

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## QUESTIONS

**No. 63**

**Tuesday, 4 April 2006**

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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, 26 April 2005***

374. Hon Ray Halligan to the Minister for Education and Training (*SO 138(d) response - May 19 2005*)

***Notice Given***                      ***Wednesday, 4 May 2005***

1337. Hon Ray Halligan to the Minister for Education and Training (*SO 138(d) response - June 22 2005*)

1368. Hon Ray Halligan to the Leader of the House representing the Minister for Justice (*SO 138(d) response - June 22 2005*)

***Notice Given***                      ***Tuesday, 8 November 2005***

2719. Hon Peter Collier to the Parliamentary Secretary representing the Minister for Planning and Infrastructure (*SO 138(d) response - March 15 2006*)

2732. Hon Peter Collier to the Minister for Fisheries representing the Minister Assisting the Minister for Water Resources

2868. Hon Helen Morton to the Minister for Fisheries (*SO 138(d) response - March 15 2006*)

2869. Hon Helen Morton to the Minister for the Kimberley, Pilbara and Gascoyne (*SO 138(d) response - March 15 2006*)

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**Postponed Questions****Notice Given**                      **Tuesday, 15 November 2005**

2913. Hon Murray Criddle to the Minister for Agriculture and Forestry (*SO 138(d) response - March 22 2006*)
2914. Hon Murray Criddle to the Minister for the Midwest and Wheatbelt (*SO 138(d) response - March 22 2006*)
2941. Hon Murray Criddle to the Minister for the Kimberley, Pilbara and Gascoyne (*SO 138(d) response - March 22 2006*)

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**Notice Given**                      **Wednesday, 30 November 2005**

2972. Hon Murray Criddle to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
2973. Hon Murray Criddle to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
2976. Hon Peter Collier to the Leader of the House representing the Minister for Justice

**Notice Given**                      **Thursday, 1 December 2005**

2979. Hon Paul Llewellyn to the Parliamentary Secretary representing the Minister for Housing and Works
2980. Hon Peter Collier to the Leader of the House representing the Minister for Justice
2983. Hon Peter Collier to the Minister for Education and Training
2984. Hon Peter Collier to the Minister for Fisheries
2985. Hon Peter Collier to the Minister for the Kimberley, Pilbara and Gascoyne
2997. Hon Peter Collier to the Minister for Education and Training representing the Minister for Tourism
3005. Hon Peter Collier to the Minister for Fisheries representing the Minister for Local Government and Regional Development
3019. Hon Peter Collier to the Parliamentary Secretary representing the Minister for Housing and Works
3032. Hon Ray Halligan to the Leader of the House representing the Premier
3033. Hon Ray Halligan to the Leader of the House representing the Premier
3034. Hon Ray Halligan to the Leader of the House representing the Premier
3035. Hon Ray Halligan to the Leader of the House representing the Premier
3052. Hon Ray Halligan to the Minister for Education and Training
3065. Hon Ray Halligan to the Minister for Fisheries representing the Minister Assisting the Minister for Water Resources
3108. Hon Ray Halligan to the Leader of the House representing the Minister for State Development

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3165. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Housing and Works
3166. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Heritage
3180. Hon Ray Halligan to the Minister for Fisheries representing the Minister for Local Government and Regional Development
3183. Hon Ray Halligan to the Minister for Fisheries representing the Minister for Local Government and Regional Development
3219. Hon Paul Llewellyn to the Parliamentary Secretary to the Minister for Planning and Infrastructure
3220. Hon Paul Llewellyn to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

***Notice Given***                      ***Tuesday, 14 March 2006***

3231. Hon Paul Llewellyn to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
3233. Hon Peter Collier to the Leader of the House representing the Premier
3234. Hon Peter Collier to the Minister for Local Government and Regional Development representing the Minister for Justice
3235. Hon Peter Collier to the Leader of the House representing the Premier
3236. Hon Peter Collier to the Leader of the House representing the Premier
3238. Hon Giz Watson to the Leader of the House representing the Minister for State Development

