

**SUBCOMMITTEE OF THE STANDING COMMITTEE ON  
ESTIMATES AND FINANCIAL OPERATIONS**

**2012–13 AGENCY ANNUAL REPORT HEARINGS**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
WEDNESDAY, 6 NOVEMBER 2013**

**SESSION THREE  
SWAN RIVER TRUST**

**Members**

**Hon Ken Travers (Chair)  
Hon Peter Katsambanis (Deputy Chair)  
Hon Alanna Clohesy**

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**Hearing commenced at 3.13 pm****Mr MARK CUGLEY****Acting General Manager, examined:****Mrs KAREN ROGERS****Manager, Business Services, examined:****Mr CHRIS MATHER****Manager, Riverpark, examined:**

**The CHAIR:** On behalf of the Legislative Council Standing Committee on Estimates and Financial Operations, I would like to welcome you to today's hearing. Firstly, can you confirm that you have read, understood and signed a document headed "Information for Witnesses"?

**The Witnesses:** Yes.

**The CHAIR:** Thank you. Witnesses need to be aware of the severe penalties that apply to persons providing false or misleading testimony to a parliamentary committee. It is essential that all your testimony before the committee is complete and truthful to the best of your knowledge. This hearing is being recorded by Hansard and a transcript of your evidence will be provided to you. The hearing is being held in public, although there is discretion available to the committee to hear evidence in private either of its own motion or at the witness's request. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session before answering the question. Government agencies and departments have an important role and duty in assisting Parliament to review agency outcomes on behalf of the people of Western Australia. The committee values your assistance with this. We might get straight into questions.

[3.15 pm]

**Hon ALANNA CLOHESY:** Obviously, with the abolition of the Swan River Trust, there is a great deal of interest in what comes after that. I was just looking at the trust's annual report. There is an impressive array of programs in the annual report between pages 20 and 27. I was wondering whether you would be able to provide us with any information about whether these programs will continue in whatever form that takes. Has there been a guarantee that those programs will continue?

**Mr Cugley:** In regards to the Swan River Trust amalgamating with the Department of Parks and Wildlife, the minister made an announcement on 26 September, as you will be aware. We are currently beginning briefings with the acting director general of the Department of Parks and Wildlife, and that includes those programs that are laid out on those pages that you referred to. The amalgamation was a decision by the government. It is early days. We are still waiting for the legislative amendments to be made to enable that amalgamation to happen, and in the meantime we are briefing the director general.

**Hon ALANNA CLOHESY:** The briefing will obviously include the array of projects. Has there been any commitment to maintaining the level of projects?

**Mr Cugley:** The commitment has been made certainly for this current financial year, and we have partnerships and collaborative arrangements to deliver these—it is not all by the staff at the Swan River Trust—and there has been a commitment made that that will certainly continue for this

financial year. I think the purpose of briefing the acting director general is to give him a sense of what the scope and breadth of the trust's work is so that decisions can be made about the future of these programs.

**Hon ALANNA CLOHESY:** And that includes existing funding levels?

**Mr Cugley:** Again, we have briefed him on our budget for this financial year, and these programs are currently operating at a certain level of budget. Our budget is about \$18 million for this financial year, and we are briefing him on how much of that investment sort of gets chopped up amongst these programs as part of that briefing process.

**The CHAIR:** Sorry; just before you go on, was there any work done or any involvement of you briefing or meeting with Parks and Wildlife prior to the ministerial announcement? What work was done before the announcement in terms of looking at what synergies or benefits would be available from an amalgamation of the two organisations?

**Mr Cugley:** I was not privy to discussions about the amalgamation and its benefits. It was a decision by government, and I am not really in a position to be able to provide any further information, other than the reasons that the minister outlined when he made that announcement on 26 September.

**The CHAIR:** I understand the policy decisions.

**Mr Cugley:** Yes.

**The CHAIR:** I am just trying to get an understanding of whether or not—you say you are not aware of it, but are you aware of any discussions that were had at an officer level within the Swan River Trust about what the implications or benefits would be of an amalgamation? I am not asking you to justify the amalgamation; I am just trying to find out what work went on before the announcement was made.

**Mr Cugley:** Nothing specific in regards to the amalgamation. We obviously have an existing partnership in areas where we do work with the Department of Parks and Wildlife. They are a new agency as well, only since 1 July. There were interactions with officers going about our regular business, but I would, in answer to your question, say no, there was nothing specifically discussed between officers about the amalgamation.

**Hon ALANNA CLOHESY:** The River Guardians program and the Dolphin Watch program —

**Mr Cugley:** Yes.

**Hon ALANNA CLOHESY:** — are they part of the range of programs that you are briefing the director general about?

**Mr Cugley:** Yes, we are providing information about those important programs and the importance of those in terms of engaging with the broader community about their own responsibility to care for the Swan Canning Riverpark and have, if they want, opportunities to be more actively involved in how they can sort of partner with us in those activities. Those programs are relatively new. The River Guardians began in 2009 and Dolphin Watch, I think, in 2011, and we have had some great numbers of people join up in those programs. Particularly Dolphin Watch is still gaining new members, which is great.

**Hon ALANNA CLOHESY:** Hopefully, that would be in that range of programs that you are briefing the director general about, including maintaining funding levels and the importance of doing that.

**Mr Cugley:** Correct.

**Hon PETER KATSAMBANIS:** Can I just ask a question on Dolphin Watch?

**Hon ALANNA CLOHESY:** Sure.

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**Hon PETER KATSAMBANIS:** Do you have any numbers around the dolphins that are within the riverpark?

**Mr Cugley:** Yes, certainly. There are about 40 dolphins that regularly use the Swan Canning Riverpark, and 10 of those are calves. Then there are 22 dolphins that we call residents. They spend the majority of their time within the river system. The balance of the 40 can move in and out from the near-shore areas down to Cockburn Sound and such. So we have got that information, and the Dolphin Watch program is a fabulous example of the community helping us monitor that population, so each year we produce an annual report separate to this about the number of people who volunteered their time, the number of hours, where they were within the riverpark. They have been trained to identify individual dolphins from their dorsal fin and other markings, and also in dolphin behaviour. So they are sending through all that really valuable information to help us understand the way that the dolphins use the riverpark.

**Hon PETER KATSAMBANIS:** Do you have any of the dolphins tagged?

**Mr Cugley:** No, we do not. We identify them from the markings they have.

**Hon PETER KATSAMBANIS:** So has there been any intention to tag them in the same way that other species are sometimes tagged, so you can check their migratory patterns?

**Mr Cugley:** I am not a dolphin expert —

**Hon PETER KATSAMBANIS:** No, I appreciate that.

**Mr Cugley:** — but I will obviously attempt to answer that as best I can. I think because dolphins are a larger mammal and they can be identified relatively easily by markings on fins, I think that visual observation is critical to understanding their range and their movement. Having more eyes on the riverpark through Dolphin Watch certainly helps us. In terms of tracking them, perhaps like sharks and things like that the Department of Fisheries must do, we have not done that with dolphins. There have been other instances, not in our river, where they have tagged bream and other fish species to be able to sort of ping, so to speak, as they go past different sites, but we have not done that in the river system.

