

SWAN AND CANNING RIVERS MANAGEMENT AMENDMENT BILL 2014

Second Reading

Resumed from 7 May.

MR C.J. TALLENTIRE (Gosnells) [2.45 pm]: I am very pleased to rise to speak to the Swan and Canning Rivers Management Amendment Bill 2014. Let me begin by saying that the opposition opposes the amendments to the Swan and Canning Rivers Management Act being put forward by the government, which the opposition believes will substantially weaken the legislative powers in place to protect our Swan and Canning Rivers. These amendments gut the powers of the Swan River Trust, which is a body that has been in operation for many years, but which received a substantial boost to its powers when in 2006 the current act was brought into effect. When the Swan and Canning Rivers Management Bill 2005 was created and presented in this place by the then environment minister, Hon Judy Edwards, it was clear that we needed to do something to ensure that we had a truly integrated control mechanism for the Swan and Canning Rivers overseen by a body that had the authority to work with multiple agencies, multiple stakeholders and all those people who, in fact, live in the Swan and Canning Rivers catchment area. It is an enormous task to be a catchment manager, but a very important one. What we see here is a government putting forward legislation that will reduce the capacities of the Swan River Trust to those of an advisory body. Bear in mind that there were some 60 staff with the Swan River Trust and those staff are being moved to the Department of Parks and Wildlife. I have already mentioned in this place the inconsistency between the objectives of a catchment management organisation and a parks and wildlife department. They have very different roles, so there is an incompatibility to be found when staff dedicated to the task of catchment management are put into an organisation that is all about parks management. What is really at stake is the power of the Swan River Trust to intervene, give advice, put out public comment and be involved in public discussion about development proposals around the Swan and Canning Rivers.

It is my belief that the origins of this amendment bill lie in conversations the Premier had with people who did not like some of the advice the Swan River Trust was producing. I am aware that the current minister has been on a steep learning curve in getting across the detail of this portfolio. I do not believe that the minister himself put this idea forward; I think it comes from the Premier's office. In justifying it, there was a suggestion that this was some kind of election promise to create the Swan Canning Riverpark and to somehow include that in the parks and wildlife department. The notion of the Swan Canning Riverpark already existed, but it was about much more than just a riverpark in the sense of a place to visit; it was about the role of the body of water at the heart of the catchment—at the bottom of the catchment, if you like—that is the receiving body for not only the water that flows through the catchment, but also the negative effects of all the human activity that goes on in the catchment.

I want to first of all look at some of the history associated with the Swan and Canning Rivers catchment. We know that its spiritual significance to the Noongar people through the Wagyl is absolutely enormous. Its identity for the traditional owners of this area is absolutely incredible. They have an incredibly strong passion for, commitment to and belief in the spiritual values of the Swan and Canning River systems. They are naturally concerned about the environmental health of the system as well, but that spiritual significance is something that we are only beginning to understand and appreciate. It is one thing for us to respect that significance and spiritual connection, but it is another for us to actually try to understand it. I think many of us have embarked upon that learning process, though, so that is a commendable thing, but it is incumbent upon us to make sure that, through our system of government, we have institutions in place that will respect that spiritual belief and the significance of the Wagyl and other associated entities to the area. That is very important to the original owners of this place, and it is of real concern that we are contemplating legislation that will weaken the powers of the one government body that can actually stick up for and defend the values of the Swan and Canning Rivers. That is one of the reasons why the opposition objects to the Swan and Canning Rivers Management Amendment Bill 2014.

When we turn to the European association with the Swan and Canning Rivers, it is clear that we have done enormous damage and caused enormous change to the catchment area. I will go through some of those changes, but one of the most obvious is the removal of the sandbar that used to protect the river at its mouth. The sandbar was exploded so that ships with a significant draft could move up the river into the port of Fremantle, and that was a major change to the ecology of the area. It allowed salt water intrusion into the river, changing the river from being a true river into an estuarine environment. Of course, we talk about the great engineering feats of C.Y. O'Connor; he was the engineer behind that project. I often hear people talking about projects that the state might consider in the future, such as water from the Kimberley, and they say, "What would C.Y. O'Connor do if he were here today?" I think C.Y. O'Connor would probably have the insight and the level of thinking that we are supposed to have in this place, and would perhaps think twice about some of those projects. Nevertheless, the history is there; the mouth of the river was opened up, and we brought about that great change by turning the area into an estuarine environment and increasing the salinity levels in the Swan and Canning Rivers.

