, -
 - (i) Joondalup;
 - (ii) Hillarys;
 - (iii) Wanneroo;
 - (iv) Kingsley; and
 - (v) Ocean Reef?
- (2) For every cadet unit in answer to (1), is it attached to a school?
- (3) If yes to (2), which school?
- (4) How much funding did each unit receive in the following financial years, -
 - (a) 2005-06;
 - (b) 2006-07;
 - (c) 2007-08;
 - (d) 2008-09; and
 - (e) 2009-10?
- (5) How much is budgeted for each cadet unit in 2010-2011 financial year?

2511. Hon Giz Watson to the Parliamentary Secretary representing the Attorney General

With reference to the duty of the Legal Practise Board, and the Legal Profession Complaints Committee, to report suspected offences under section 589 *Legal Professions Act 2008*, I ask -

- (1) How many alleged offences were brought to the attention of the Legal Practice Board, or the Legal Profession Complaints Committee, since commencement of the *Legal Practice Act 2008*?
- (2) Please provide details of each of these allegations?
- (3) How many alleged offences were reported to the appropriate prosecuting authorities, under the mandatory reporting requirement of section 589 of the *Legal Practice Act 2008*?

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2512. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the Barrick Kanowna Raleigh operations, internal memorandums numbered RUM-MO-10-31 and RUM-MO-10-32, the Raleigh Secondary Vent Survey Log Sheet dated 2 February 2010, which are available for viewing at, <http://www.robinchapple.org.au/sites/robinchapple.org.au/files/2010-02-03%20RUM-MOs%20Raleigh.pdf>, and question on notice No. 2276 answered on 20 April 2010, and ask -

- (1) Why did the Minister state in his answer to parts (10) and (12) of question on notice No. 2276 that, 'no notices regarding defects in the ventilation system have been issued', and, 'during such inspections of the secondary ventilation system the taking of temperature readings can be used to establish that the system is in compliance', given that internal memorandum RUM-MO-10-31, issued by both Ivan Van Rooyen and Adrian Halim the Acting Ventilation Officer to Ryan Burns, Fern Schnabel and Shift Bosses (the officers) states, 'maximum temperature recorded at decline face - 27.5 degrees wet bulb and 36 degrees dry bulb exceed wet bulb as stated in MSI Act Regulation 9.5, exceeding regulation temperature of 25 degrees wet bulb. Jumbo operator boring at time reading was taken and velocity reading was 1.3 m/second'?
- (2) Why did the Minister state in his answer to parts (10) of question on notice No. 2276 that, 'no notices regarding defects in the ventilation system have been issued', given that internal Memo number RUM-MO-10-31, issued by the officers also states, 'it is evident that some headings in the mine are not meeting the required ventilation flow for both shotcreting and bogging. Temperature in lower levels of the mine - 5975 level to decline face, reaching and exceeding the regulation temperature of 25 degrees wet bulb as stated in *Mines Safety and Inspection Act* regulation 9.5'?
- (3) Why did the Minister state in his answer to parts (10) and (12) of question on notice No. 2276 that, 'no notices regarding defects in the ventilation system have been issued', given that the secondary vent survey log sheet, completed by Ivan Van Rooyen on 02/02/2010, clearly indicates that the ventilation in the 6085 level, the 6051 level, the 5966 level, the 5932 level, the 5915 level the 5898 level, the 5847 level, the 5830 level, the 5812 level, the 5795 level, the 5778 level, the 5761 level and 5744 level, cannot support shotcreting on all of these levels, and the 6085 level, the 6051 level and the 5744 level, cannot support bogging, given these were all in fact active headings that require both shotcreting and bogging during operations?

2513. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the Barrick Kanowna Belle underground operations and question on notice No. 2276, asked on 20 April 2010, and ask -

- (1) In light of the answer provided for part (1) for question on notice No. 2276, can the Minister state, when these three segments of the cyclone protective mesh over the end of this primary ventilation fan depicted in the photograph, were able to deteriorate to this condition without being identified by the Department of Mines and Petroleum (DMP) inspectorate earlier other than through a Parliamentary question?
- (2) If no to (1), why not?
- (3) Can the Minister state, how the DMP inspectors became aware of this issue referred to in (1), and on what specific date did the investigation take place?