**Hon PETER KATSAMBANIS:** Of those numbers you gave me before, what has the growth been over the last, say, last five years?

**Mr Cugley:** Since 2009, when we had a number of dolphins die in the riverpark, the population has recovered to that number now, which is 40 dolphins using it—22 of them resident. So that has been an improvement, and that really equates pretty much to what the dolphin population was at beginning of the 2000s—2001, 2002—when the last really detailed survey took place. We repeated that survey with Murdoch University in 2011-12.

**Hon ALANNA CLOHESY:** Under the new arrangements, what will happen to those agreements that have been signed, like the agreement on urban drainage in the Swan-Canning catchment that the Swan River Trust ratified with the local government association, the Department of Water and Water Corp? What kind of work will need to be done to either renew those or change—I do not know what the legal term is; maybe Hon Peter Katsambanis can help me with this—who the lead agency is within that agreement? Do you need new agreements? Do they have to all be renegotiated or that sort of stuff?

**Mr Cugley:** The urban drainage partnership agreement, if I could take that as a great example, was a 12-month agreement that was signed in November 2012, so as of this month we need to be reviewing that with our Water Corporation, Department of Water and WALGA friends. I am personally hoping that we will go through—it has been very useful—for a further period. In terms of logistically, I would see that until the legislation for the Swan and Canning Rivers Management Act is amended, the Swan River Trust would re-enter into another 12-month agreement. Out of courtesy, we would certainly engage with the director general so that he is aware of what we are

potentially committing Parks and Wildlife to for the balance of some of that 12 months, depending on when the legislation is amended. In terms of our other collaborative arrangements, there are already clauses within the ones that exist talking about the transfer of an agency if we had have—as what will happen through this announcement—changed form or function, or if indeed our partners changed, being a local government or community group, the agreement would be fulfilled by some future change or body. That is a standard clause that is anticipated in our current collaborative arrangements, so they would continue without having to strike a new agreement, which is good.

**Hon ALANNA CLOHESY:** Okay.

**The CHAIR:** Just on that, you do have funding in your current budget allocation to continue that program?

**Mr Cugley:** The urban drainage partnership agreement?

**The CHAIR:** Yes.

**Mr Cugley:** Yes, we do. There is not a large amount of funding we are putting to it, but, yes, we have put several thousand dollars towards some of the work, and we are able to continue that this financial year as well.

**The CHAIR:** One of your funding sources these days is out of what is now Crown casino; you get a contribution from what used to be the Burswood Park levy?

**Mr Cugley:** Yes.

**The CHAIR:** How will that funding arrangement be managed when you transition into Parks and Wildlife?

**Mr Cugley:** We have not really investigated that at the moment. The clause within the Casino (Burswood Island) Agreement Act—I am sorry, I do not know the exact piece of legislation—refers to funding being allocated to river protection projects that the Minister for Environment endorses. So there is some degree of flexibility within that current legislation, but that is one of things we are very much going to have to work through as part of this amalgamation, to ensure that that funding stream is available, because it is important to these programs continuing. Karen, would you like to add something?

**Mrs Rogers:** Yes, sure. We have about \$3 million a year.

**The CHAIR:** That was going to be my next question. What percentage of your budget does that represent?

**Mrs Rogers:** At the moment it is about one-sixth of it altogether, so \$3 million out of the \$18 million.

**The CHAIR:** So a fair chunk of it?

**Mrs Rogers:** Yes. We have currently about \$683 000 against a Healthy Catchments program, \$1.1 million against river health, \$839 000 against river bank, and \$364 000 against community engagement, and different programs within those budgeted allocations.

**The CHAIR:** So in terms of the river bank, is that about river walls and revegetating and rebuilding river walls and revegetating in the upper reaches?

**Mr Cugley:** Primarily, yes, it is about foreshore restoration, so soft engineering where it is appropriate to do so. That is our preference, but of course in the lower estuary there is infrastructure to protect and river walling is what the funding is directed towards in those areas. Chris Mather runs the riverpark, which includes that program. Would you like to add anything?

**Mr Mather:** No, I think you have covered it all.

**The CHAIR:** The river health, what exactly does that entail?

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**Mr Cugley:** The river health program includes four components. One is our regular monitoring of the condition of the Swan and Canning Rivers, so each week we, with the Department of Water, go out and sample the physical and chemical parameters within the river system, which gives us an excellent tool to be able to finetune our management. The second area is the oxygenation plants, and that has been a very important management tool to provide relief in the upper reaches of the Swan and Canning Rivers. The third is environmental flows down the Canning and other tributaries, such as Helena River, which have dams and impoundments; and the fourth is the non-nutrient contaminants program. They wrap up into river health.

[3.30 pm]

**The CHAIR:** Your expectation is for it to continue but at this stage, it is subject to all those negotiations.

**Mr Cugley:** Correct.

**The CHAIR:** There is legislation that needs to be brought in to allow you to transfer over, so, if necessary, that will include amendments to the legislation to carry it across.

**Mr Cugley:** Correct; yes.

**Hon ALANNA CLOHESY:** I refer to the key effectiveness performance indicators on page 45. I am looking at the audits on trust approvals and that there was only 48 per cent of audited projects compared with 80 per cent the year before, approved by local government or the WA Planning Commission, that were in full compliance with conditions recommended by the trust. Can you talk me through the difference and why that occurred? It is a big drop and I want to have a sense of it.

**Mr Cugley:** During the year we looked at how we go about assessing the approvals we give out. The way we have gone about compliance—I think it would be the reason for this change—is that we are now using a risk-based approach. When our officers are assessing a proposal and setting conditions, they are looking at which ones are likely to be problematic in terms of their compliance, and focussing our compliance effort towards those. I spoke with the statutory planning manager about this change in the trend and her view was that that would probably be why. We are now focussing our compliance effort on those that are higher risk, if I can say that, of being non-compliant. However, I am very happy for that question to be on notice, so I can be absolutely sure about the facts.

**Hon ALANNA CLOHESY:** Yes; I understand that.

*[Supplementary Information No C1.]*

**Hon ALANNA CLOHESY:** Also you probably want to take this on notice. What is the list of projects that were not compliant with the trust conditions?

**Mr Cugley:** I will take that on notice as well.

**Hon ALANNA CLOHESY:** If there is a way of explaining why they were not complying, would be useful too.

**Mr Cugley:** Certainly.

**The CHAIR:** We will make them all under C1?

**Hon ALANNA CLOHESY:** There are three parts to it.

**Mr Cugley:** I note, if I may, there is a comment on that same page saying that the 80 per cent compliance in 2011–12 could possibly reflect the change and interpretation due to staff turnover, so I think it would be very good for us to come back on those.

**Hon ALANNA CLOHESY:** I do not understand what that means.

**Mr Cugley:** I think notice is the best way to handle it.

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**Hon ALANNA CLOHESY:** Thank you. I refer to some of the notable incidents of 2012–13. Can you explain to me what a fish kill event is, please?

**Mr Cugley:** A fish kill event is an event where there are a large number of fish deaths. This one in 2012 was as a result of an algal bloom within the upper and middle reaches of the Swan River. Fish kill refers to a large number—in this case thousands—of fish deaths.