Another major change that we have wrought on the Swan and Canning system, equally devastating to the original ecology of the area as the removal of the sandbar, is the damming of the tributaries that used to flow into the system. The Helena River was dammed to form the Helena River Reservoir; that was another C.Y. O'Connor project. There was also the Mundaring Weir and the construction of the pipeline to Kalgoorlie, using water from the Helena River that used to flow into the Swan and Canning Rivers and the Perth water area; we know that that had a huge effect. Much more recently, the Canning Dam was constructed on the Canning River, and that project meant that 95 per cent of the water that used to flow down the Canning River was dammed, so we have reduced the flow of the Canning River by 95 per cent. If we do these things, we are going to have a huge impact on the ecology of an area. These are major, major changes.

In addition to the damming of the rivers, we have also seen major changes in the upper reaches of the catchment. In the past, when I have had the opportunity to review the work of the Swan River Trust, I was always concerned that the trust's operations were confined to the Swan and Canning River area and were not actually active beyond that and into the reaches of the Avon River. A proper catchment analysis would show that the catchment of this river system extends way out into the wheatbelt area—as far south as Lake Grace and even further south, to Pingrup, and east beyond the areas of Northam and Toodyay, so it is an enormous catchment area.

What have we done in those areas? We have had massive clearing of native vegetation, and therefore massive disruption to the flow of water into the Avon River and, in turn, the Canning River. This is ecological change on a globally significant scale; it is up there with the scale of change that we hear about in the Amazon Basin. At that time, we thought it was a virtuous thing to clear vast swathes of land. There were campaigns to clear a million acres a year, and the consequent scale of ecological change was the equivalent of what we often lament seeing in the Amazon Basin—an absolutely enormous change.

We are now seeing some of the consequences of that. We know that in the Avon catchment there has been a serious problem with salinity. One of the remedies for that has been to drain the land. There are problems with a rising groundwater table lifting to the surface the salt that has accumulated in the soil profile, and then the salt makes the land no longer productive. One of the "solutions" has been deep drainage to remove that water from the landscape. I use the word "solutions" in inverted commas because it is not an environmentally sustainable solution at all. It might be a bit of a quick fix, but in fact the draining of saline lands leads to further degradation of the water quality in the Avon River and further degradation of the water in the Swan and Canning Rivers. The saline water that is drained has a very low pH level—pH being an indication of the level of acidity in the river—and the very acidic water from the drainage projects that extend like a network throughout the wheatbelt in some areas comes down into the Swan and Canning Rivers, further degrading the water quality in the Perth area. It all flows through.

Mr M.H. Taylor: The catchment's the size of Tasmania.

Mr C.J. TALLENTIRE: The member is right; it is an absolutely enormous area. I thank the member for Bateman for that precision. We have this very acidic, low pH water coming down, but it also contains heavy metals, which further add to the problems of water quality in our river system.

We also have problems relating to sedimentation and a decline in the quality of the pools along the river. All these things are indications of how significantly we have modified the river system and how dramatically we have contributed to its degradation. That, of course, is a major concern. These are the sorts of things that a well-empowered Swan River Trust should be able to tackle, but unfortunately we have before us legislation that is going to weaken the capacities of the Trust. I said that I thought the minister was not the person who had given rise to this idea of weakening the Swan River Trust. I note that the Premier is in the chamber, and I suspect that it is the Premier who did not like the advice that the Swan River Trust had given him on the Elizabeth Quay project. It is my understanding that the Swan River Trust gave advice to government that the dredging of the Elizabeth Quay area would pose problems for the water quality in the area and that there could be problems flushing the basin that is under construction at the moment. Giving inconvenient advice is the job of a body like the Swan River Trust, but unfortunately the government does not always like advice that may be accurate, based on the best scientific information available and on good solid studies. When one is in the game of public policy, establishing what is the best for the state and for one of our major natural assets, one has to be prepared to take that kind of advice and argue the case. Perhaps it was justifiable. Perhaps the majority of Western Australians would have been prepared to accept something like the dredging of the basin on the basis that it would cause further deterioration of water quality in the Perth water area. Perhaps, similarly, we might find that the majority of Western Australians are prepared to accept the risk of acidic water coming from the drainage projects in the wheatbelt that I mentioned. Perhaps Western Australians are prepared to accept that heavy metals could come down from the Avon River into the Perth water area. I believe, however, that that discussion should be held openly, that there should be good information, and that suppressing the flow of information on these important matters should not occur in a robust democracy. We should make sure that people are presented with the facts and that they understand them. The Swan River Trust can still do that at present, but given the pressure it is

under at the moment, and certainly with the advent of this legislation, the Swan River Trust will be prevented from commissioning the kind of research projects that enable us to fully understand the consequences of activities as diverse as dredging the Elizabeth Quay area or as different as draining the wheatbelt area to try to mitigate salinity problems. Those things are very different projects but worthy of good public discussion because they will impact on the water quality in the Swan and Canning Rivers.