***Notice Given***                      ***Wednesday, 15 March 2006***

3244. Hon Nigel Hallett to the Leader of the House representing the Minister for Public Sector Management
3245. Hon Nigel Hallett to the Minister for Local Government and Regional Development representing the Minister for Police and Emergency Services
3246. Hon Nigel Hallett to the Leader of the House representing the Premier
3247. Hon Nigel Hallett to the Minister for Local Government and Regional Development representing the Minister for Justice
3248. Hon Nigel Hallett to the Minister for Local Government and Regional Development
3255. Hon Nigel Hallett to the Parliamentary Secretary representing the Minister for Community Development
3256. Hon Nigel Hallett to the Leader of the House representing the Minister for Energy
3258. Hon Nigel Hallett to the Leader of the House representing the Minister for Public Sector Management
3261. Hon Nigel Hallett to the Leader of the House representing the Minister for Public Sector Management

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3262. Hon Nigel Hallett to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
3263. Hon Nigel Hallett to the Minister for Local Government and Regional Development representing the Minister for Police and Emergency Services
3264. Hon Nigel Hallett to the Minister for Education and Training
3266. Hon Nigel Hallett to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
3270. Hon Nigel Hallett to the Minister for Local Government and Regional Development representing the Minister for Police and Emergency Services
3271. Hon Nigel Hallett to the Minister for Local Government and Regional Development representing the Minister for Police and Emergency Services
3272. Hon Nigel Hallett to the Minister for Local Government and Regional Development representing the Minister for Police and Emergency Services
3275. Hon Nigel Hallett to the Minister for Local Government and Regional Development representing the Minister for Police and Emergency Services

***Notice Given***                      ***Thursday, 16 March 2006***

3276. Hon Murray Criddle to the Minister for Fisheries
3278. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
3279. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
3280. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
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3293. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
3294. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health

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- 3295. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3296. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3297. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3298. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3299. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3300. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3301. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3302. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3303. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health

***Notice Given***                      ***Tuesday, 21 March 2006***

- 3305. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3306. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3307. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3308. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3309. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3310. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
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- 3313. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3314. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
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- 3317. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3318. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3319. Hon Robyn McSweeney to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
- 3320. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3321. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3322. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3323. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3324. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health
- 3325. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health



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**Postponed Questions**

3358. Hon Giz Watson to the Minister for Education and Training representing the Minister for the Environment
3359. Hon Giz Watson to the Minister for Education and Training representing the Minister for the Environment
3360. Hon Giz Watson to the Minister for Education and Training representing the Minister for the Environment

***Notice Given***                      ***Wednesday, 22 March 2006***

3361. Hon Murray Criddle to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

***Notice Given***                      ***Thursday, 23 March 2006***

3362. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
3363. Hon Norman Moore to the Leader of the House representing the Minister for State Development
3364. Hon Murray Criddle to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
3365. Hon Margaret Rowe to the Leader of the House representing the Minister for Energy

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*Notice given*                      *Tuesday, 4 April 2006*

3366. Hon Paul Llewellyn to the Leader of the House representing the Minister for State Development

I refer to a letter signed by Roy Burton (enquiries Bob Stevens) Department of Industry and Resources dated 8 December 2005, addressed to Mr Peter Shaw (departmental reference 7321/99) titled 'Mining Activity within 100 metres of 5 Cahill Road, Kalgoorlie' -

- (1) Can the Minister explain why the Department stated 'you have declined KCGM's invitation to meet with its representatives in order to discuss the true nature of the issues you have raised and to determine if it is possible to negotiate a way forward'?
- (2) If no to (1), why not?
- (3) Can the Minister explain the specific relevance of the statement made by the Department and referred to in question (1) above in relation to an alleged breach of section 20(5) of the *Mining Act 1978*?
- (4) If no to (3), why not?
- (5) Can the Minister identify and state what the Department regards as being the true nature of the issues raised by Mr Peter Shaw?
- (6) If no to (5), why not?
- (7) Can the Minister identify and state what the Department regards as being the true nature of the issues raised by KCGM?
- (8) If no to (7), why not?
- (9) Can the Minister explain why the Department will not accept Mr Peter Shaw requesting all matters to be put in writing from KCGM in relation to possibly negotiating a way forward?
- (10) If no to (9), why not?

