

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL

QUESTIONS

No. 162

Wednesday, 30 October 2019

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, 5 September 2019***

2458. Hon Michael Mischin to the Leader of the House representing the Attorney General
(SO108(2) response – 22 October 2019)

Notice Given ***Tuesday, 17 September 2019***

2463. Hon Jacqui Boydell to the Parliamentary Secretary representing the Minister for Health
(SO108(2) response – 24 October 2019)

Notice Given ***Tuesday, 24 September 2019***

2507. Hon Dr Steve Thomas to the Minister for Regional Development representing the Minister for
Water

2510. Hon Colin de Grussa to the Minister for Regional Development representing the Minister for
Fisheries

Notice Given ***Wednesday, 25 September 2019***

2529. Hon Dr Steve Thomas to the Minister for Regional Development representing the Minister for
Tourism

Notice Given ***Thursday, 26 September 2019***

2542. Hon Tim Clifford to the Minister for Environment representing the Minister for Emergency
Services

2543. Hon Tim Clifford to the Minister for Environment

2544. Hon Tim Clifford to the Minister for Environment

2545. Hon Tim Clifford to the Minister for Environment

2546. Hon Tim Clifford to the Minister for Environment

2547. Hon Tim Clifford to the Leader of the House representing the Premier

2548. Hon Tim Clifford to the Minister for Environment

2549. Hon Tim Clifford to the Minister for Environment representing the Minister for Energy

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Notice Given *Tuesday, 15 October 2019*

- 2550. Hon Diane Evers to the Minister for Environment
- 2551. Hon Diane Evers to the Minister for Environment
- 2552. Hon Robin Chapple to the Minister for Environment representing the Minister for Police
- 2553. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Health
- 2554. Hon Tim Clifford to the Leader of the House representing the Premier
- 2555. Hon Tim Clifford to the Minister for Environment
- 2556. Hon Tim Clifford to the Minister for Environment representing the Minister for Energy
- 2557. Hon Tim Clifford to the Leader of the House representing the Premier
- 2558. Hon Tim Clifford to the Minister for Environment
- 2559. Hon Tim Clifford to the Minister for Environment representing the Minister for Energy
- 2560. Hon Tim Clifford to the Leader of the House representing the Premier
- 2561. Hon Tim Clifford to the Minister for Environment
- 2562. Hon Tim Clifford to the Minister for Environment representing the Minister for Energy
- 2563. Hon Tim Clifford to the Minister for Environment representing the Minister for Police
- 2564. Hon Tim Clifford to the Leader of the House representing the Premier
- 2565. Hon Tim Clifford to the Minister for Environment
- 2566. Hon Tim Clifford to the Minister for Environment representing the Minister for Energy
- 2567. Hon Tim Clifford to the Parliamentary Secretary representing the Minister for Health
- 2568. Hon Tim Clifford to the Minister for Environment representing the Minister for Transport; Planning
- 2569. Hon Tim Clifford to the Minister for Environment representing the Minister for Energy
- 2570. Hon Dr Steve Thomas to the Minister for Environment representing the Minister for Energy
- 2571. Hon Dr Steve Thomas to the Minister for Environment
- 2572. Hon Colin de Grussa to the Minister for Environment representing the Minister for Emergency Services
- 2573. Hon Colin Tincknell to the Minister for Environment representing the Minister for Housing
- 2574. Hon Robin Chapple to the Minister for Environment
- 2575. Hon Colin de Grussa to the Minister for Environment representing the Minister for Emergency Services
- 2576. Hon Colin de Grussa to the Minister for Environment representing the Minister for Emergency Services
- 2577. Hon Diane Evers to the Minister for Environment
- 2578. Hon Tim Clifford to the Minister for Regional Development representing the Minister for Tourism
- 2579. Hon Nick Goiran to the Minister for Environment representing the Minister for Housing
- 2580. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection
- 2581. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection

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Postponed Questions

2582. Hon Nick Goiran to the Parliamentary Secretary representing the Minister for Health

2583. Hon Alison Xamon to the Leader of the House representing the Attorney General

Notice Given *Wednesday, 16 October 2019*

2584. Hon Alison Xamon to the Minister for Education and Training

2585. Hon Alison Xamon to the Minister for Environment representing the Minister for Planning

2586. Hon Alison Xamon to the Minister for Environment representing the Minister for Energy

2587. Hon Robin Chapple to the Minister for Environment

Notice Given *Thursday, 17 October 2019*

2588. Hon Robin Chapple to the Minister for Regional Development representing the Minister for State Development, Jobs and Trade

2589. Hon Robin Chapple to the Minister for Regional Development representing the Minister for Mines and Petroleum

2590. Hon Robin Chapple to the Minister for Electoral Affairs

2591. Hon Robin Chapple to the Leader of the House representing the Premier

2592. Hon Robin Chapple to the Minister for Environment

2593. Hon Tim Clifford to the Minister for Environment representing the Minister for Energy

2594. Hon Tim Clifford to the Minister for Environment

2595. Hon Tim Clifford to the Minister for Environment

Notice Given *Tuesday, 22 October 2019*

2596. Hon Diane Evers to the Minister for Regional Development representing the Minister for Mines and Petroleum

Notice Given *Wednesday, 23 October 2019*

2597. Hon Tim Clifford to the Minister for Environment

2598. Hon Tim Clifford to the Minister for Environment representing the Minister for Energy

2599. Hon Tjorn Sibma to the Minister for Environment representing the Minister for Veterans Issues

2600. Hon Colin de Grussa to the Minister for Environment representing the Minister for Energy

2601. Hon Donna Faragher to the Minister for Education and Training

2602. Hon Donna Faragher to the Minister for Education and Training

Notice Given *Thursday, 24 October 2019*

2603. Hon Dr Steve Thomas to the Minister for Environment representing the Treasurer

2604. Hon Robin Chapple to the Minister for Regional Development representing the Minister for Water

2605. Hon Peter Collier to the Leader of the House representing the Premier

2606. Hon Tim Clifford to the Minister for Environment

2607. Hon Tim Clifford to the Minister for Environment representing the Minister for Energy

2608. Hon Tim Clifford to the Minister for Environment

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- 2609. Hon Tim Clifford to the Minister for Environment
- 2610. Hon Tim Clifford to the Minister for Environment representing the Minister for Transport
- 2611. Hon Tim Clifford to the Minister for Environment
- 2612. Hon Tim Clifford to the Minister for Environment representing the Minister for Planning
- 2613. Hon Tim Clifford to the Minister for Environment representing the Minister for Emergency Services; Corrective Services
- 2614. Hon Tim Clifford to the Minister for Environment representing the Minister for Housing
- 2615. Hon Tim Clifford to the Minister for Environment
- 2616. Hon Tim Clifford to the Minister for Environment representing the Minister for Planning
- 2617. Hon Tim Clifford to the Minister for Environment

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- 2618. Hon Tjorn Sibma to the Minister for Environment representing the Treasurer
- 2619. Hon Diane Evers to the Minister for Regional Development representing the Minister for Forestry
- 2620. Hon Tjorn Sibma to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal-State Relations
- 2621. Hon Tjorn Sibma to the Minister for Regional Development representing the Minister for State Development, Jobs and Trade
- 2622. Hon Tjorn Sibma to the Parliamentary Secretary representing the Deputy Premier; Minister for Health; Mental Health
- 2623. Hon Tjorn Sibma to the Minister for Education and Training
- 2624. Hon Tjorn Sibma to the Minister for Environment; Disability Services; Electoral Affairs
- 2625. Hon Tjorn Sibma to the Minister for Environment representing the Minister for Police; Road Safety
- 2626. Hon Tjorn Sibma to the Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade
- 2627. Hon Tjorn Sibma to the Minister for Environment representing the Minister for Emergency Services; Corrective Services
- 2628. Hon Tjorn Sibma to the Leader of the House representing the Minister for Local Government; Heritage; Culture and the Arts
- 2629. Hon Tjorn Sibma to the Leader of the House representing the Attorney General
- 2630. Hon Tjorn Sibma to the Minister for Regional Development representing the Minister for Commerce
- 2631. Hon Tjorn Sibma to the Leader of the House representing the Minister for Seniors and Ageing; Volunteering; Sport and Recreation
- 2632. Hon Tjorn Sibma to the Minister for Environment representing the Treasurer; Minister for Finance; Aboriginal Affairs; Lands
- 2633. Hon Tjorn Sibma to the Minister for Regional Development representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests

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Postponed Questions

- 2634. Hon Tjorn Sibma to the Minister for Regional Development representing the Minister for Mines and Petroleum; Industrial Relations
- 2635. Hon Tjorn Sibma to the Minister for Environment representing the Minister for Energy
- 2636. Hon Tjorn Sibma to the Minister for Environment representing the Minister for Transport; Planning
- 2637. Hon Tjorn Sibma to the Minister for Environment representing the Minister for Housing; Veterans Issues; Youth; Asian Engagement
- 2638. Hon Tjorn Sibma to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services
- 2639. Hon Tjorn Sibma to the Minister for Regional Development representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science
- 2640. Hon Martin Aldridge to the Minister for Regional Development representing the Minister for Mines and Petroleum
- 2641. Hon Martin Aldridge to the Minister for Regional Development representing the Minister for Mines and Petroleum; Industrial Relations
- 2642. Hon Martin Aldridge to the Minister for Environment representing the Minister for Emergency Services; Corrective Services
- 2643. Hon Jacqui Boydell to the Minister for Environment representing the Minister for Housing
- 2644. Hon Alison Xamon to the Minister for Education and Training
- 2645. Hon Alison Xamon to the Minister for Environment
- 2646. Hon Nick Goiran to the Leader of the House representing the Premier
- 2647. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection
- 2648. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection

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 QUESTIONS ASKED TODAY

*Notice Given**Wednesday, 30 October 2019***2649. Hon Robin Chapple to the Minister for Regional Development representing the Minister for Mines and Petroleum:**

I refer to question on notice No. 108 asked in the Legislative Council on 12 June 2013 and mineral lease 235SA containing the former Mount Goldsworthy mine, and I ask:

- (a) has the acid forming material that had been detected in some of the waste dumps been contained or managed;
- (b) has BHP completed a program to address discharges of heavy metals from the Goldsworthy waste dumps;
- (c) if no to (b), why not;
- (d) if yes to (b), will the Minister table any documents relating to the process used to investigate the location, quantity and testing of the potentially acid forming material, as well as any hydrological studies of the area;
- (e) has BHP reported annually on the progress of its studies and works since 2013;
- (f) if no to (e), why not;
- (g) if yes to (e), will the Minister table any reports made available to them by BHP;
- (h) have the rehabilitation works been completed and what rehabilitation works were undertaken;
- (i) if rehabilitation has not been completed, why not, given that this work was supposed to have commenced after 2016; and
- (j) what was the cost of rehabilitation?

2650. Hon Alison Xamon to the Leader of the House representing the Attorney General:

I refer to the *Criminal Appeals Amendment Bill 2019*, and I ask:

- (a) can a Royal Commission quash the conviction;
- (b) will the Bill apply to people who have already completed their sentence;
- (c) in what “special circumstances” can the decision on the application for leave be made during the appeal or when giving judgment on it, rather than as a separate matter;
- (d) is the special leave decision itself appellable:
 - (i) if yes to (d), in what circumstances; and
 - (ii) if no to (d), what is the policy reason for Western Australia taking a different approach from Tasmania, where I understand that if leave is refused, that decision is reviewable;
- (e) is the special leave decision reviewable under South Australia’s similar law;