Water quality is a major issue that many of us, as lay people, might struggle to understand. Good scientific projects need to feed into decision-making processes, but, more importantly, good interpretation and presentation of those projects needs to occur. That is an area in which the Swan River Trust has excelled. It has been an excellent body to communicate technical information underpinning the health of the river system.

Dr Jacob John is a leading scientist who has made a major contribution to research on issues concerning the Swan River, in particular on the concern that everyone has about algal blooms. Dr John is in the process of retiring from Curtin University, but he has worked extensively in this area since the 1970s. He is a great communicator and he manages to distil into easy-to-understand language the complexities of the causes of algal blooms. A paper by Dr John states —

Understanding the Swan River requires an appreciation of the linkage among the living forms in water as well as the connections to the land.

He goes on —

Algae form the basis of the wheel of life in any aquatic system. They are directly in contact with the physical and chemical conditions drawing nourishments from water and responding directly to environmental changes.

Algae form the basis of food chain and sustain the manifold life forms in the Swan. Without algal blooms, the web of life cannot be sustained. However, not all algae are the same; some produce toxins that can kill fish and humans. Commonly called Harmful algae they are not very much different from the poisonous mushrooms and toxic plants on land. Any surveillance body need to be vigilant about harmful algal blooms.

Dr John says that back in the 1970s, when he started investigating algal blooms in the river, he found that very little was known about the microscopic algae otherwise called phytoplankton that caused many of the blooms. At the end of the study he recorded over 400 species of microalgae. He says that when he began his studies there was almost no knowledge of the different species, but now he has been able to document over 400 species of microalgae and has discovered a small number of them that can multiply especially fast and discolour the water and cause blooms according to changes in the seasons. That is at the key point. Of the 400 or so microalgae, probably just a few species are responsible for the major blooms and problems in the river. Only a few of those species cause the problems. Therefore, there is some hope that if the life cycle of those species can be understood, the growth rates can be contained. I note that some blooms will be completely benign at some time of the year and that depending on the nature of a species of phytoplankton, it might not respond at all to changing conditions; but then, at another time of the year, when the daylight length is such that it triggers its reproductive capacities and there is suddenly a bloom, that sort of thing can lead to not only something unpleasant like the discolouration of the water, but also to far more serious consequences from toxic algae. In the past the river has had to be closed as a result of those blooms. I recall an enormous rainfall event in the Lake Grace area in January 2000. As the member for Bateman pointed out, that part of the catchment is the size of Tasmania. What goes on in that part of the catchment can very soon have consequences here in Perth. In January 2000 a dramatic downfall of rain occurred in the Lake Grace area. The water came, via the Avon River, into the Perth area, bringing with it very high loads of nitrogen that led to an algal bloom of a particular species noted for its bright green, almost iridescent appearance, speckling the water. It was a very toxic algae. The Court government at the time had no choice but to close the river to boating for two weeks. That is the sort of dramatic consequence of inaction. If action is not taken, that sort of problem can occur, and people's recreational pursuits can be disrupted and it becomes embarrassing from a tourist point of view. We have to explain to people coming to Western Australia that we have not looked after the catchment or the river system and, as a result, there is a dramatic algal bloom that if it were to come into contact with a person's skin, or if a person were to immerse their hand in the water, it would result in a rash. At that time the Court government had to close the river for two weeks.

Given the then Premier's enthusiasm for all things boating and rowing, there is no doubt that he probably found that a very difficult decision to make. At the time I used to crew on a Viking 30 yacht. The algal bloom totally disrupted our activities for a couple of weekends. These are real problems that people do not expect when living in Perth, Western Australia; they expect to be able to enjoy the river to full effect.

The bill deals with a number of issues. I note that the government is trying to portray this bill as a minor amendment bill. It is all part of an efficiency approach—putting an agency such as the Swan River Trust into an

advisory role while the staff are retained but now working directly for the CEO of the Department of Parks and Wildlife. I think that is a major attack on the autonomy that the Swan River Trust previously had. The Swan River Trust was a statutory authority; it had the right to put out advice independent of the minister of the day. By making this change, the government is ensuring that it has control over what the Swan River Trust says. I think that is just a suppression of the sort of advice and views of a body that has been constituted in the way the Swan River Trust has. The government is suppressing the ability of that body to provide advice for good public discussion. If we do not have statutory authorities that are prepared to make comment—they will not make it on a daily basis, only when there is a real need or on a particular problem—that is when we are seeing this suppression of an important avenue for enriching public discussion so we have informed debate. To narrow this discussion down to gain efficiencies by merging the staff of the Swan River Trust into the department ignores the fact that we have, in a parks and wildlife authority with thousands of staff, a culture very different from what we would expect to see in a smaller agency that is dedicated to catchment management and to the task of looking after our Swan and Canning River systems. That is an issue of concern.