**Hon ALANNA CLOHESY:** How do you define upper reaches?

**Mr Cugley:** I beg your pardon. The upper reaches are around the Guildford, Caversham area all the way up to Ellenbrook. The mid-reaches are around Ron Courtney Island down to Maylands and probably the Causeway. The lower reaches are Perth waters, downstream past the Narrows to Fremantle.

**Hon ALANNA CLOHESY:** Is a fish kill event a fairly rare occurrence?

**Mr Cugley:** What happened last year was a very rare occurrence in that we had an algal bloom that lasted for the best part of three months in the river system. There was not a real flush that would normally bring about an algal bloom finishing its lifecycle, so to speak. With the very dry winter we had that algal bloom bumping around in the river for that amount of time and it was a *Karlodinium*—a particular type of algal species—and that is one that we know affects the ability for fish to draw oxygen in through their gill function, and that is the reason for the large number of fish deaths. It was rare to have an algal bloom lasting in winter around July–August—a funny time of the year you would think to have algal blooms. But it was there and that was pretty rare.

**Hon ALANNA CLOHESY:** It was pretty rare and in large part, a result of the dry winter.

**Mr Cugley:** Yes; that is right and in the conditions we had—sporadic rain, then back to sunshine—were favourable conditions for that particular type of algae.

**Hon ALANNA CLOHESY:** That was around July–August and it went for quite an unusually long period.

**Mr Cugley:** Yes.

**Hon ALANNA CLOHESY:** When did the trust become aware that it was a big fish kill event and it was a problem?

**Mr Cugley:** We monitor the condition of the Swan River every Monday as it is, and the Canning every Tuesday, so we are looking at the algal activity throughout standard sites. We knew that the levels of this *Karlodinium* were increasing before July when we began to see fish deaths. We were monitoring it; we increased our monitoring. We were also liaising with other agencies on an incident footing, so to speak, readying ourselves. Really, it was when the fish came to the surface. We were monitoring oxygen and looking at other parameters that might stress fish: temperature and the level of *Karlodinium*. It was a situation where the fish probably could not move out of the area quickly enough or they were impaired with their gill function to a point where they could no longer survive.

**Hon ALANNA CLOHESY:** What happened? Did they all kind of pop up on one day?

**Mr Cugley:** Correct.

**Hon ALANNA CLOHESY:** You were aware it was increasing but that it had not got to a critical point?

**Mr Cugley:** I would say so, yes. The way this particular algal species works is that when it cells and it is in a growth phase, it is not too dangerous, so to speak, for fish. But when the bloom collapses the cells lyse, break up and release a toxin. It is a natural toxin from the algae, which then impairs the gill function of fish. We were watching this bloom when it peaked and the densities then decreased because the bloom was crashing or decomposing that the cells lyse and the toxin, which

is always there with this algae because one of the ways it feeds is by taking in smaller planktonic-type organisms is within the water column and that is when it can impair the gills of fish.

**Hon ALANNA CLOHESY:** It obviously did not happen this winter, which we are thankful for. What did we learn from that event in terms of measuring the algal bloom and potential interventions to stop that?

**Mr Cugley:** Thank you; that is a great question, and I am very pleased to answer it. We spend a lot of time and energy not just monitoring but trying to find out about this particular type of algae. When we have had fish deaths associated with *Karlodinium* before, we have never been able to untangle whether it is low oxygen levels—when a bloom crashes, it is decomposing and bacteria within the water column, part of its biological process, is to consume oxygen in breaking that down—or is it the toxin within this particular type of algae. This time we were able to distinguish between the two. We had our oxygenation plants working long and hard. The annual report notes that we ran them for a big long season trying to provide that relief, so if the bloom did crash, at least the oxygen levels in the water column would still be favourable for fish; they would not be getting stressed by the toxin and not much oxygen being around. These fish deaths occurred further downstream in the reach of our oxygenation plants, which is 10 kilometres—a very considerable length of river—so we were able to distinguish and learn from that that, yes providing oxygen relief in these conditions can be a real refuge from these types of blooms and a very important tool. But *Karlodinium* naturally occurs in background levels throughout the estuary, so it is a situation where if conditions are favourable and we have excess nutrients and other things in the river that drive algal blooms, we will still have these problems in some areas.

**Hon ALANNA CLOHESY:** That was going to be my next question: obviously dry weather is one important part of it, but it also sounds like the water flow and oxygenation are an important part. How do we make sure that never happens again?

**Mr Cugley:** I do not know that we can make sure it never happens again. But we are working hard to relieve some of the pressure that causes those sorts of incidents. The climate is drying, we are getting less rainfall. We cannot do a great deal about that but we can reduce nutrient loads coming into the rivers. We are doing a lot of programs up in the catchment to try to improve water quality flowing through to the river system. Oxygenation plants are great. They certainly have a place in what we call a catchment-to-coast approach. They can be used to drive an immediate improvement in water quality but the long-term work to improve the health and water quality in the rivers and reduce and prevent these events from happening happens in the catchments and drains and tributaries that lead to the river just as much as it does by running an oxygenation plant. We believe we have a good mix with our partners in terms of the investment we have to be able to do the immediate things we need to do now but also in the longer term, drive that improvement in water quality.

**The CHAIR:** There are two issues: one, the reduction in the tannins so that the water is now clearer and that used to provide, for want of a better term, a sort of sun block and, secondly, the run-off of fertilisers into the river are part of the cause of that. There is also an argument that there is so much of the nitrogen and phosphate in the river bed that even if you were to stop that running into the river, we still would not see any improvement in the health of the river for some considerable time. Is that correct?

**Mr Cugley:** That is correct; there is a large nutrient store, particularly in those upper reaches of the Swan and Canning Rivers within the sediments that is a source of nutrient as well—you are quite correct—as the water coming in any given year.

**The CHAIR:** Because of the farmland that has been cleared, we will never restore the river on a tannin basis either, because we will never get back to having the same volume of tannin running into the river system. Added to that we have not been getting the flushing systems that occurred partly because of climate change. There is a whole range of contra things that contribute to that lack



of flushing. When you talk about improving the river health, what does that mean; what are we trying to achieve? What should we consider as success when it comes to improving the river health?

**Mr Cugley:** When we talk about improving the health of the river it is looking at those levers, if I can use that word, that we can pull to make a difference. In terms of not having the flushing, you are correct; we are not seeing that through the Avon, or through the upper reaches to scour out and give it a flush to Fremantle and beyond.

**The CHAIR:** It is also the interaction of the salt water is it not, that is not being pushed back out?

**Mr Cugley:** Yes. We have had the salt water persisting again in the last financial year around Guildford for eight or nine months of the year. We never move that salt water that is denser and wedges under the fresh and that mixing does not occur. That persisted for the best part of last year.

[3.45 pm]

**The CHAIR:** Is most of the river life in the fresh water or in the salt water?

**Mr Cugley:** It is hard to say. I really find that hard to answer. I think most of the river life is on the floor of the river system itself. That is a really important processing area for the river in terms of its health and delivering nutrients and breaking down organic matter that comes in as well.

**The CHAIR:** Going back to my question, what should we consider as a goal to say that we have improved the health of the river? What you are saying is that even if we cut back the nutrients, it is still going to be adding to a system that is in decline. Does the system continue to decline even if we are being successful in reducing the inflow of nutrients into the river?