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- (f) regarding the requirement that the application for special leave must be served on any other person the court requires (as well as the parties to the trial):
 - (i) who is this likely to be; and
 - (ii) if it could include victims, what would their role in the proceedings be and what is the position of the Victim Support Service regarding that;
- (g) what if any impact does the Bill have on either the criminal injuries compensation or civil damages process, for example:
 - (i) is there any change regarding when or how the victim can apply;
 - (ii) what happens if the victim has received compensation/damages and afterwards the conviction is quashed, especially if it's on the basis the person is likely innocent; and
 - (iii) what happens if the previously convicted person has reimbursed criminal injuries compensation paid to the victim or paid damages to the victim, and afterwards the conviction is quashed, especially if it's on the basis the person is likely innocent;
- (h) if the appeal is successful, is there (still) no compensation for the previously convicted person unless an ex gratia payment is made by Government;
- (i) regarding legal aid:
 - (i) in what circumstances will legal aid be available for these criminal appeal cases;
 - (ii) how many cases are expected to be brought immediately; and
 - (iii) does Legal Aid WA need increased resources to meet this need;
- (j) was the 2012 report of the South Australian Parliament's Legislative Review Committee on the *Criminal Cases Review Commission Bill 2010*, which discussed a variety of models in other jurisdictions for dealing with this sort of issue, considered when developing this Bill:
 - (i) if yes to (j), is any of the information about those models now outdated;
- (k) what was the motivation for the Attorney General's amendment in the other place to include negligence/incompetence of defence as a ground;
- (l) what is the policy reason for Western Australia taking a different position on substitute verdicts from Tasmania's version of this law;
- (m) will this Bill apply to a case of tainted evidence as that term is understood in section 46H *Criminal Appeals Act 2004*; and
- (n) has any negative feedback been received on the Bill:
 - (i) if yes to (n), please provide details?

2651. Hon Alison Xamon to the Minister for Regional Development representing the Minister for Racing and Gaming:

- (1) I refer to the requirement to obtain a breeding license for greyhounds with Racing and Wagering WA before any breeding activities take place, and I ask:
 - (a) after a license is obtained are breeders required to undertake continuing education as a condition of their license; and

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- (b) if no to (1)(a):
 - (i) why not; and
 - (ii) what mechanisms are in place to monitor compliance with the conditions of the license?
- (2) I refer to the Code of Practice for the keeping of Australian Greyhounds in Western Australia, and I ask:
 - (a) is there an inspection regime to monitor if the Code of Practice is being adhered to;
 - (b) if yes to (2)(a):
 - (i) how frequently are these inspections carried out;
 - (ii) are inspections unannounced; and
 - (iii) are inspections and/or inquiries undertaken proactively or only as a result of a report; and
 - (c) if no to (2)(a), why not?
- (3) I refer to the Government's commitment to injury monitoring and continual research for racing greyhounds, and I ask:
 - (a) have any changes to racing practices been made as a result of additional monitoring and research;
 - (b) if yes to (3)(a):
 - (i) what modifications have been made; and
 - (ii) has there been a decrease in death and injury rates; and
 - (c) if no to (3)(a), why not?
- (4) I refer to monitoring of compliance of welfare regulations for owners of racing greyhounds, and I ask:
 - (a) how many inspections were undertaken of owners' premises during 2015, 2016, 2017, 2018, and 2019 to date;
 - (b) were any breaches uncovered as a result of these inspections; and
 - (c) if yes to (4)(b), for each of the years 2015, 2016, 2017, 2018, and 2019 to date, please list the number of breaches and what the breaches were issued for?
- (5) I refer to the requirement to track greyhounds throughout their life, and I ask:
 - (a) how are greyhounds that are adopted as a result of trainer direct adoptions monitored after their adoption;
 - (b) is this information subject to further verification and/or audit;
 - (c) if yes to (5)(b), how; and
 - (d) if no to (5)(b), why not?
- (6) I refer to the socialisation requirements outlined in the Code of Practice for the keeping of Australian Greyhounds in Western Australia, and I ask:
 - (a) what mechanisms are in place to monitor compliance with this standard; and
 - (b) what is the penalty for breaching the socialisation requirements in the code?