I note in the legislation that the powers to advise the WA Planning Commission have been removed. Clause 9 of the bill relates to the power to carry out any investigations and surveys and undertake exploration, feasibility studies, evaluations and reviews. That has been deleted—important advice going to the WA Planning Commission’s processes. Given that the WAPC oversees all the discussions to do with subdivisions around the river foreshore area, it is a concern that the Swan River Trust will no longer be able to do that surveying, exploring and feasibility work. Instead, the Swan River Trust will have the power to consult and collaborate with persons who are affected in a material way by the performance of its functions. To me, that is a dramatic reduction in what was previously within the trust’s powers.

We also know that the Swan River Trust has the capacity to receive funds, either from donations from people or through its own funding streams via the Burswood Casino legislation. It had been the remit of the trust to decide how it spent that money. If it decided to spend it on scientific research into the consequences of a development such as Elizabeth Quay, that was its right. That will no longer be the case. We are losing that independence of thought and contribution to public policy debate in Western Australia.

I wanted to look at the role of an integrated catchment management body. This was recommended through such documents as the “Swan–Canning Cleanup Program: Action Plan” that goes back to May 1999. As far back as May 1999, we were talking about making recommendations and reading important reports for integrated catchment management, recognising that what goes on higher up in the catchment, be it in the southern part of the wheatbelt, the great southern or in a light industrial area, can have a negative impact on the river through not managing those activities correctly. The current legislation provides for river protection notices. If it is detected that a business in a light industrial area is allowing sump oil to drain into the river system and that is causing problems—of course, it would cause problems—there is the potential for the Swan River Trust to issue a river protection notice. I understand that the Swan River Trust has not issued many of those river protection notices. I am sure that the minister will be able to tell me how many the Swan River Trust has issued. In the future, the general manager of the Swan River Trust will not be able to recommend that a river protection notice be issued. Instead, with these amendments, it will be more a matter of the CEO advising the trust to consider issuing a river protection notice. We are objecting to this dilution of the legislative capacities of the Swan River Trust. It is amusing that we use the term “dilution” when we are talking about a catchment management body but, unfortunately, nothing about the consequences to river health will be diluted.

I turn to the “Swan–Canning Cleanup Program: Action Plan” and its recommendation from 1999 for a strengthened integrated catchment management approach to the Swan–Canning catchment. It states —

Integrated Catchment Management ... is the process of coordinated planning, use and management of water, land, vegetation and other natural resources on a river or groundwater catchment basis. It involves the whole community of the catchment, including landholders, businesses, residents, local government and State agencies.

It is an amazingly huge task—a mammoth task—to coordinate all those bodies as different as private landholders, businesses and state government agencies. It is a huge array; in fact, it is the whole of our society. I put it to members that a body focused on the health of the river is best placed to deliver that integrated catchment management much better than, say, a unit within a major government department. Let us say that there is a question about the type of anti-fouling chemicals that a yacht club on the river is using on boats in its marina area. If that educated yacht club is approached by the Swan River Trust—a body with expertise in river ecology—and told that the toxic materials in the anti-fouling products are damaging the river and an accumulation of sediments may be toxic in the future, which will persist in the river and probably impact on all kinds of river fauna and flora, even if that yacht club might not be particularly interested in the broader aspects of river health, it will probably listen to its advice. I am concerned that if that advice comes from a person within a major government department such as the Department of Parks and Wildlife—if it has the capacity and the

time, and if it still has staff tasked with that kind of role—who says the department has concerns about the club’s anti-fouling chemicals, I do not know that it will get the same level of interest from the club. The issue of integrated catchment management is just as much a social issue as it is an environmental and a planning and decision-making one. It is such a broad task, so to imagine that that range of tasks could be supported by a parks management agency just stretches things too far and there is just no way it can be done.

I also want to refer to some other aspects of the health of our river system, and for this I will turn to the “State of the Environment Report—Western Australia draft 2006”, which was delivered in 2007. I note in passing that there has been no word from the Barnett government on when it will next release a State of the Environment Report. My understanding is that these documents were to be prepared on a five or seven-year rotational frequency, so we are well and truly overdue for one. To my knowledge there is not even the thought of preparing another State of the Environment Report. It might yet be another case of government not wanting to know too much because if it knows a little bit, it might find that the information is unattractive. It might not be favourable for the government to hear about a further deterioration in a whole lot of environmental factors. However, I turn specifically to the recommendations or the assessments made in the State of the Environment Report from 2007 relating to our inland waterways and noting the comments specific to the health of the Swan and Canning River systems.