3367. Hon Paul Llewellyn to the Leader of the House representing the Minister for State Development

I refer to a letter signed by Roy Burton(enquiries Bob Stevens) Department of Industry and Resources dated 8 December 2005, addressed to Mr Peter Shaw (departmental reference 7321/99) titled 'Mining Activity within 100 metres of 5 Cahill Road, Kalgoorlie' -

- (1) Can the Minister explain why the Department considers it unreasonable that Mr Shaw will not meet with KCGM until the company has provided written answers to his previous questions and the monitoring data that he previously requested?
- (2) If no to (1), why not?
- (3) Can the Minister explain the relevance of the statement made by the Department in relation to an alleged breach of section 20(5) of the *Mining Act 1978* which states 'you have, instead,

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informed KCGM in writing that you will not consider such a meeting to discuss the potential of you giving your written consent until the company has provided answers to your previous questions and the monitoring data that you have previously requested’?

- (4) If no to (3), why not?
- (5) Can the Minister explain the relevance of the statement made by the Department in relation to an alleged breach of section 20(5) of the *Mining Act 1978* which states ‘KCGM has previously provided information of a similar nature to Ms Diane Mills and others in response to their consecutive requests over the recent years concerning Williamstown related matters, and the company is not willing to again utilise the considerable staff time that would be required to respond to your questions/requests, particularly as the company considers that the most effective way to address these matters with a view to resolving your complaints in a timely manner would be by a face to face meeting with you’?
- (6) If no to (5), why not?
- (7) Does the Department consider the usage and maintenance of the large conveyor belt (including the fencing and gates surrounding it and within 100 metres of 5 Cahill Road) a breach of section 20(5) of the *Mining Act 1978*?
- (8) If no to (9), why not?

3368. Hon Paul Llewellyn to the Leader of the House representing the Minister for State Development

I refer to a letter signed by Roy Burton (enquiries Bob Stevens) Department of Industry and Resources dated 8 December 2005, addressed to Mr Peter Shaw (departmental reference 7321/99) titled ‘Mining Activity within 100 metres of 5 Cahill Road, Kalgoorlie’ -

- (1) Is it correct that all the subject infrastructure including the conveyor belt, has been in continual use by KCGM in its current position for some ten years?
- (2) If yes to (1), can the Minister explain how this was factually determined?
- (3) If no to (1), which specific pieces of infrastructure have not been in continual use by KCGM for ten years?
- (4) Did Mr Bob Stevens or any other departmental officer in verbal discussions with KCGM staff in any way suggest or encourage them to modify the company’s activities and relocate or remove some of the infrastructure?
- (5) If no to (4), why not?
- (6) If yes to (4), in what manner and how did this come about?
- (7) Can the Minister explain how the Department factually determined the importance of this infrastructure (including the conveyor belt) to KCGM?
- (8) If no to (7), why not?
- (9) Can the Minister explain the factual basis behind how the Department determined that KCGM has little option but to continue using the infrastructure (including the conveyor belt) as an unavoidable and essential part of its operations?

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(10) If no to (9), why not?

3369. Hon Paul Llewellyn to the Leader of the House representing the Minister for State Development

I refer to a letter signed by Roy Burton (enquiries Bob Stevens) Department of Industry and Resources (DOIR) dated 31 January 2006, addressed to Mr Peter Shaw (departmental reference 7321/99) -

- (1) Is Mr Shaw obligated or required in any way to negotiate with KCGM concerning breaches of section 20(5) of the *Mining Act 1978*?
- (2) If no to (1), why not?
- (3) If yes to (1), why?
- (4) Can the Minister specifically state and identify what is the 'offending infrastructure'?
- (5) If no to (4), why not?
- (6) Will DOIR direct KCGM to relocate the conveyor belt and other supporting infrastructure to outside the 100 metre buffer zone, given that Mr Shaw has not given his written consent and this infrastructure is in breach of section 20(5) of the *Mining Act 1978*?
- (7) If no to (6), why not?
- (8) Can the Minister explain why the Department claims that there is no significant risk of harm to persons or the environment given that the large operating conveyor belt within 100 metres of the residential property produces noise, dust, visual pollution and affects the amenity of Mr Shaw?
- (9) If no to (8), why not?
- (10) Can the Minister explain for each item of the 'offending infrastructure' why its removal or relocation by KCGM is considered by DOIR to constitute a reasonable response to Mr Shaw's complaint?
- (11) If no to (10), why not?
- (12) Did Mr Shaw request as part of his original complaint, that the infrastructure complained of, be relocated or removed?
- (13) If no to (12), what specifically did he request?
- (14) If yes to (12), where was each piece of infrastructure asked to be relocated or removed to?