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- (4) If no to (3), why not?
- (5) Is it correct that the mesh over the opening to the fan referred to in (1), as depicted in the photograph, is galvanized, and therefore highly resistant to any form of corrosion?
- (6) If no to (5), why not?
- (7) Can the Minister state how many inspections have taken place at the Kanowna Belle underground operations in the last three years, and the respective dates of each visit?
- (8) If no to (7), why not?
- (9) In light of the answer provided in part (1) for question on notice No. 2276, can the Minister explain why the DMP inspectors did not identify during these inspections within the last three years, that these three segments of protective mesh over the end of this primary ventilation fan, depicted in the photograph were missing, even though this particular primary ventilation fan is clearly visible upon driving down the portal ramp, and into the portal of that mine?
- (10) If no to (9), why not?
- (11) Can the Minister state how many primary ventilation fans in total service the Kanowna Belle underground mine?
- (12) If no to (11), why not?
- (13) Can the Minister whether or not each and every individual fan, was investigated including a visual observation by a DMP inspector?
- (14) If no to (13), why not?
- (15) Can the Minister state how many other of these fans referred to in (9), were in a similar condition as the fan referred to in (1), and depicted in the photograph?
- (16) If no to (15), why not?
- (17) Can the Minister state how the DMP inspectors were able to determine that the fan referred to in (1), was in fact at the Kanowna belle mine as opposed to the Raleigh mine?
- (18) If no to (17), why not?
- (19) Is it correct, that below the mesh and within the enclosed outer covering of the fan in (1), and depicted in the photograph, is a large fan approximately three metres in diameter, and revolving continuously at very high speeds?
- (20) If no to (19), can the Minister state what is specifically and factually correct, concerning this matter?
- (21) If no to (20), why not?
- (22) Can the Minister state how the DMP inspectors were able to determine that the fan referred to in (1), was in fact at the Kanowna belle Mine as opposed to the Raleigh mine, given that the two mines are approximately 50 kilometres apart by road from one and another?
- (23) If no to (22), why not?

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- (24) Is it correct that within the last six months during a visit of an inspector, a provisional improvement notice was issued to this mine referred to above, concerning water leaking from an air conditioner?
- (25) If no to (24), what specifically is correct?
- (26) Can the Minister state, on what date these three segments of the cyclone protective mesh were removed, and when is the shut down expected, in which they are to be replaced with the new ones?
- (27) If no to (26), why not?
- (28) In light of the answer provided for parts (3) to (4) of question on notice No. 2276, can the Minister state whether three segments of cyclone protective meshing missing from the top of the primary ventilation fan, as depicted in the photograph, constitute a breach of the *Mines Safety and Inspection Act 1994* and *Regulations 1995*, even though the breach according to the view of the inspectorate does not warrant prosecution in this case?
- (29) If no to (28), why not?
- (30) Can the Minister state why the DMP was of the view, that the three segments of cyclone protective meshing missing from the top of the primary ventilation fan, did not warrant prosecution, given that the DMP repeatedly refers to that, 'it is the responsibility of the principal employer, officers of the company and all employees', to ensure compliance with the *Mines Safety and Inspection Act 1994* and *Regulations 1995*?
- (31) If no to (30), why not?
- (32) Can the Minister state, in what way will the DMP Resources Safety Division, take further action to educate principal employers, officers of the company and all employees at this mine, as to the consequences of breaching basic mine safety standards as designated under legislation, including the considerable penalties for breaches of that legislation, given that the DMP on many occasions has determined prosecution is not warranted in the public interest, other than when somebody dies as a result of the breach?
- (33) If no to (32), why not?

2514. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the Barrick Kanowna Raleigh operations, internal memorandums numbered RUM-MO-10-31 and RUM-MO-10-32 dated 3 February 2010, the Raleigh Secondary Vent Survey Log Sheet dated, 2 February 2010 which are available for viewing at,

<http://www.robinchapple.org.au/sites/robinchapple.org.au/files/2010-02-03%20RUM-MOs%20Raleigh.pdf>, and question on notice No. 2276, answered on 20 April 2010, and ask -

- (1) Why did the Minister state in his answer to parts (10) and (12) of question on notice No. 2276 that, no notices regarding defects in the ventilation system have been issued, given that the secondary vent survey log sheet, completed by Ivan Van Rooyen on 02/02/2010 clearly indicates that the 5795 level, the 5778 level, the 5761 level, the 5744 level, the 5722 level, the 5705 level, the 5768 level, the 5688 level, above the 5682 level, and the decline bottom do not meet the regulation temperature of 25 degrees wet bulb, as stated in *Mines Safety and Inspection Act and Regulation 9.5*?