I have already touched on some of the issues raised in this document, especially about the construction of artificial drainage channels and the damaging chemicals and toxins that can come down those drainage channels, which is a major concern. The State of the Environment Report also makes extensive reference to the loss of our wetland system that is the environmental health buffer to the Swan and Canning River systems. This is another way of viewing what we do in our catchment. If we have healthy wetlands in the catchment we will have healthy nutrient filters. I am sure the minister will enlighten us with more details of improvements to water quality that have been brought about by the construction of an artificial wetland to filter out nutrients from Ellenbrook. Those sorts of initiatives make a lot of sense but they are, relative to the magnitude of the problem, a bandaid approach that would be better reversed or changed to one of actual implementation of avoidance rather than trying to find a cure. We need to stop that amount of nutrients from entering the catchment, the wetlands and our soils. Our soils are particularly porous and fail to hold nutrients, so we put fertiliser on the soil and those nutrients just wash straight through, which is why the phase out of highly water-soluble fertilisers was so needed. Instead, the government prefers to put its resources towards establishing a nutrient-filter wetland instead of tackling the horticultural industry in particular to ensure that it is part of the solution and not actually the cause of some major environmental problems. That industry was probably ready to be part of a solution as well, but once we take off the pressure then it will naturally use the cheapest product available. If we worked with it I am sure it would be very proud to be an industry based on the very highest of environmental standards.

The State of the Environment Report and the chapter relevant to the health of the Swan and Canning Rivers highlights the importance of good planning policy to ensure we make the right decisions about land use around the river area. Part of the recommendation in the report says that we need to implement a draft environmental protection Swan coastal plains wetlands policy and to ensure that we have satisfactory buffer arrangements in place, and that we make the health of the river a central part of our planning and decision making. I suspect again that this is an area where perhaps the Premier was lobbied by people who did not like those signs placed on the riverbanks by the trust, when a melaleuca tree that had blocked someone’s view was somehow poisoned, damaged and then died, and then mysteriously the brand-new, huge house had an extended view through to the river. The Swan River Trust put up a sign saying that an act of environmental vandalism had occurred, which was a fairly blunt way for the trust to undertake its educational role in the community and say that people cannot be allowed to get away with destroying native vegetation or important natural assets around the river. But unfortunately, I suspect, that offended some people. Indeed it was intended to offend people and was done so that people would learn that they could not destroy small trees—I am not talking about huge karri trees but the sort of vegetation we see around the Swan River area. If members were to walk around the Premier’s electorate in Mosman Park, they would see some really great examples of restoration work being done.

Mr C.J. Barnett: I frequently walk along that area but I have not been lobbied about those signs. However, I have been lobbied about the Swan River Trust interfering with people’s private property.

Mr D.J. Kelly: Such as what?

Mr C.J. Barnett: One example that I took umbrage at was the Swan River Trust telling the Chidley Point Golf Club what colour awning it could put over its verandah.

Mr C.J. TALLENTIRE: Perhaps a minor issue like that —

Mr C.J. Barnett: It upset the club.

Mr C.J. TALLENTIRE: Perhaps I agree with the Premier on that point, if that was the extent of the advice, but I do not think that in itself is reason to gut the Swan River Trust of its powers. Of course people have private property rights, but sometimes those private property rights are abused. Some people would regard it a private property right to dispose of whatever liquids they want down the drains on their property, and that is where the Swan River Trust previously had powers to intervene and issue a river protection notice. It could issue such notices on its own volition with the recommendation of the general manager of the Swan River Trust. The government is changing that with this legislation; it is removing that power. For those river protection notices to be issued now—I have already said that I do not think many have been issued; I am not even sure that one has been issued —

Mr A.P. Jacob interjected.

Mr C.J. TALLENTIRE: None has been issued, but potentially they were there as a powerful tool to stop people doing the wrong thing. Sometimes people will regard doing the wrong thing as their private property right, and we see that with native vegetation all the time. People want to knock down riparian vegetation—that is, vegetation that is along the banks of a river. People want to knock it down and yet it is vital to the filtering of the nutrients that might otherwise get into the river to deteriorate the water quality. This is exactly why the minister spent some millions of dollars on the Ellenbrook restoration area, because he wanted to have a nutrient filter. How can the minister then allow someone further upstream to exercise their property right by knocking down riparian vegetation that will allow the flow of nutrients straight into the river? There is a limit to what we can understand by property rights, and I believe that that limit is defined by the point at which someone's actions then have a negative consequence on the rest of the community.