3370. Hon Paul Llewellyn to the Leader of the House representing the Minister for State Development

I refer to question on notice number 2874 of 10 November 2005, and a letter signed by Roy Burton (enquiries Bob Stevens), Department of Industry and Resources (DOIR) dated 31 January 2006, addressed to Mr Peter Shaw (departmental reference 7321/99) -

- (1) In relation to the answer to part (7) of the question, can the Minister explain why the Department did not request that KCGM cease using all of the 'infrastructure complained of'?

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in accordance with section 20(5) of the *Mining Act 1978* until written consent was obtained from Mr Shaw?

- (2) If no to (1), why not?
- (3) In relation to the answer to part (15) of the question, can the Minister explain why the Department considers that it was reasonable for the concrete/brick shed and surrounding fencing known as the KCGM Williamstown switchboard to be dismantled and removed?
- (4) If no to (3), why not?
- (5) In relation to the answer to part (13) of the question, can the Minister explain why the Department considers that it was reasonable for KCGM to relocate gates and fencing erected across the haul road to a position further than 100 metres from the resident's property?
- (6) If no to (5), why not?
- (7) Can the Minister define and explain the nature of the activity relating to the large conveyor belt and why there is no significant risk of harm to persons who live within 100 metres of this infrastructure?
- (8) If no to (7), why not?
- (9) Can the Minister define and explain the nature of the activity relating to the large conveyor belt and why there is no significant risk to the environment for persons who live within 100 metres of this infrastructure?
- (10) If no to (9), why not?

3371. Hon Paul Llewellyn to the Minister for Education and Training representing the Minister for the Environment

I refer to a letter dated October 10, 2005, signed by D Carew Hopkins, Acting Director General, Department of Environment (DoE) reference CEO 1162 addressed to Mr L Mills and question on notice number 2886 of 10 November 2005 -

- (1) Given that the Minister has stated that the environment contained within Prospecting Licence 26/1848 not owned or occupied by KCGM is not considered to be a 'holding facility' under KCGM's licence (which enables KCGM to discharge emissions of saline, alkaline, cyanide constituents and heavy metals and other toxic chemicals), can the Minister explain why the DoE since 1993 and up until 2006, has treated the environment of Prospecting Licence 26/1848 not owned or occupied by KCGM as a 'holding facility' into which all of the above constituents have been discharged?
- (2) If no to (1), why not?
- (3) Can the Minister explain what 'unacceptable environmental impact' means?
- (4) If no to (3), why not?
- (5) Does the *Environmental Protection Act 1986* override and take precedence over the *Mining Act 1978*?
- (6) If no to (5), why not?

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- (7) If yes to (5), why?
- (8) In relation to the answer to part (3) of question on notice number 2886, can the Minister state what specific 'sufficient information' is needed to justify the decision to impose the condition stated in the question?
- (9) If no to (8), why not?
- (10) Can the Minister explain what specific ramifications could not be considered prior to the issuing date and why these ramifications prevented a licence condition being imposed as stated in part (3) of the answer to question on notice number 2886?
- (11) If no to (10), why not?
- (12) Given that the Minister has stated that 'another important component of this plan is to determine the historical groundwater levels of the area by 31 March 2006' (essentially a licence condition), will the Department prosecute KCGM for failing to observe licence conditions in that as of 21 March 2006 the draft report for the historical water levels has not been released for public comment and the final report has not been completed?
- (13) If no to (12), why not?

3372. Hon Paul Llewellyn to the Minister for Education and Training representing the Minister for the Environment

I refer to a letter dated October 10, 2005, signed by D Carew Hopkins, Acting Director General, Department of Environment (DoE) reference CEO 1162 addressed to Mr L Mills, and question on notice number 2886 of 10 November 2005 -

- (1) Is it correct that the final Seepage and Groundwater Management Plan dated 29 September 2005, forms part of the licence conditions for KCGM's licence which KCGM is obliged by law to observe and follow?
- (2) If no to (1), why not?
- (3) If yes to (1), why?
- (4) Is it correct that part of the final Seepage and Groundwater Management Plan dated 29 September 2005, in part states 'It is anticipated the draft historical water level review will be completed by 31 January 2006, with a three week public comment period ending on 21 February 2006. Following review of public feedback a final report will be completed by 31 March 2006'?
- (5) If no to (4), what specifically does it state?
- (6) Has KCGM breached its licence conditions as of 21 March 2006, in not releasing a 'draft historical water level review' in accordance with its written commitment to a three week public comment period ending 21 February 2006?
- (7) If no to (6), why not?
- (8) If yes to (6), will KCGM be prosecuted for breaching written commitments which form part of licence conditions on its operations?