**Mr Cugley:** The health of the river system is, I would suggest, good overall, so it is really in those upper reaches where the river is most under stress, and we need to keep, not just running the same programs, but being innovative about what else we could be doing, particularly as the population continues to grow and what the trend seems to suggest—that the climate continues to produce less rainfall, particularly in the winter months when it has traditionally been able to flush that system. I think in terms of measuring whether we have succeeded or not, it is about not just the ecology of the river but also people being able to come down and enjoy it and recreate near the river and it being a place that people can swim and fish, which they currently can do. They can walk beside it; we can put a trails network around it, and we can have a river system that is there for the environment and also for the people who live in and visit Perth as well. Again, if I could just reiterate, much of the river system is in good condition; those values are there at the moment. So apart from improving, we need to make sure we protect those areas that are in good condition.

**The CHAIR:** But is the river currently still in decline? Have we got to the point where we have actually stopped the negatives coming into the river—that we are actually in a holding pattern, or at some point we start to improve the health, or is it that the health of the river is still in decline?

**Mr Cugley:** I think that we are not seeing a rapid decline in the health of the river, whether we have actually plateaued, whether we are still seeing a small decline, or whether we are beginning to see a small improvement. The year-to-year analysis we do of water quality, we are also beginning to not just rely on parameters like physical and chemical nutrient levels and things like that, but beginning to look at fish communities and sea grasses, which are better indicators of long-term changes in the health of the river. In terms of an example, looking at fish communities, we have seen what has been an improvement since the early 2000s in the river overall.

**The CHAIR:** Is that basically with seawater species or freshwater?

**Mr Cugley:** Freshwater species as well, yes, and we have seen some signals of improvement in terms of actually getting less severe algal blooms than what we were in the late 1990s and 2000s, in terms of how intense they are and how regular they are. We are still obviously having more than what we would ever want, but there are some signals there that the condition is improving, but where it is in terms of its trajectory it is difficult to say. I think we will know in five, 10 and beyond

years. Work we are doing now in the catchments will really reap the benefits of that, I believe, rather than any year immediately now.

**The CHAIR:** I get that it is a long process. It took a while to kill it, or run it down, so it is going to take a while to get it back into a healthy environment. One of the views that is often put is that really the only way you can now restore it to its original state would be to put a barrage down somewhere around Blackwall Reach. Have you done any work on that?

**Mr Cugley:** Some have suggested that; no, we have not. It would be something to be looked at, but we have not looked at that as an option. There could be quite a number of disadvantages and problems with closing off the estuary as it once was before the rock bar at Fremantle was removed by C.Y. O'Connor. The system was forever changed by that, and we also built dams, taking 96 per cent of the natural flows coming in from the Canning River. But in answer to your question, no, we have not looked at the option of putting in a barrage.

**The CHAIR:** Very much one of my shadow Minister for Transport worries about the future, because the other issue is storm surges coming into the river and the potential impact on infrastructure such as the Kwinana Freeway and Riverside Drive and even, potentially, Elizabeth Quay! Are we seeing an increase in storm surges and the height of the storm surges within the river system?

**Mr Cugley:** We have done work on that with our technical advisory panel—again, knowing that the trust does not have all the expertise we need, by any means, to manage the river. In 2009 we looked at the potential impacts of climate change on the Swan and Canning River system, and that included looking at the sea level rise and therefore water level rise within the system itself, and we have seen an increasing trend at Fremantle and Barrack Street since the early 1900s, as is reflected in the ocean levels in nearby areas as well. Since then, one of the key things that that technical advisory panel suggested was looking at the vulnerability of foreshore areas, so the following year, in 2010, we developed a tool that would help us and other foreshore land managers like local government look at the Intergovernmental Panel on Climate Change's trajectories for sea level rise over those areas of the river where it is relevant, just to superimpose that on, and we did that at 2030, 2070 and 2100 years, and made that available to local government and other departments—Transport, Main Roads—to look at beginning to overlay what the predicted water level rises would be in those areas of the river. Essentially it is up to Windan Bridge or the Farmer Freeway, and the Kent Street Weir in the Canning River, which is dominated by the ocean level and the water level rises; upstream of those areas it is more about catchment flooding and things like that.

**The CHAIR:** Has the deepening of the Fremantle Harbour also had an impact on that? Again, I am not an expert and have very limited experience, but once you deepen it, it actually allows the storm surge to come in quicker and faster because of the deeper water mass, and then once it is in, it stays there, so it cannot come back out again. Has the deepening of the Fremantle Harbour had any impact on the way in which the storm surges are impacting on the rest of the river system?

**Mr Cugley:** No, it has not. The Department of Water did some modelling on that at the time to answer that exact question, and the difference it was going to make was insignificant.

**The CHAIR:** And the actual data since then has confirmed that modelling was correct? In terms of the ongoing monitoring, since the deepening there has been no sign of an increase in the height of storm surges?

**Mr Cugley:** That is correct; there has been no change that we could see to be attributed to that deepening at Fremantle Harbour.

**Hon PETER KATSAMBANIS:** Can I just clarify: you said you did some projections based on the IPCC reports.

**Mr Cugley:** Yes.

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**Hon PETER KATSAMBANIS:** Was that the 2007 report?

**Mr Cugley:** I might have to take that on notice; I cannot recall which. It was the third report of the IPCC.

**Hon PETER KATSAMBANIS:** Yes, the third report was 2007.

**Mr Cugley:** That is correct, you are right.

**Hon PETER KATSAMBANIS:** Given that it has recently revised almost all of the projections made in the 2007 report, is there an intention from the trust's point of view that you will revisit that work that you had provided to all the other agencies?

**Mr Cugley:** We are not intending to at the moment. We certainly could if we had the request of those partners that we sent that information to. The fourth report of the IPCC, although I believe it provided a new 2100 estimate, it did not provide the 2030, the 2070 or the 2100 intermediate trajectories or predictions, and we felt that the 2007 report—we were working with the Office of Climate Change at the time—was the best to give us those interim levels as well. To answer your question: no, we are not intending to, but we would certainly be a willing project leader to go ahead and do that work.

**Hon PETER KATSAMBANIS:** Given that the 2100 figures have changed quite significantly, is it not misleading to use the original figures for 2030 and the other years, given that they point to a trajectory that is no longer predicted?

**Mr Cugley:** I take your point; it would be good to update the trajectories with the latest IPCC information, and I am sure the trust will go about looking at that.

**Hon PETER KATSAMBANIS:** All right. Just on this issue, the Department of Environment Regulation recently did a survey—the OICI survey. I am trying to find the name of it.

**The CHAIR:** Whilst you do that, can I just go back to another issue? In terms of some of those key infrastructures around the river edge, when did that modelling indicate—I accept that it is the 2007 modelling—that there would be the potential for failure of some of those infrastructures from storm surges? Is it in 30 years' time, or is it a shorter period in which we are likely to sit within the next five to 10 years?

**Mr Cugley:** The modelling that we did did not provide that level of detail. It really showed which areas would begin to be inundated on a more frequent basis or ARI, so it was really about providing local government with that information—the frequency of which areas would become inundated. We did not look at the life or integrity of those structures; we did not look at that. We would support local government in looking at those areas, but we just said, “Look, here is where the river levels are likely to be in storm surge events in these years, based on the IPCC's report”.