It was perfectly appropriate for the Swan River Trust to be in that place; that is, to make the call between someone exercising a private property right and someone damaging the “collective good”, such as the environmental health of the Swan and Canning Rivers. The State of the Environment Report gets into all these issues and gives us a record of where we are at today. When it comes to the Swan and Canning Rivers, the indications are pretty bleak, but I am having to rely on data produced in 2007, because the current government does not have it in itself to produce a new State of the Environment Report. That is a real shame. It is a sign that the government does not want to know the facts. Sometimes the facts are not pretty, and I know that any government that produces a State of the Environment Report will receive criticism, but it gets back to a point I made earlier about enabling good public policy discussions to happen. Only by having the truth out there, having a body like the Swan River Trust producing reports that go into great detail, canvassing public discussion, enabling people to be informed when they enter into debates on talkback radio or via letters to the editor and by enabling that discussion to be properly informed will we achieve the right outcome. By suppressing information, whether by disabling the Swan River Trust's capacity to produce reports and commission studies into important issues or by not producing State of the Environment Reports, we are missing the opportunity to have that quality debate we so desperately need if we are really serious about protecting our environment.

I look now at the specifics of the 2007 report with the Swan and Canning Rivers. Just on the issue of the extent of inland waters with intact fringing vegetation—namely, that important buffering fringing vegetation—a study was done to see whether there was a 50-metre buffer around the Swan and Canning Rivers. It was found that relative to the rest of the state the Swan and Canning Rivers had one of the highest rates of vegetation loss. That is a further indication of the sorts of problems that we have.

The State of the Environment Report went on to suggest a number of other responses, including routinely monitoring fringing and in-stream vegetation that is at risk of degradation. I doubt that will occur now with the demise of the Swan River Trust. The minister and I have already had discussion about the need for satellite monitoring to see the extent of vegetation decline. I get the impression that nothing of the kind is taking place. We need to finalise and implement the draft water resources statement of planning policy and guideline for the determination of wetland buffer requirements, which is also essential to the preservation of the environmental and water quality health of the Swan and Canning Rivers.

The third recommendation is to develop a package of education assistance and incentives for fencing and rehabilitation of wetlands and waterways on private lands. So, yes, sometimes people's original aspiration for their use of private land might have to be changed, but then we provide assistance to them so that they can actually do the right thing. The government can provide that assistance by way of the capacity to fence off areas so that the vegetation can be protected. A summary of the problems facing our river system on page 126 of the State of the Environment Report shows a map of the south west, highlighting the algal bloom and associated fish kill and swimming risk areas. Unfortunately we see that the Swan–Canning estuary faces all the problems that the Environmental Protection Authority identified in putting together this report. We have significant dinoflagellate blooms, significant cyanobacteria blooms, extensive macrophyte growth, fish kill events, impacts on recreation and the potential for shellfish poisoning. That is very sad, considering the number one natural heritage asset for the Perth community is so prone to all of those negative things that the EPA highlighted—a

river or estuary system in danger or in crisis. There really is a need for a strong Swan River Trust that has the legislative teeth to issue things like river protection notices, and the capacity to undertake important research to ensure that there is some control of what goes on in the catchment.

I want to highlight clause 6 of the bill with the minister. I will get to this when we are at the consideration in detail stage of the bill, but it is a particularly sneaky clause. It is one of those amendments that was deemed to be, in the eyes of the minister, a minor change—a slight deletion and not something we should really worry too much about—but when we look at this sort of minor deletion to section 10 of the act, which refers to and defines the catchment area that is critical to managing the catchment, we must know what our catchment area is. The current act states —

Development control area defined (Sch. 1 and 3)

That provides further information. It states —

- (1) A reference in this Act to the development control area is a reference to the land and waters that are —
 - (a) within the catchment area;

It sounds perfectly reasonable that the development control area should be within the catchment area, but that word “within” is being deleted. This is not highlighted in the explanatory memorandum. This is an issue that just gets hived off into a whole lot of little minor word changes.

Mr A.P. Jacob: It is being replaced with “a part of”.

Mr C.J. TALLENTIRE: That is right, but does the minister not see the significance of that?

Mr A.P. Jacob: I do not really see that as being any fundamental change whatsoever. Why is that not part of the catchment area?