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- (2) If no to (1), why not?
- (3) Can the Minister again restate his answers to part (10) for question on notice No. 2276, given that the secondary vent survey log sheet, completed by Ivan Van Rooyen on 2 February 2010, clearly indicates that the 5744 level exceed the standard of 25 degrees wet bulb as required in Regulation 9.15, and did not meet the requirement of Regulation 10.52 (3) being 2.5 cubic metres per second air flow given that this was an active heading?
- (4) If no to (3), why not?
- (5) In reference to (1), can the Minister explain why a twin boom operator was expected and allowed to work at the face at the bottom of the decline, when the wet bulb reading taken referred to internal memo numbered RUM-MO-10-31, was over the prescribed limit, and the ventilation flow referred to internal memo numbered RUM-MO-10-31, was below the prescribed limit?
- (6) If no to (5), why not?
- (7) Does the Minister or the Department of Mines and Petroleum (DMP) regard the circumstances described in internal memo numbered RUM-MO-10-31, as being extremely serious and in non compliance with the *Mines Safety and Inspection Act 1994 and Regulations 1995*?
- (8) If no to (7), why not?
- (9) If yes to (7), why?
- (10) In light of the information provided in (1), (3) and (5), is it correct that the Raleigh underground mine operations has been non compliant with the *Mines Safety and Inspection Act 1994 and Regulations 1995*, in regards to the secondary ventilation system throughout the majority of the mine, when shotcreting and bogging operations are being conducted?
- (11) If yes to (10), how long in months and years has this been occurring?
- (12) If no to (10), what specifically is correct?
- (13) How long in months and years, have bogging and shotcreting operations been conducted throughout the Raleigh mine?
- (14) Unlike other mines within the goldfields district, is it correct that a large proportion of the Raleigh mine has been shotcreted, as a means of protecting the workforce from hazards created, by pieces of rock being projected off the backs and walls of the mine, by unusually high ground pressure and weak ground conditions?
- (15) If no to (14), what is specifically correct?
- (16) Does the Minister support the DMP inspectorate providing information to the Parliament on such critical issues, going to the heart of occupational health and safety issues within underground mines in Western Australia, including the Raleigh mine?
- (17) If no to (16), why not?
- (18) If yes to (16), why?
- (19) Does the Minister support the Barrick Raleigh management withholding, or providing information to the DMP inspectorate, concerning mines safety information, as a means of

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avoiding detection with compliance of the *Mines Safety and Inspection Act 1994 and Regulations 1995*?

- (20) If no to (19), why?
- (21) If yes to (19), why?
- (22) In light of the information provided in (1), (3,) and (5), is it correct that the Raleigh underground mine operations has a serious issue with the primary ventilation system, as it is the primary ventilation system that feeds the secondary ventilation system, in relation to the *Mines Safety and Inspection Act 1994 and Regulation s 1995*?
- (23) If no to (22), what is specifically correct?
- (24) If yes to (22), for how long has this serious problem persisted and been manipulated, to avoid detection from the last 27 inspections by the DMP inspectorate, commencing from the beginning of 2008?
- (25) Can the Minister explain why in the entire life of the Raleigh mine, that not one single inspection of the primary or secondary ventilation, has been noted in the record book entries?
- (26) If no to (25), why not?
- (27) Is it correct that the senior management of Barrick Kanowna, along with the management of the Raleigh underground mine operations, have been aware that they have had a serious problem with the primary ventilation in that mine, but have not taken the necessary steps to rectify the problems, and inform the DMP inspectorate as part of their legal obligations under the *Mines Safety and Inspection Act 1994 and Regulations 1995*?
- (28) If no to (27), what is specifically correct?
- (29) Have any sections of the *Mines Safety and Inspection Act 1995 and Regulations 1994* been breached in relation to (1), (3), (5) and (19)?
- (30) If yes to (29), what sections specifically have been breached, and what is the maximum penalty for each breach?

2515. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the Barrick Kanowna Raleigh underground operations, and question on notice No. 2275, asked on 20 April 2010, and ask -

- (1) In light of the answer provided in parts (1) to (4) in question on notice No. 2275, is the Minister or Department of Mines and Petroleum (DMP) aware, that there were only two toilets in the underground mine at Raleigh, when this photograph was taken, that this particular toilet depicted in the photograph was expected to service the crib room, and that the cleanliness and hygiene of the other underground toilet in the mine, was also unacceptable for use by the employees for obvious occupational health reasons?
- (2) If no to (1), why not?
- (3) In light of (1), is the Minister aware that a journey in a light vehicle from the bottom of the mine to toilets on the surface could take in the vicinity of around 50 minutes, given that a

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person could be stuck behind a truck, that would not get out of the way to let a light vehicle that was behind it get past?