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(9) Will the DoE write to KCGM directing them to reduce groundwater levels to below four metres on Prospecting Licence 26/3126 so as to minimise the likelihood of pollution or environmental harm being caused, including the stressing and killing of vegetation?

(10) If no to (9), why not?

3373. Hon Paul Llewellyn to the Minister for Education and Training representing the Minister for the Environment

I refer to a letter dated October 10 2005, signed by D Carew Hopkins, Acting Director General, Department of Environment (DoE) reference CEO 1162 addressed to Mr L Mills, and question on notice number 2892 of 10 November 2005 -

(1) Can the Minister explain the reasons why the DoE considers the operational area of the Fimiston 1 tailings storage facility in general to be 'highly disturbed'?

(2) If no to (1), why not?

(3) Can the Minister explain how the specific operational area of the Fimiston 1 tailings dam referred to by the DoE became 'highly disturbed'?

(4) If no to (3), why not?

(5) Can the Minister explain the reasons why the DoE considers the operational area of the Fimiston 2 tailings storage facility in general to be 'highly disturbed'?

(6) If no to (5), why not?

(7) Can the Minister explain how the specific operational area of the Fimiston 2 tailings dam referred to by the DoE became 'highly disturbed'?

(8) If no to (7), why not?

(9) Can the Minister explain why 'environmental harm and or pollution is unlikely' within the operational area of the Fimiston I and Fimiston 2 tailings dams, given that seepage has been stressing and killing vegetation since 1993 up until the present day in this area?

(10) If no to (9), why not?

(11) Can the Minister explain why the DoE does not consider seepage emissions entering prospecting Licence 26/3126 as likely to cause pollution?

(12) If no to (11), why not?

(13) Can the Minister explain why the DoE does not consider seepage emissions entering prospecting licence 26/3126 as likely to cause environmental harm?

(14) If no to (13), why not?

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3374. Hon Paul Llewellyn to the Leader of the House representing the Minister for State Development

I refer to the Murrin Murrin Nickel cobalt operations which I understand are currently operated by Minara Resources -

- (1) Is it correct that some stop work orders, notices relating to dust or other issues were issued by the Department of Industry and Resources (DoIR) in the years 2003, 2004, 2005 at the above operation?
- (2) If no to (1), why not?
- (3) If yes to (1), what specifically was each order, notice issued for?
- (4) Can the Minister explain how the DoIR justifies issuing any of the stop work orders, notices for the years 2003, 2004, 2005 at the above operation?
- (5) If no to (3), why not?
- (6) Can the Minister quote the full text for all of the stop work orders, notices that were issued in the years 2003, 2004, 2005 at the above operation?
- (7) If no to (5), why not?
- (8) Is it correct that some works directions, notices relating to dust or other issues were issued by DoIR in the years 2003, 2004, 2005 at the above operation?
- (9) If yes to (8), what specifically was each order, notice issued for?
- (10) Have any written directions in correspondence, been issued by DoIR in 2005 and 2006 for any issues at the above operation?
- (11) If yes to (10), what specifically were the written directions and issues raised in correspondence for?

3375. Hon Paul Llewellyn to the Minister for Education and Training representing the Minister for the Environment

I refer to an incident in which dark black smoke was emitted for well over 10 minutes on 28 October 2005 from the Loongana Lime operations near Kalgoorlie Boulder -

- (1) Can the Minister quote the specific text of the licence condition which covers black smoke emissions?
- (2) If no to (1), why not?
- (3) Will Loongana Lime be prosecuted for breaching any licence condition concerning the black smoke emissions?
- (4) If no to (3), why not?
- (5) Has the Department of Environment received other complaints concerning black smoke emissions from the Loongana lime operations other than the 28 October 2005?
- (6) If yes to (5), on what specific dates?

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3376. Hon Paul Llewellyn to the Minister for Education and Training representing the Minister for the Environment

I refer to the Fimiston 1 and Fimiston 2 tailings dam owned by Barrick Gold of Australia and Newmont Mining operated by Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM) and question on notice 2883 of November 11 2005 -

- (1) Can the Minister state the reasons why is it so important to have a licence condition which ensures that the Fimiston 1 facility is constructed in accordance with the Notice of Intent?
- (2) If no to (1), why not?
- (3) Can the Minister explain what is the importance of having details of how the facility will be constructed, as a form of condition for any works approval?
- (4) If no to (3), why not?
- (5) Can the Minister explain how the works approval ensures that the facility is constructed in accordance with the notice of intent?
- (6) If no to (5), why not?