Mr C.J. TALLENTIRE: I think “part of” is a subset of within; that “within” is a far more all-encompassing approach. The minister is saying “a part of” and his advisers were good enough to give me the documents that helped define where the catchment area is, and then we can work it out. I am sure we will do this when we go to the consideration in detail stage of the bill, but we can see how the government is reducing the area that it will describe as the catchment area. It is dramatically reducing it. That is limiting the powers of the Swan River Trust to such an extent that we might have those sorts of cases that I was talking about earlier, where a pollution event is coming from a light industrial area such as Osborne Park or Welshpool. If a pollution event is consistent and repetitive and the sort of thing that warrants a river protection notice, the government will redefine the catchment area in such a way that those businesses will no longer be located in the catchment and will no longer be subject to the powers of the Swan River Trust. I look forward to us getting into that detail at the consideration in detail stage. It is a very real fear of mine that the government has shrunk the area of responsibility of the Swan River Trust, because the Premier had the idea that people’s private property rights would be intruded upon by the Swan River Trust. If the Swan River Trust were to get into discussions about the colour of canvas awnings or something, constraint would be needed. If this legislation is gutting the capabilities and the capacity of the trust, it betrays the intention of the original legislation. The government would have been much better placed if it had been up-front about it and told us that it was repealing the whole act and getting rid of those powers. All that good work that Hon Judy Edwards did when she was Minister for the Environment will be lost. Geoff Gallop worked with her to identify how important the Swan River is to all Western Australians. They recognised the need for it to have good and strong legislation, much stronger than the previous legislation. If that is what we are doing here, we are really betraying the original intent of the legislation. When that kind of betrayal is going on, it is high time to be straight with the Western Australian people. The government should be honest about it and admit that effectively it is repealing the original act. Instead, it is pretending that it is simply shifting staff into the agency. A lot of the bill relates to the administrative arrangements and transferring the human resources and chain of command arrangements to the CEO of the Department of Parks and Wildlife rather than to the general manager of the Swan River Trust. That is a significant part of this legislation, but, in reality, the government is gutting the Swan River Trust. I do not think that is what Western Australians want. The government was not up-front with the Western Australian people about that when it went to the last state election. It will have serious negative consequences for the health of our river system.

As I come to a conclusion, I believe that we have a very real problem on our hands. If the Swan River Trust loses its powers, our previous integrated catchment management will break down. We will return to a situation in which agencies operate in silos. There will not be the same level of coordination between the Department of Water and the Department of Parks and Wildlife and the Water Corporation, and that will have a direct impact on the Swan River. We will no longer have that overarching body; we will lose that. Whenever we look at an estuary or river system around Australia that is under stress, or at similar systems around the world, scientists and policymakers always recommend integrated catchment management. This legislation weakens,

diminishes and guts the Swan River Trust, our catchment manager, and that is a betrayal of the wishes of Western Australians.

MR D.J. KELLY (Bassendean) [3.44 pm]: I rise to make a contribution on the Swan and Canning Rivers Management Amendment Bill 2014. This bill is not just a matter of changing a few words here, tidying up legislation and making a few amendments to modernise an existing act. I consider this to be a very significant piece of environmental legislation.

Whenever I hear that a Liberal–National government will introduce environmental legislation, I get a bit concerned, because the track record of Liberal–National governments on environmental issues, in my view, is not good. Everybody knows that the protection of the environment is often a balancing act between preserving the environment and pursuing development projects that may bring other benefits to the community. We should never be completely on one side or the other. My concern is that on most occasions Liberal–National governments get that balance terribly wrong. An example is the debate we had on the preservation of old-growth forests. There was a time when the community did not see the preservation of those forests as particularly important, but times have changed and people now understand the importance of those environmental assets. The Labor Party came to the view that we needed to protect what was left, and we did that. We made the important decision to end logging of old-growth forest. The Liberal–National opposition was very critical of that decision. It used terms such as “locking away state forests”. In reality we were simply making sure that we got the balance right. Anyone who looks at the map of Western Australia can see that the amount of native vegetation that we have lost since European settlement is enormous. The community reached the stage at which, for example, it recognised that we needed to protect old-growth forest; that was a perfectly reasonable decision to make. The Liberal and National Parties were on the wrong side of that debate.

The resort development that was to be at Ningaloo is another example. In response to community concern that that pristine reef system would be prejudiced by a resort development, the Labor Party made sure that we got the proposal right. We were criticised by those opposite for that decision. That is another example of us getting it right when we were in government. Nine times out of 10 we were criticised by the Liberal and National Parties. Their whole attitude to the issue of climate change again typifies that the Liberal and National Parties do not get that balance right. Many opposite do not appreciate the importance of climate change. Members on the government benches stand and, basically, say that climate change is a myth and that it is not an issue that needs to be dealt with at all; they claim that somehow it is some sort of conspiracy by wrong-minded scientists to hinder development. None of that is true. Any scientific debate around these issues would say that climate change is an important issue, but the Liberal and National Parties get it wrong.

I am sorry that the Premier has left the chamber because I was going to mention the shark cull. That is a very recent example of the government getting the balance wrong. It does not value the protection of our natural environment as much as the rest of the community does. I will mention one more example. The idea that there is such a thing as green tape is often talked about by Liberal and National members of Parliament. We have to get the balance right and make sure that protecting the environment does not unnecessarily hinder other development. To simply try to label every bit of environmental protection as green tape is, in my view, just a way of putting a negative label on protecting the environment instead of arguing the merits of what is proposed to be done. It is a way of getting around the merits of a proposal and having to back it up with science. It is just a label that gets created—“green tape”—in the same way that red tape is talked about. No-one likes red tape; it is synonymous with something unnecessary. Labelling protecting the environment as green tape avoids having a sensible debate, and it does not do the Liberal and National Party members of Parliament any credit to talk about green tape.