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2652. Hon Michael Mischin to the Leader of the House representing the Attorney General:

I refer to the following Law Reform Initiatives announced as Labor election commitments in January 2017, and ask in respect of each, the date when the Attorney General issued instructions to initiate it, its progress and current status and, to the extent that legislation is necessary, when the Bill will be introduced into Parliament:

- (a) the “BOCSAR” or Bureau of Crime Statistics and Research in partnership with a Western Australian university;
- (b) the Law Reform Commission’s “review of enforcement schemes from around Australia” to advise on “best practice”;
- (c) the sentencing database “that will provide comprehensive data of all sentences”; and
- (d) the amendments to the Director of Public Prosecutions (DPP) legislation to require the DPP to report annually to a Standing Committee of Parliament and appear and explain the rationale for decisions not to prosecute, to discontinue prosecutions, to accept pleas to lesser charges, and not to appeal?

2653. Hon Alison Xamon to the Minister for Environment representing the Minister for Police:

I refer to strip searches undertaken by police, and I ask:

- (a) how many strip searches were conducted in:
 - (i) 2014-15;
 - (ii) 2015-16;
 - (iii) 2016-17;
 - (iv) 2017-18; and
 - (v) 2018-19;
- (b) for each year (a)(i) to (v), how many of those searches were conducted on:
 - (i) Aboriginal men;
 - (ii) Aboriginal women;
 - (iii) all women; and
 - (iv) young people under the age of 18 years;
- (c) for each year (a)(i) to (v), in which region were the searches conducted; and
- (d) for each year (a)(i) to (v), how many searches were undertaken at:
 - (i) a police station or watch house; and
 - (ii) other location (please advise where)?

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Notice Given *Wednesday, 30 October 2019*

2654. Hon Alison Xamon to the Leader of the House representing the Attorney General:

I refer to victims of identity theft in Western Australia (WA) who are currently not permitted to apply for a new driver's licence number when their licence has been compromised by criminals, thus leaving them vulnerable to further abuse, and I ask:

- (a) does the WA Government intend to enable WA victims of identity theft, to apply for a new driver's licence number;
- (b) if yes to (a):
 - (i) when is it anticipated changes will be made; and
 - (ii) what mechanisms will be used; and
- (c) if no to (a), why not?

2655. Hon Martin Aldridge to the Parliamentary Secretary representing the Minister for Health:

I refer to Silver Chain Remote Area Service Centre's, and I ask:

- (a) how many patients have presented with suspected snake bites in the past five years in regional Western Australia, by site;
- (b) which antivenin is ordinarily available at each site;
- (c) how does the WA Country Health Service or the Department of Health who administers the relevant contract assist Silver Chain to meet the high cost of antivenin; and
- (d) does the Western Australian Therapeutics Advisory Group (WATAG) recommend antivenin stocking levels at these sites?

2656. Hon Martin Aldridge to the Minister for Regional Development:

I refer to Legislative Council question on notice No. 2430 and the Ministers refusal to table the minutes and I ask, when does the Minister intend to satisfy her obligations under Section 82 of the *Financial Management Act 2006*?

2657. Hon Martin Aldridge to the Minister for Regional Development:

I refer to Legislative Council question on notice No. 2431 and the Ministers refusal to table the minutes and I ask, when does the Minister intend to satisfy her obligations under Section 82 of the *Financial Management Act 2006*?

2658. Hon Martin Aldridge to the Minister for Regional Development:

I refer to Legislative Council question on notice No. 2390 and the Ministers refusal to table the "Provision of DPIRD capability review, develop capability review evaluation plan, strategic logic and public value assessment, functional analysis and final report" and I ask, when does the Minister intend to satisfy her obligation under Section 82 of the *Financial Management Act 2006* in relation to the report?

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Notice Given *Wednesday, 30 October 2019*

2659. Hon Martin Aldridge to the Minister for Environment representing the Minister for Transport:

I refer to the rail line between Narrogin and Pinjarra, and I ask:

- (a) who owns the line;
- (b) who has control of the line, for what term and under what conditions;
- (c) when was the lines condition last assessed;
- (d) what is the current load rating of the line;
- (e) has the State Government undertaken any analysis or assessment of returning the line to operation for freight; and
- (f) if yes to (e), please table any such analysis or assessment?

NIGEL PRATT

Clerk of the Legislative Council