3377. Hon Paul Llewellyn to the Minister for Education and Training representing the Minister for the Environment

I refer to the modified penalty notice issued to the Water Corporation dated 24 February 2006, advertised in *The West Australian* newspaper for an incident which occurred on 10 July 2003, in the Swan River -

- (1) Can the Minister state how the emission of untreated domestic sewage in water form constitute and fall into the category of an unreasonable emission under section 49(5) of the *Environmental Protection Act 1986*?
- (2) If no to (1), why not?
- (3) Can the Minister explain and define the nature and composition of what was considered to be the specific 'unreasonable emission' for this incident?
- (4) If no to (3), why not?
- (5) Can the Minister explain how the untreated domestic sewage in water form, unreasonably affect the comfort of any person in the area?
- (6) If no to (5), why not?
- (7) Can the Minister explain how the untreated domestic sewage in water form, unreasonably affect the welfare of any person in the area?
- (8) If no to (7), why not?
- (9) Can the Minister explain how the untreated domestic sewage in water form, unreasonably affect the health of any person in the area?
- (10) If no to (9), why not?

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- (11) Can the Minister explain how the untreated domestic sewage in water form, unreasonably affect the convenience of any person in the area?
- (12) If no to (11), why not?
- (13) Can the Minister explain the rationale as to the amount and how a figure of \$ 12 500 for the modified penalty was determined?
- (14) If no to (13), why not?

3378. Hon Paul Llewellyn to the Minister for Education and Training representing the Minister for the Environment

I refer to the modified penalty notice issued to the Water Corporation dated 24 February 2006, advertised in *The West Australian* newspaper for an incident which occurred on 14 November 2003, in the Swan River -

- (1) Can the Minister state how the emission of untreated domestic sewage in water form constitute and fall into the category of an unreasonable emission under section 49(5) of the *Environmental Protection Act 1986*?
- (2) If no to (1), why not?
- (3) Can the Minister explain and define the nature and composition of what was considered to be the specific 'unreasonable emission' for this incident?
- (4) If no to (3), why not?
- (5) Can the Minister define and explain what is considered to be a 'unreasonable emission'?
- (6) If no to (5), why not?
- (7) Can the Minister explain how the untreated domestic sewage in water form, unreasonably affect the comfort of any person in the area?
- (8) If no to (7), why not?
- (9) Can the Minister explain how the untreated domestic sewage in water form, unreasonably affect the welfare of any person in the area?
- (10) If no to (9), why not?
- (11) Can the Minister explain how the untreated domestic sewage in water form, unreasonably affect the health of any person in the area?
- (12) If no to (11), why not?
- (13) Can the Minister explain how the untreated domestic sewage in water form, unreasonably affect the convenience of any person in the area?
- (14) If no to (13), why not?
- (15) Can the Minister explain the rationale as to the amount and how a figure of \$ 12 500 for the modified penalty was determined?
- (16) If no to (15), why not?

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3379. Hon Paul Llewellyn to the Minister for Education and Training representing the Minister for the Environment

I refer to a newspaper article which appeared in the *Kalgoorlie Miner* dated Friday February 24 2006, titled 'Rees enters Loongana debate' in which the chairperson of the Kalgoorlie Boulder Community and Industry Reference group was calling for the reinstatement of licence wind restrictions on Loongana Lime operations -

- (1) Does the Minister support the reinstatement of wind restrictions for burning waste oil and diesel at Loongana operations, so as residents do not continue to receive unreasonable odours which affect the health, welfare, amenity, convenience and comfort of residents living in the surrounding area?
- (2) If no to (1), why not?
- (3) If yes to (1), will the Minister ensure that this urgently takes place?
- (4) How many Environmental Field Notices have been issued to Loongana Lime since the licence condition relating to the burning of waste oil, when the winds are blowing towards a residential area, were removed?
- (5) If no to (4), why not?
- (6) Will the Minister table copies of all the Environmental Field Notices issued as per question (4) above?
- (7) If no to (6), why not?
- (8) Will the Minister quote the full text from the Environmental Field Notices as to why they were issued on each occasion?
- (9) If no to (8), why not?
- (10) Can the Minister explain why the DoE repeatedly allows emissions to reoccur, despite Environmental Field Notices being issued, without strong enforcement action being taken against Loongana Lime operations, to clearly prevent any further odour incidents which seriously affect the welfare, convenience, health, amenity, comfort of surrounding residents?
- (11) If no to (10), why not?
- (12) Can the Minister state how many ongoing repeated incidences of odour emissions do persons have to endure which affect the welfare, health, amenity, comfort, convenience of surrounding residents before a Environmental Protection Notice is placed on Loongana Lime operations, to ensure that the residents are clearly protected, and that the issue of unreasonable odours is stopped?
- (13) If no to (12), why not?