I suppose that is the background I bring to this bill. When I saw that the Minister for Environment was bringing in legislation to change the way we protect the Swan and Canning Rivers, I was immediately concerned. The public position is that this is just amending a bit of legislation; it is just changing the structure of the way things are done and does not dilute the protection provided to those catchments. However, I am immediately concerned. I know the member for Gosnells asked this question, but I would also be interested to know from where the idea for this change came. I would be very surprised if it came from the Swan River Trust. I am confident that the people of the Swan River Trust feel very deeply about protecting the Swan and Canning catchments. If they proposed this change, I would be interested—I would think maybe there was something in it. The minister is smiling, so maybe the idea did not come from staff within the Swan River Trust, but if it did, I might think there was something in it. However, I would be very surprised if that was the case.

The member for Gosnells asked whether the Premier laid the seed for this change in the mind of the minister. Is that the case? I am very interested for the minister, in debate on this bill, to tell us from where the idea for this bill came, because where the idea came from tells us something about the bill’s true intention. When the Premier was in the chamber, the member for Gosnells asked him whether these changes were being brought to Parliament because he was lobbied about the Swan River Trust possibly putting up signs to highlight vegetation that had been removed on our riverbanks. The Premier answered that he had never been lobbied about that, but

said he had been lobbied about the Swan River Trust trying to tell some golf club what colour awning it could have. I do not know the background of that issue, and it sounds pretty ridiculous to have a statutory authority such as the Swan River Trust telling a golf club what colour its awning might be. Maybe there is some more background to that issue than the Premier divulged in that interjection. However, the fact that that issue immediately came to the Premier's mind when we were debating the motivation for this bill concerns me. That is what he said; he said he had been lobbied by a golf club, because the golf club was told by the Swan River Trust what colour its awning should be. The Premier is a busy man and he has lots of big issues to deal with. If the thing that immediately came to his mind when we were debating why the government was getting rid of the Swan River Trust was a complaint from a golf club about an awning, I am concerned. I would have thought that the Premier, if he was going to interject, would have told the member for Gosnells that he was completely wrong and that the motivation for this bill was at the high end of public policy and not around something as apparently trivial as the colour of a golf club's awning. As this legislation goes through Parliament, I will be very interested to hear from the minister about the legislation's origin.

I reiterate what was said by the member for Gosnells: Labor does not support this bill, because, on the face of it, we cannot see that it is anything other than a watering down of the role of the Swan River Trust, and, therefore, a watering down of the protection that the Swan River Trust gives to those catchments. As that is the case, we cannot support the measure. The Swan and Canning Rivers are iconic assets for the people of Perth and the whole of Western Australia. They are fabulous assets that bring so much to our lives here in Western Australia. Unfortunately, we have not treated those catchments well since European settlement. If we are halfway honest, we have to say that we have done many things to those catchments that have caused damage. I am not saying that people do that deliberately or that people have not attempted to do the best for those rivers, but, unfortunately, there have been moments in history when we have not got the balance right. People have seen the river and the water flowing down it, and on a sunny day it looks fantastic, but people are completely oblivious to what is going underneath and what is going on with the environmental health of that river. We have not treated it well.

One thing that most people would agree was positive for the river was the establishment of the Swan River Trust. Many government agencies and departments have an impact on the river—the Water Corporation, the Western Australian Planning Commission, local government authorities and a whole range of government agencies. However, those authorities all see life simply from their particular perspectives. The one thing about the Swan River Trust is that it is responsible for having an overarching view of the health of those two catchments. Therefore, most people would have said that having a single agency with that responsibility was a good thing for the Swan River. I do not believe that the government has made out a case to abolish that agency. That is exactly what the government is doing—it is taking away the trust's status as a single, stand-alone agency with a degree of independence and absorbing it into another government department. It will simply be a section of a bigger government department and a significant part of its independence will be lost. That is the primary reason that we on this side of the house are not supporting this bill. We are not satisfied that the things that the minister said in his second reading speech are correct. In the second reading speech, the minister said that there would be no loss of focus on protecting the Swan River. I cannot see how that is the case, minister. At the moment there is a stand-alone agency that has as its sole responsibility the protection of the Swan and Canning catchments. When the staff of the Swan River Trust get up in the morning, their only responsibility is to protect those catchments. That gives people a great deal of independence and confidence that they can defend those river catchments without fear or favour, to use that cliché. Now, it will just be a unit within another department. As I understand, one of the key roles that it will lose is the right to independently approve developments that impinge upon the Swan and Canning Rivers. The Swan River Trust will go from actually making decisions to simply giving advice on development applications.

Debate interrupted, pursuant to standing orders.

[Continued on page 4160.]