**The CHAIR:** I have a vested self-interest as shadow Minister for Transport. Already from time to time you see the impact of storm surges on the Kwinana Freeway, and I am worried about that. Is it now Main Roads' job to take that data that you have provided and then work out at what point that is going to have a material impact on their infrastructure?

**Mr Cugley:** If I may, I might ask Chris to answer that question.

**Mr Mather:** Through the riverbank program we have a shared responsibility with land managers, so that includes Main Roads and the City of South Perth along the Como foreshore. We have been working with them for three years now on ensuring that any restoration works that are required along there can sustain the impacts of those increased storm surges, et cetera. We are finalising the most cost-effective option available to us—everything from beach re-nourishment in areas to hard-walling, bearing in mind that hard-walling has significant increases in costs, but we are working in partnership with those people. An example of where we have succeeded in boosting the infrastructure or building it to a standard is the Mounts Bay walling section. That was completed in

partnership with the City of Perth and Main Roads in 2009, 2010 and 2011. All the works along that section were built taking into account future climate changes and considering that the infrastructure, being a limestone wall, was built to Australian standards, lasting approximately 80 years, that all those walls were significantly lifted to prevent the overtopping of Mounts Bay Road. When and if we work with the City of Perth along the Riverside Drive section, we would be building those walls to the same standard and looking at things such as in front of the old Swan Brewery wave return barriers. If you ever go for a walk along there or have lunch at the restaurant you will notice that there is actually a curved block on top of the actual wall.

**The CHAIR:** I feel bad; I did not notice, and I was there on Friday!

**Mr Mather:** It is not built for aesthetics, it is actually built for a function. They actually keep the waves back out into the river to prevent that refraction from the walls.

**The CHAIR:** So that work, you are building it to meet that 2100 target, so even if the actual storm surges reduce, you have built it to cope with 2100 there. Obviously the other big one is along Kwinana Freeway. Some work was done a few years ago, but it still seems to break over when the big storms come through.

**Mr Mather:** It does, and we are aware of that. We have had to prioritise work in that area, again with Main Roads and City of Perth; sorry, City of South Perth.

**The CHAIR:** Is there something about the boundaries you know that we do not!

**Mr Mather:** That was a Freudian slip! No, there is a significant investment required and Main Roads has committed to providing a lot of that investment. We are looking at \$4 million alone over the next two to three years.

[4.00 pm]

**The CHAIR:** You do not have that in your current budget; do you?

**Mr Mather:** No, but Main Roads has committed the funding to implement those works.

**The CHAIR:** Is that \$4 million the total cost or your contribution?

**Mr Mather:** No; \$4 million has been committed by Main Roads to do that. We are not committing any of our own funding to that project.

**The CHAIR:** You provide the expertise about what to do.

**Mr Mather:** Indeed.

**Hon PETER KATSAMBANIS:** This is why it is critically important. You are talking about very big sums of money being committed on a report that has been discredited now by the body that provided the report, and the projections have been altered; so, clearly, the trajectory must alter along with the ultimate projection. We are talking about spending millions and millions of dollars based on figures that seem to be out of date. Why would we do that to the taxpayers of Western Australia? Why would we not redo the sums based on the new projections?

**Mr Cugley:** Certainly, if I may, with great respect, when did the IPCC's 2007 report become discredited? Just to be clear, we did this work in 2010, which I acknowledge is a while ago now.

**Hon PETER KATSAMBANIS:** They have released a report in the last two months. The 2013 report contains new data and new figures. I will get on to the local data as well in a minute.

**Mr Cugley:** It will be prudent for us, with those experts—particularly in government, and at the time it was the Climate Change Office that was advising us on what IPCC projections should be used for 2010—to go back and make sure we are using the best and latest advice.

**Hon PETER KATSAMBANIS:** Okay. I am concerned, because there are claims that some of the infrastructure in this state and other states of Australia are what people say is gold-plated. I do not always agree with that, but in this circumstance we would not want to be committing millions

and millions of dollars on infrastructure that seems to be unnecessarily restrictive. We have another problem. You mentioned that you passed this data on to local government.

**Mr Cugley:** Correct.

**Hon PETER KATSAMBANIS:** Then local government makes decisions, both for committing of its own infrastructure funds, but more importantly some decisions around what people can and cannot do with the land they hold, which has significant economic impacts for those people. Again, it is critically important that we get the data as accurate as we can. We are projecting out to 2100. I know some of these people occasionally try to project out a week and get it wrong. It is important work. We need to do it; we just need to use the right data. I will come back to the work that was done by the Indian Ocean Climate Initiative.

**The CHAIR:** Before we go on, what would that \$4 million allow you to do? I am trying, in my own head, to get an idea. Is that hard walling or soft infrastructure, and how much of, say, between Canning Bridge and the Narrows Bridge would it allow you to fix up?

**Mr Mather:** From the estimate and my understanding, off the top of my head, of that project it will complete a combination of rock revetment and hard-walling in areas where there are pinch points for approximately 20 per cent of that foreshore.

**The CHAIR:** Just to be on the safe side here, does it also protect the cycleways or is it just about protecting the freeway?

**Mr Mather:** It is obviously to protect all the infrastructure on that site. I do not think I could sit here and guarantee that once all this work has been completed you will not see water coming over the cyclepath and freeway. As was said, we cannot predict necessarily what is going to happen next week. We are working with the available knowledge we have at the moment, building it to the appropriate standards we have to ensure we are doing the best possible job we can, but within our constraints of budgets as well.

**Hon PETER KATSAMBANIS:** Again, the Department of Environmental Regulation together with the CSIRO and the Bureau of Meteorology conducted the Indian Ocean Climate Initiative study which gathered data specific, obviously, to the Indian Ocean and our region, and that reported in the last financial year. Have you done any correlation between those findings and the work you had done around the IPCC 2007 figures?

**Mr Cugley:** No, we have not.

**Hon PETER KATSAMBANIS:** I ask that as an open question because I do not know if those findings are materially different or whether they were as accurate or as detailed, but obviously if it is a local study that has cost \$4 million from a state government point of view, if there is any value produced from that report, it would be important to make sure that is reflected in the information that is communicated to the decision-makers, so that, again, we can get it as accurate as we can without overcommitting precious funds.

**Hon ALANNA CLOHESY:** I will come back to riverpark management. Page 13 of your annual report talks about identifying 258 issues requiring future action; these were incidents of illegal and unlicensed developments and unauthorised water extractions.

**Mr Cugley:** I will refer to Chris for that.

**Mr Mather:** When the Swan and Canning Rivers Management Act came into being in 2007, it vested the river reserve with the Swan River Trust. Previously, that reserve was unallocated crown land and it extended from the Fremantle traffic bridge up the Canning River to the dam. When we actually investigated and did an audit of the land we managed in that area, we identified that it included not only the actual waterway itself but also the surveyed boundaries of the properties in that area indicated that that land was vested with us as well. Historically, property owners in that area had thought—we spoke to a number of property owners—when they purchased the property

that their property boundary ended on the waterway itself. We completed an audit before undertaking any actions to identify what issues we had on our land. That included issues such as fencing down to the waterline across our land, the installation of pipes and pumps across the reserve when property owners were exercising their right under a licence to extract water, and riparian rights under the rights in water and irrigation act.