- (4) If no to (3), why not?
- (5) In light of (1) and (3), can the Minister state what an employee in the Raleigh underground mine, especially a female employee who would obviously have more complications than a male employee in certain circumstances, was expected to do when they needed to use a toilet facility?
- (6) If no to (5), why not?
- (7) Can the Minister explain and define specifically all known risks to occupational health, and all possible problems posed otherwise to all underground employees both male and female, in light of the answer provided in parts (1) to (4) in question on notice No. 2275?
- (8) If no to (7), why not?
- (9) In light of (1), (3), (5) and (7), is the Minister or the DMP aware that some employees, in desperate situations are not prepared to use the underground toilet facilities provided by the management of the Raleigh mine for obvious reasons, were forced to resort to defecating in a rag and storing this in a plastic bag, so that it could be transported out of the mine and disposed of in an appropriate manner at the finish of a 12 hour shift, as a result of the circumstances imposed on them by conditions alluded to in (1) and (3)?
- (10) If no to (9), why not?
- (11) Given that there were females working in the mine, at the time of the photograph referred to in question on notice No. 2275 was taken, is the Minister aware of any measures taken at the mine, to cater for these workers during times of menstruation and for weak bladders contributed to by child birth?
- (12) If no to (11), why not?
- (13) In light of the answer provided for parts (1) to (4) in question on notice No. 2275, can the Minister state what specific improvements were made to rectify the hygiene and cleanliness standard, previously held by the management of the mine?
- (14) If no to (13), why not?
- (15) Can the Minister explain why it is considered to be necessary improvements, on what was previously in place for both toilets and hand wash facilities provided at the toilet?
- (16) If no to (15), why not?
- (17) On what specific date did DMP inspectors attend the Raleigh mine site in response to a complaint, concerning these toilets?
- (18) Had these breaches concerning the toilets been in fact rectified before the DMP inspectorate carried out an investigation in response to a complaint?
- (19) If yes to (18), on what specific date were they rectified?
- (20) In light of (1), (3), (5), (7) and (9), and the answer provided in part (5) in question on notice No. 2275, will the resident Manager, or any other responsible person, be prosecuted for

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breaches of Regulations 7.12, 7.13 and 7.14 of the *Mines Safety and Inspection Act 1994 and Regulations 1995*, or for any other breaches of *Mines Safety and Inspection Act 1994 and Regulations 1995*?

(21) If no to (20), why not?

2516. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the Barrick Kanowna Raleigh underground operations, and question on notice No. 2277, answered on 20 April 2010, and ask -

- (1) In light of the answer provided in part (4) for question on notice No. 2277, can the Minister state the difference between, and give specific details of, the safety functions on a pressure vessel used for explosives of, -
 - (a) a pressure gauge;
 - (b) an automatic safety pressure release valve; and
 - (c) a manually operated pressure release valve?
- (2) If no to (1), why not?
- (3) Can the Minister interpret and determine from the photograph of the pressure vessel used for explosives in the charge cage referred to in question on notice No. 2277, that the automatic safety pressure release valve and the manually operated pressure release valve are missing, and therefore inoperable?
- (4) If no to (3), why not?
- (5) Can the Minister state the average operating pressure, and the maximum operating pressure, of the pressure vessel used for explosives in the charge cage, referred to in question on notice No. 2277?
- (6) If no to (6), why not?
- (7) Can the Minister state the usual number of persons, including machine operators, that it takes to complete a charging operation with the pressure vessel used for explosives in the charge cage, referred to in question on notice No. 2277?
- (8) If no to (7), why not?
- (9) Can the Minister state the amount of time in hours and minutes it would take, with the usual number of persons abiding by the correct prescribed process, including machine operators, that it takes to complete a charging operation on a twin boom cut, with the pressure vessel used for explosives in the charge cage referred to in question on notice No. 2277?
- (10) If no to (9), why not?
- (11) Can the Minister state how many twin boom cuts would be charged in a 12 hour shift, on average with the pressure vessel used for explosives in the charge cage, referred to in question on notice No. 2277?
- (12) If no to (11), why not?

LEGISLATIVE COUNCIL

Questions Asked Today

Notice given

Thursday, 17 June 2010

- (13) Can the Minister state how long the pressure vessel used for explosives in the charge cage referred to in question on notice No. 2277, had been in the condition that it has, given that the Normet underground charge vehicle that this charge cage was replacing at the time, in the photograph referred to in question on notice No. 2277, was in fact in front of the surface workshop, stripped down almost to the chassis?
- (14) If no to (13), why not?
- (15) Does the Department consider breaches such as those identified in (1), to be very serious, indicating a blatant disregard by the responsible persons at the mine, for the occupational safety of all persons in that mine, posing a very high risk to the safety and the lives of all persons involved in a charging operation, with the pressure vessel used for explosives in the charge cage referred to in (1)?
- (16) If no to (14), why not?
- (17) Will the resident manager, or any other responsible person at Barrick Kanowna Raleigh operations, be prosecuted for any of the breaches identified in (1)?
- (18) If no to (17), why not?

MALCOLM PEACOCK

Clerk of the Legislative Council