3380. Hon Paul Llewellyn to the Minister for Education and Training representing the Minister for the Environment

I refer to a email dated February 23 2006, addressed to Mr Wayne Astill, Department of Environment (DoE), copied to the Minister for the Environment titled 'Loongana Lime - Above the Law',

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concerning a very serious unreasonable odour emitted from Loongana Lime operations on the 22 February 2006, and various other attachments -

- (1) Has the DoE considered and addressed all the matters raised in the above referred email?
- (2) If yes to (1), what strong enforcement action to prevent ongoing odour incidents was taken?
- (3) Is the Acting Regional Manager Mr Astill involved with 'Captain Cleanup'?
- (4) If yes to (3), what specific involvement does Mr Astill have?
- (5) Does the DoE and Mr Astill support Loongana Lime in repeatedly causing unreasonable emissions reoccurring, which seriously affect the health, welfare, comfort, convenience and amenity of surrounding residents?
- (6) If yes to (5), why
- (7) If no to (5), why not?
- (8) Is it correct that an Environmental Field Notice was issued on the 9-10 March 2006, for the Longana Lime Operations?
- (9) If yes to (8), why was the notice issued?
- (10) Can the Minister explain why prior to 9-10 March 2006, despite a number of environmental field notices having been issued to Loongana, that the unreasonable odours continue to persist with many complaints being made without a Environmental Protection Notice being issued?
- (11) If no to (10), why not?
- (12) Will the Minister table a copy of the Environmental Field Notice issued on the 9-10 March 2006?
- (13) If no to (12), why not?
- (14) Will the Minister table a copy of the written response addressed to Mr Right from the Minister concerning his letter dated 5 March 2004, addressed to the Minister for the Environment?
- (15) If no to (14), why not?
- (16) Can the Minister state what enforcement action, if any, was taken by the DoE in relation to all the matters raised by Mr Right in his letter dated 5 March 2004?
- (17) If no to (16), why not?

3381. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health

Further to question without notice No. 895 of 14 March 2006 -

- (1) With whom did the CEO consult about the accelerating the move of Woodside to Kaleeya from 14 months to 3 months?
- (2) On what conditions was the CEO's initial estimate of 14 months calculated to affect the move from Woodside to Kaleeya?
- (3) On what assumptions was the CEO's estimate of 14 months calculated to affect the move from Woodside to Kaleeya?

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3382. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health

Further to question without notice No. 895 of 14 March 2006 -

- (1) Where in the Reid Report or the Cohen Report was it recommended to relocate Woodside Hospital services to Kaleeya Hospital?
- (2) Where in the Reid Report or Cohen Report was it recommended to relocate Woodside Hospital services to Fiona Stanley Hospital?
- (3) Where in the Reid Report or Cohen Report was it recommended to relocate Woodside Hospital services to Kaleeya Hospital in 2006 and then relocate services from Kaleeya Hospital to Fiona Stanley Hospital in 2011?

3383. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health

Further to question without notice No. 895 of 14 March 2006 -

- (1) What changes in the mix of services provided at Kaleeya Hospital will result in a saving of \$837 000 a year in nursing salaries?
- (2) What services provided at Woodside will no longer be available?
- (3) What services that were available at Woodside will be reduced at Kaleeya?
- (4) What savings in nursing salaries will be achieved by staffing efficiencies due the (maternity) unit being managed in a larger hospital?

3384. Hon Barbara Scott to the Parliamentary Secretary representing the Minister for Health

- (1) How many nursing staff will be required to undertake a caesarean section at Kaleeya Hospital?
- (2) Will extra midwives be provided to look after the birthing suites at Kaleeya which are now separated and unable to be supervised safely with the same number of staff at Woodside?
- (3) If not, why not?