**Hon ALANNA CLOHESY:** I am sorry?

**Mr Mather:** Riparian rights were granted under the Rights in Water and Irrigation Act 1914. In some instances, property owners that abut a watercourse have the right to extract water from that watercourse for domestic use and stock without the requirement for a licence. A number of property owners up there are exercising that right, but there is no formal permission from the landowner, being the Swan River Trust, to do that. But rest assured, we are not going up there to tell them they have to tear everything out because they do not have permission, et cetera. We also identified there are issues of long-term management of that land, which we think was an unintended consequence of the act and vesting the river reserves with us. To help us address that, we are working with Department of Parks and Wildlife, the Department of Fire and Emergency Services and the Department of Water in developing a strategy on how we can effectively deal with those encroachments. Once that strategy is developed, officers will then go up and work with—it is not a matter of telling people to get all their stuff out immediately because they are doing something wrong; it is about educating owners in the first instance and saying, “Please be aware your property ends here,” and then working with those property owners to remove fences. In terms of pipes and pumps, we have already worked out a procedure with the Department of Water to allow property owners to have access over our reserve to extract water, but we would like to provide them with a written approval; we would also like their pumps to be on their own property. We obviously do not want to see people having pumps on public land where there are issues of electricity, fill and other things; but the public are allowed to walk along that section, so we are trying to reduce liability there. We want to make sure those issues of pipes and pumps are dealt with under legislation and then we will work with the property owners to remove any litter, illegal developments et cetera, but making sure we are doing that under the right legislation. It is not always straightforward, because it is not only the Swan and Canning Rivers Management Act that is involved; it is also the planning and development acts and the metropolitan region scheme. We have to work with the local councils as well in developing that strategy to make sure that, first, they are comfortable with it and, second, we are using the right legislation. Should it come to the requirement that we have to do enforcement action down the track, we need to ensure we are using the right legislation.

**The CHAIR:** When they own the rights to the river, where does the boundary between your land and their land stop? Is it the high water mark?

**Mr Mather:** The chairman may know this better than I. I understand from talking to the Department of Water that if there is a public reserve between the private property and the water, they can still claim riparian rights. In most instances that public reserve is actually the river reserve, so in that area it is a surveyed boundary. If we come down to the lower section, Perth water et cetera, the river reserve is noted as high water mark.

**The CHAIR:** Are there any of the old titles up there still? There are the Torrens titles and there are titles that predate those. I think they are called general memorial titles; there are various names given to them. They do not have a surveyed boundary in some instances, and it may be that the centre of the river is their boundary and that is defined on their title. Most of those definitions are taken out when people try to rezone or redevelop, but I wonder whether there are any remaining on the upper reaches of the Canning?

**Mr Mather:** On review, and looking at the cadastral boundary, I am not aware of any. I am aware that in other areas we still have properties across the river, such as in the Helena, but I am not aware of any on the Canning.

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**The CHAIR:** You would know if there were any.

**Mr Mather:** Exactly, and that is why I am reasonably confident that on the Canning our development control area boundary actually follows that line all the way up.

**The CHAIR:** They would have lost that old chain—12 metres on the site.

**Hon ALANNA CLOHESY:** Can we get a copy of that review about the 258 incidents and the action that is required?

**Mr Mather:** It is an internal document that we are using to develop the compliance action plan. I am not sure of due process here, but we have a summary.

**The CHAIR:** I suggest that I list it as item C2. Obviously, you need to talk to your minister about it. One option will be that you can provide it, but indicate you want us to keep it confidential and then explain to us the reasons why it should be kept confidential. You can provide that as part of the answer, or if there are issues you want kept confidential you can ask the committee to do that.

*[Supplementary Information No C2.]*

**Mr Cugley:** Would it be of assistance to break that up? Could we, for example, say that 50 of those were to do with illegal pumps being positioned within the river, 48 to do with rubbish being dumped in the public reserve? Would that breakdown be of assistance, rather than do each individual matter?

**Hon ALANNA CLOHESY:** If you have it in a table form, then that is fine.

**Mr Cugley:** It will give a sense of what the issues are, the size and stuff.

**The CHAIR:** If you can table the report, that is great; but if you cannot then you can provide us with details.

**Hon ALANNA CLOHESY:** Yes, with a more generic response. I want to come back to the fish kill, if that is all right, because we went off like fish. I want to know what type of fish were killed in that incident?

**Mr Cugley:** Let me gather my thoughts and, if I may, confer with Chris on whether it was black bream.

**Mr Mather:** The majority were black bream and the trumpeters were the others.

**Mr Cugley:** I could not recall which of the species was the majority, but 90 per cent were black bream and the rest were trumpeters.

[4.15 pm]

**Hon ALANNA CLOHESY:** There were about 14 000 of them. Because they died en masse, did that have an effect on the quality of water?

**Mr Cugley:** Yes, certainly at the time of fish being killed and dead in the river, there are bacteria issues. The first priority is to remove those fish and to tell people not swim or touch the dead fish. They should leave it to us and others who clean up in response. In terms of the longer term, no, the real issue about water quality at that time was where this algal bloom may continue to decompose and cause issues for other fish that are still in the system. There is an immediate issue to be managed in terms of primary and secondary contact with the water, but there are no ongoing water quality issues other than the algal bloom continuing its path to decompose.

**Hon ALANNA CLOHESY:** That was going to my next question as well. Did it have any effect on other animals or people along the waterway?

**Mr Cugley:** No, it does not. It is not toxic. The toxin I was referring to fuses the gills of fish and the filaments together. It is not a toxin of risk to humans. Any other aquatic organisms other than fish and those that rely on gills to get oxygen were largely unaffected.

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**Hon ALANNA CLOHESY:** We have not had any other fish-kill incidents since that one?

**Mr Cugley:** We did have a number of blowfish that died around Attadale foreshore about four weeks ago, I believe, and that was another event unrelated to an algal bloom that occurred.

**Hon ALANNA CLOHESY:** What was the size and the cause?

**Mr Cugley:** They were all blowfish and they are more susceptible to low oxygen than other fish. Usually if we see blowfish coming to the surface, it is the first sign of low dissolved oxygen. At that time, a month ago, we had fresh water throughout the system down to about Attadale foreshore, sort of Heathcote area, and that is where the salt wedge was. It was the fresh water overlying the toe, so to speak, of the marine water moving up, and there was a real low pocket of dissolved oxygen in that area, as happens in estuaries as it moves throughout seasons. We believe that was the cause of these blowfish dying. Also, having collected the fish and sent them off to the fish health laboratory, the reproductive stage of those blowfish probably made them more vulnerable and also, just with the fresh water, which would be a natural occurrence, moving through a system some of the black bream that were being caught had pink spots on them. It is just a change in estuary conditions. They are dynamic and difficult environments for fish to be in. They are saline, fresh and all things in between. That was the only other fish-kill event we have had since the one you were referring to.

**Hon PETER KATSAMBANIS:** I have some questions around your interaction with major projects. You mention both in your annual report and your budget papers that you either have a regulatory or advisory role in some of those projects like Elizabeth Quay, the football stadium, Waterbank and the like. Recently there was a proposal by the lord mayor to look at erecting some sort of signature statement, be it a statue or something else, proposed somewhere in the middle of the Swan River. I do not raise this in a negative sense; I actually think it is a visionary concept. I do not know whether the concept will ever become a reality, but I think it is worth exploring. If there was something proposed like that, is the trust the body that would be the main regulator of what can and cannot go on?

**Mr Cugley:** Yes, we would be the approval authority for that if it is something within the river, which I think is what you are suggesting, or the lord mayor was, that would be the Swan River Trust.

**Hon PETER KATSAMBANIS:** Have you had any discussions with the City of Perth or the lord mayor or anyone around that?

**Mr Cugley:** I am not aware discussions that trust officers have had with the City of Perth on that matter.

**Hon PETER KATSAMBANIS:** Have there been other similar proposals in the past? I am just keen to know what process would need to be undertaken from your perspective to have something like that approved.

**Mr Mather:** Not that I am aware, but there is a very interesting display at the moment that talks about previous designs and iterations of plans for the river, which I would probably encourage you to go to. Our staff went to it only yesterday to have a look. It talks about previous designs and proposals that have been put up. We hear of many designs and grandiose ideas out there that never actually get to fruition, which come to the trust. We often require, before someone comes with an idea, that they have some detail behind which we can then provide assessment or comment on.

**Hon PETER KATSAMBANIS:** Obviously, I understand you need to have some meat on the bones first. Would it be wise in the circumstances to have a discussion with the trust about things like what is the appropriate location or what is the appropriate size or shape or interaction with the river itself, so below the surface, of any particular proposal before it gets too far down the track?

**Mr Mather:** What the trust is doing, and we have commenced one in Bassendean already, is precinct planning. At the moment under the metropolitan region scheme, if you look at a map, when



a person comes to us with a proposal, we have an idea of the foreshore, which is zoned parks and recreation reserves. We have the river, which is zoned waterway. We do not have a detailed map like the rest of the MRS saying universities have to go here, schools will go here or highways will go here. It is a bit of a blank canvas.

**The CHAIR:** Big statues here!

**Mr Mather:** Exactly! What we are doing with precinct planning in Belmont is providing that next level of detail that says in this area here we see it as low-key recreation, whereas here we see ideas for development—cafes and other things. Developers then have an idea before they come to us to review a precinct plan to ask whether this idea would even fly. A project we have recently committed to in the City of Perth and the City of South Perth and the Metropolitan Redevelopment Authority is doing that same process for the entire Perth waters to put that next layer of planning ideas about what can occur where. It may include a big thing in the middle saying, “Statue can go here”, to provide that level of detail so we are not getting all these varying ideas for development around the river. We will often engage with proponents early should an idea like that be developing, but we have not had that approach from the City of Perth. We do very much rely on them coming to us.

**Hon PETER KATSAMBANIS:** Have you had much progress in relation to the location and design of the proposed footbridge that would be associated with the stadium development?

**Mr Cugley:** Yes, our statutory planning manager has been involved in the placement and design of that bridge.

**Hon PETER KATSAMBANIS:** Has there been a final decision made?

**Mr Cugley:** No, I do not think there has.

**The CHAIR:** Just on precinct planning, is that similar to the management plans for regional parks or is it even more detailed than that?

**Mr Mather:** It is like a town planning scheme.

**The CHAIR:** It is down to quite a degree of detail, is it?

**Mr Mather:** It is, but bearing in mind that we are dealing with parks, recreation reserves and waterways. So we are not going to do things like residential zoning or other things. What it does emphasise is that when we are talking to councils, we are trying to make sure that what we plan in the area that we control under planning legislation marries up with what they are doing in their town planning scheme that abuts.

**The CHAIR:** I want to turn to page 15. Unauthorised developments have jumped from 13 to 46; is that related to that earlier work you were talking about or is there some other cause for that jump?

**Mr Mather:** No, the majority of unauthorised developments in 2012–13 were identified as part of the development of that land management strategy.

**The CHAIR:** The upper Canning?

**Mr Mather:** Yes.

**The CHAIR:** The other one that seems to change fairly significantly is watercraft nuisance, where it seemed to be around the 20 mark—2009–10 was a good year—and now it seems to be on a trajectory up. What is watercraft nuisance; and at what point do you become involved as opposed to the Department of Transport or the water police? Do we know what watercraft nuisance involves; and do we have any idea what is causing the upward trend?

**Mr Mather:** That is basically focusing our proactive efforts. A watercraft nuisance can be anything from a speeding vessel to jetskis operating out of areas. The reason the Swan River Trust is interested in this sort of thing is that speed of vessels, wake, et cetera causes increased erosion in the

upper reaches. We have an operational MOU with the Department of Transport that cross-authorises our officers under their act and their officers under ours. We meet with them quarterly at compliance meetings and we also meet with the water police. Instead of having three government vessels operating in the same area, we plan rosters et cetera that Swan River Trust officers will concentrate our efforts on the upper Swan reaches most times and we will do targeted compliance, not only looking at transport issues, but also Swan River Trust issues. We use that as an opportunity to educate the boating community about the importance, not only of abiding by the speed limit, but why. Transport will concentrate their efforts on speeding and other things in the lower reaches and also convey some of our messages there as well.

**The CHAIR:** Do you have all the powers of a transport officer with respect to those water navigation acts, so for things like speeding? Do you check for lifejackets and the recreational skipper's ticket?

**Mr Mather:** That is correct. We completed one this previous weekend, which was an integrated plan specifically for the weekend, with transport, water police, ourselves, DPaW and the Rottneet Island Authority on a statewide safety blitz. We basically stopped vessels and checked recreational skippers' tickets, if they do not have that, drivers' licences, full safety gear; we checked for nets and other illegal fishing equipment that they may have had on board. Again, we use that as an opportunity to educate them about appropriate use of the riverpark.

**The CHAIR:** Is that 58 predominantly in the upper reaches then?

**Mr Mather:** Predominately in the upper reaches and associated with proactive compliance measures. It can be anything from some person doing two knots over the speed limit that normally we may not have seen, but because we have been there all day on a jetty doing speed checks, we have seen an increase in that.

**The CHAIR:** In that case I am quite surprised that is so low. That is only the checks you do; it does not pick up the checks that the Department of Transport do?

**Mr Mather:** No.

**The CHAIR:** Even in the upper reaches I would have thought 58 —

**Mr Mather:** When we refer to that, the way we record it on our incident complaint management system is that we will record the entire day. That may involve up to 32 vessels, which was done on Saturday. We stopped 32 vessels in the upper reaches alone.

**The CHAIR:** For speeding?

**Mr Mather:** No, we stopped every vessel, whether they were speeding or not, to check for recreational skippers' tickets et cetera. That will come up on this report as actually one compliance activity.

**The CHAIR:** If they were all behaving themselves, would it have still come up? If every boat was not speeding, they had their skippers' ticket and were doing everything perfectly and were model citizens, would you still show that as one of those 58 in next year's report?