3385. Hon Helen Morton to the Parliamentary Secretary representing the Minister for Health

- (1) Where are the offices of the Health Corporate Network located?
- (2) What is the annual cost of leasing the above offices?
- (3) How many staff (FTE) are working in the Health Corporate Network?
- (4) How many staff who were identified as providing a service that was to be taken over by the Health Corporate Network, are still located in hospital facilities because they could not, would not, or are still waiting to transfer to the current offices of the Health Corporate Network?
- (5) How many staff working in the Health Corporate Network are employed as hospital salaried officers?
- (6) Under what hospitals are they employed?

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3386. Hon Paul Llewellyn to the Minister for Education and Training representing the Minister for the Environment

- (1) Is the Department of Conservation and Land Management (CALM) paid by the Forest Products Commission (FPC) for services CALM provides for management of plantations and native forests managed for timber production?
- (2) Is the Minister concerned that there is a perception of a conflict of interest for a conservation agency to receive funding from a resource extraction agency?
- (3) What is the most recent advice CALM has provided to the Government regarding payment for services provided to the FPC that are wholly or partly dedicated to the management, logging and post-logging operations involving native forest timber production?
- (4) What is the most recent advice CALM has provided to the Government regarding payment for services provided to the FPC for direct and indirect management operations for plantation timber production?
- (5) Is the FPC unable to make full payment for the complete range of direct and indirect services provided by CALM for the management of plantation and native timber?
- (6) If yes to (5), how much does the FPC owe CALM?
- (7) Is CALM subsidising the production of native timber through foregoing payment for services it provides to the FPC?

3387. Hon Paul Llewellyn to the Minister for Forestry

- (1) Do the log supply contracts finalised by the Forest Products Commission under the Forest Management Plan 2004-2013 include obligations to supply specific volumes of timber to specific markets?
- (2) If no to (1), why not?
- (3) Do these contracts have an emphasis on local manufacturing?
- (4) If yes to (3), how is this emphasis provided for in the log supply contracts?
- (5) Were these log supply contracts vetted to ensure legal enforceability prior to being offered to sawmillers?
- (6) If no to (5), why not?
- (7) Can the Minister confirm that at least one sawmiller with obligations to supply specific volumes of sawn timber to specific markets has instead been providing timber to a local firm during 2005, which has then exported jarrah sawn timber to 'low wage' countries where it is made into furniture and sold back into the markets of local furniture manufacturers?
- (8) Can the Minister confirm if this practice is continuing?
- (9) Since the signing of these log supply contracts what volume of sawn timber has been exported for furniture manufacture despite contractual obligations?
- (10) What is the estimate of -

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- (a) local value adding capacity; and
  - (b) job numbers lost through the export of sawn timber to low wage countries for manufacture contrary to log supply contracts?
- (11) What capacity does the Government have to ensure that jarrah sawlogs provided under log supply contracts are used by the local value adding industry?
- (12) What investment has the Government made since 2001 in -
- (a) relocations; and
  - (b) capital equipment upgrades for local furniture and fine wood manufacturers?
- (13) What investment has the Government made since 2001 to assist local manufacturers access new markets and promote their furniture and fine wood products?
- (14) Have any sawmillers with pre-existing log supply contracts also provided sawn timber for export to low wage countries for furniture and fine wood manufacture?
- (15) If yes to (14), what volume of sawn timber has been provided?
- (16) Is this practice continuing?
- (17) Is there an oversupply of jarrah sawn timber for the local furniture and fine wood industry?
3388. Hon Helen Morton to the Parliamentary Secretary representing the Minister for Health
- (1) Which of the following have administrative offices off a hospital site and out of the Health Department building at 189 Royal Street East Perth -
- (a) South Metropolitan Area Health Service;
  - (b) North Metropolitan Area Health Service;
  - (c) Western Australian Country Health Service;
  - (d) Women and Children's Health Service;
  - (e) Office of Mental Health;
  - (f) Health System Support;
  - (g) Director General's office;
  - (h) Information, Communication and Technology Services; and
  - (i) Health Policy and Clinical Reform?
- (2) Where are these offices located?
- (3) What is the annual cost of leasing each of the above offices?
- (4) How many staff (FTE) are working in an administrative role in each of the services listed in question (1)?

**MIA BETJEMEN**

Clerk of the Legislative Council