**Mr Mather:** Yes we would, because unfortunately, that would never happen. We do not live in a utopian world. For example, with the one we did on the weekend, and the reason I can say this is because I only saw the report yesterday. We stopped 32 vessels, of which at least six were speeding. It still shows up on here as one watercraft nuisance.

**The CHAIR:** It is not necessarily a great indicator in some respects, because it just says that on 58 days, really, there was at least one occasion, but there might have been 100 potentially on that day.

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**Mr Mather:** I will take that on board, bearing in mind, in the annual report you can see we have it historically, it even goes back to 2004 that we have maintained it. We can drill down into those figures, but I understand that it can be confusing for someone reading it how they are interpreted.

**The CHAIR:** You are saying though that that increase to 58 is purely an increase in your compliance functions; there is not an increase in complaints about people on the river. If someone rings up and says, “Look, there are a couple of jetskis out whizzing up and down the upper reaches of the Swan River”, but by the time you get out there they are gone, would that get recorded as a nuisance?

[4.30 pm]

**Mr Mather:** That would get recorded as a nuisance; yes, that is correct.

**The CHAIR:** So, even though there may not have actually been any sort of issue, you were not able to take any action against the people.

**Mr Mather:** No, but we do record that for the simple fact that sometimes we will get a registration number or we will get a location or a description that we can then drill back into our system to see if we catch someone; whether it is a repeat offender.

**The CHAIR:** The thing I am interested in is are we seeing an increasing issue with respect to people—for want of a better term—disrespecting the river; particularly, forgetting the transport issues, in those upper reaches where they are so vulnerable, the banks and all the rest of it.

**Mr Mather:** If I can put these figures and the interpretation aside, anecdotal evidence from my office is and talking to them, is that we are seeing a general increase in compliance. Since the five-knot speed limit was introduced in 2010, obviously the first two years a number of people did not see the sign or elected not to, but we have seen anecdotally that people are more abiding by the current five-knot speed limit. I do not think anybody can say in a compliance and enforcement section that you will ever see 100 per cent, and we will continue to stop and educate people proactively out there.

**The CHAIR:** So you do not fine them if you stop them for speeding?

**Mr Mather:** We do. We have the full authority to actually issue infringements.

**The CHAIR:** But how often would you caution versus fine? I mean, I assume if you are doing eight knots instead of five, I can imagine, particularly after the change, you would be just reminding people that it is a new speed limit. But I assume there is also a point where if they are doing 15 knots, you are not going to caution them, are you?

**Mr Mather:** No. So, our Department of Transport has developed a very detailed guideline about the parameters in which we have to operate in terms of the discretion of the officer, and our officers are briefed on that every year if there are any changes about the length of grace period, if you will, for three months or six months, if there has been a change, about the actions that can be taken. Repeat offenders obviously are issued infringements. So that is a very detailed one that our officers abide by so that there is a consistency in approach.

**The CHAIR:** What about conflicts on the river, are they increasing? Are there becoming increasing conflicts on the river in terms of people getting annoyed about sort of the use of the river. I mean, we see more and more pleasure craft, craft and other canoes and other uses of the river. Is that an increasing problem?

**Mr Mather:** Yes. I am just trying to find the right page that gives you some, which I will talk to. On page 13 we have worked collaboratively with the Department of Transport marine safety to draft the aquatic use management framework review, the primary focus of which was to deal with the increasing conflicts that we were seeing anecdotally on the river—between jetskiers, waterskiers, yachties, canoeists. Through a very extensive stakeholder engagement process run with

the Department of Transport. Swan River Trust and other government agencies, we engaged with user groups, the general public, in developing or having a blank canvas within the riverpark to which to work, and then adjusted designings of predominantly waterski areas to try to reduce that conflict; also noting that jetskis obviously generated a significant amount of interest, but noting that the existing freestyle waterski area is retained at South Perth and is being used. We have seen some changes in restricting jetskis, for example out of this review, at Belmont, the waterski area because it is quite a narrow area. We have also restricted the use of what you can ski on. So you cannot tow an inflatable device at Belmont because that is less predictable because most people will try to swerve the boat to get on a wake, so you can only actually waterski at Belmont, to try to again reduce that conflict of a ferry passing through a waterski area. So this plan not only developed a new zoning map, but also created a management framework which improves our working relationship with the Department of Transport. So we have quarterly meetings with the Department of Transport to review any new proposals that may be being put forward by a user group. If we were to change the zone or if we were to introduce another potential activity onto the river, it goes to that operational working group. If there is likely to be conflict, it gets escalated and further public comment may be required before a gazettal notice for that particular event is put in place. We recognise, and it was in the aquatic use management framework, that a city of 1.7 million on the doorstep, increasing recreational time that people have and money to spend on toys, that we are seeing an increase and are likely to continue to see that increase; and we are trying to effectively manage that conflict now through this process.

**The CHAIR:** So has that now been formally enacted, that management framework?

**Mr Mather:** The framework itself has been enacted and we are following that. The entire recommendations from the aquatic use were review by the Minister for Transport and a number of them have been implemented in the 2013 boating guide, so that has been released last month and has been distributed and will be distributed to the boating community.

**The CHAIR:** Maybe that is a debate tomorrow with the Department of Transport to ask the rest of the questions on where it is all up to then.

**Mr Mather:** I will make sure I brief them!

**Hon PETER KATSAMBANIS:** Can I just ask around all that on your compliance activities in conjunction with the other agencies and you named some of the agencies, do you work with Fisheries as well?

**Mr Mather:** In managing the riverpark, and it is a multi-tenure approach so we are forced in a way, and I think for good purpose, to work with other agencies. We have investigated the possibility of cross-authorisation with Fisheries officers. It is something that we are still investigating. In terms of responding to Fisheries complaints, we have a set procedure for how we deal with those. We forward them to the duty officer for Fisheries. We collect as much evidence, bearing in mind our officers have done a large amount of training in investigation. So we will collect some of that initial evidence and pass on to Fisheries at this stage.

**Hon PETER KATSAMBANIS:** But in relation to the operation the other day that you were talking about where you checked for recreational skippers' licences and whatnot, are your officers authorised to check for recreational fishing licences or to check bag limits or size limits or the like?

**Mr Mather:** No, not formally, not yet. It is something that we are still investigating the possibility of. Fisheries have a very detailed compliance framework from which they operate under and it is something that is not as straightforward as getting cross-authorisation with Transport because of their compliance frameworks and standards that they have and the complexities that you have got with the Fish Resources Management Act.

**The CHAIR:** And the powers that attach to it as well.

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**Mr Mather:** Indeed, and there are a lot; yes, the powers and the teeth attached to those are a lot greater than what we have.

**The CHAIR:** Unless there are any other questions, I think we will finish up. The committee will forward any additional questions it has to you by the minister in writing in the next couple of days together with the transcript of evidence, which includes the questions you have taken on notice. Responses to these questions will be requested within 10 working days of receipt of the questions. Should you be unable to meet this due date, please advise the committee in writing as soon as possible before the due date. The advice is to include specific reasons as to why the due date cannot be met. If members have any unasked questions, I ask them to submit them to the committee clerk at the close of this hearing. Again, on behalf of the committee I thank you very much for your attendance and a very enjoyable session this afternoon.

**The Witnesses:** Thank you.

**Hearing concluded at 4.38 pm**