

SWAN AND CANNING RIVERS MANAGEMENT BILL 2005
SWAN AND CANNING RIVERS (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL
2005

Cognate Debate

On motion by **Hon Ljiljanna Ravlich (Minister for Education and Training)**, resolved -

That leave be granted for the Swan and Canning Rivers Management Bill 2005 and Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005 to be debated cognately.

Second Reading - Cognate Debate

Resumed from 29 August.

HON NIGEL HALLETT (South West) [7.47 pm]: The opposition will not oppose the second reading of these bills. The Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005 provides the changes to support the Swan and Canning Rivers Management Bill 2005. The legislation is to provide protection for the best and certainly the most utilised rivers in Western Australia. The bill will repeal the Swan River Trust Act 1988 and revoke the Environmental Protection (Swan and Canning Rivers) Policy 1997. These statutes are no longer necessary because their functions have now been integrated into the Swan and Canning Rivers Management Bill 2005. The Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005 will provide the necessary transitional regulations to clarify the relationship between the Swan and Canning Rivers Management Act and other legislation. The bill will provide for the continuation of the Swan River Trust as the same legal entity as before, but provides for the appointment of a new set of members to the trust. It also ensures that the existing leases within the river reserve remain in effect, as they were under the Swan River Trust Act. The remaining provisions of this bill deal with the changes to other legislation that are necessary to ensure consistency with references to the "Swan and Canning Rivers Management Act". I give the opposition's support to the passing of the Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005.

Although we do not oppose the Swan and Canning Rivers Management Bill 2005, we have some concerns with it and so propose an amendment that we would like to see incorporated in it. However, it is imperative that I go through the background of the legislation. To the government's credit, it has finally recognised the need for a concerted, coordinated and integrated management approach to the Swan and Canning Rivers. The guiding principles include a long-term management strategy, a whole-of-river management approach, clear accountability and effective planning and management. The legislation was first introduced into the other place on 22 November 2005 by the then Minister for the Environment, Hon Judy Edwards. The scope of the legislation includes replacing the Swan River Trust Act 1988 and the Environmental Protection (Swan and Canning Rivers) Policy 1997, as they do not provide an adequate basis for meeting the challenge of the management of this very important river system. The bill will provide a strong framework to combine efforts of state agencies and community inputs necessary to protect the rivers for the future. In summary, the key elements of this bill are: establishing the Swan Canning Riverpark and setting targets to protect it, developing a river protection strategy and management programs to achieve and report on the targets, providing opportunities for community involvement in establishing targets and management arrangements, streamlining and providing a more transparent process for assessing development proposals affecting the river, and improving the enforcement program.

Under this legislation, the trust will assume responsibility for riverbed leases such as yacht club mooring areas and facilities built over the water. However, the Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005 ensures the continuation of existing riverbed leases as though they have been entered into by the Swan River Trust. The Department for Planning and Infrastructure will continue to manage these leases, and revenue from them will be retained by the department and used for the purpose to which it is currently committed.

The proclamation of the port of Perth under the Shipping and Pilotage Act 1967 will remain in place. Under this and other maritime legislation, DPI will continue to manage maritime issues and associated infrastructure, including jetties, navigational aids and moorings.

The bill also provides that control of erosion and maintenance of river walls are a joint responsibility of the Swan River Trust and local government or the state agency responsible for the adjacent land. This will ensure that the state provides its fair share of funding. I applaud the minister for recognising the extremely important role local government plays in managing and protecting the rivers. The proposed high-level meetings that are to be held twice a year between the minister, the Swan River Trust and senior representatives of the local governments along the river are an excellent initiative.

Although a collaborative approach is an essential and important part of this legislation, a new approach is needed to address situations in which cooperation between parties cannot be achieved. Therefore, river protection notices are proposed to establish on a case-by-case basis the action required to resolve conflicts and environmental problems. The legislation will require that the potential recipient be consulted before a river protection notice is issued. The recipient can approach the State Administrative Tribunal for appeal, in which case the notice does not come into effect until the appeal is determined. Once a river protection notice has been issued, it is binding on the recipient, and failure to comply with the notice is an offence.

The bill sets out arrangements for considering development applications in development control areas. Its provisions are consistent with the Swan River Trust Act 1988 but include provision for wider consultation. Currently there is a requirement for each minor development proposal in the trust management area to undergo a formal assessment with ministerial consideration. This bill will allow the minister to authorise the Swan River Trust to make certain decisions on some types of development, such as repairs and maintenance to existing structures, emergency works required to prevent pollution or ensure public safety, erosion control undertaken by the public authority or local government, erosion control on the foreshore of privately owned property, and ongoing commercial activities.

As members can see, a wide consultation process has been undertaken during the development of this bill. The opposition is concerned with clause 91. The Liberal Party will move an amendment stating that the trust must not issue a river protection notice under subclause (1) that will prevent an owner or occupier of land in the catchment area from carrying out normal agricultural practices as defined by the Agricultural Practices (Disputes) Act 1995.

Many members may not be aware that the catchment areas of the Swan, Canning and Avon Rivers will come under the management of the Swan River Trust. It is important that if the government decides to change the allowed management area, it should be done openly and transparently. The Swan River Trust should not be allowed to target certain areas such as agricultural precincts in these catchment areas, where the use of fertiliser is widespread. Farmers are a responsible group. They use the best products that are available to them today. If a new product is available, the transition will be made. A blanket ban cannot be put on one group of stakeholders without offering a solution to protect their farming enterprises. Many industries are associated with agriculture. They operate under safe practices, whether it be in the field of grain or other transport or sheep handling. These acts will protect them with some commonsense. That is what we are looking for today. The amendment to which I referred is a minor amendment but it will put a lot of commonsense and protection back into the management of our rural areas.

I must mention a proposal being investigated by the Avon Catchment Group that will affect the shires within the catchment group and the surrounding shires. The proposal concerns a channel that a Narembeen farmer, John Hall, has been working on over a number of years to drain salt-affected land. It has been a very successful venture. He has chosen to drain the water from Narembeen down through the lake system to Lake Kurrenkutten, which incidentally happens to be on the west side of my farm in Corrigin. The group wants to fill the lake, purify the water and return it back to the system that feeds back into the Avon River and finally into the Swan River. Let us not forget that the Swan River is as iconic as Kings Park. I am concerned about the lack of knowledge of and consultation conducted by some of the government agencies involved in this study. I am told that it is too expensive to treat the water at the source of the project, which is Narembeen. It is estimated to cost \$1 million. The federal environmental budget is some \$160 million. Therefore, it is nothing to spend \$1 million to take out nutrients. The proposal will ensure that quality water flows from the source and cleans the river system as it goes through the Avon catchment area and into the Swan River. It begs me to ask the question: what is the effectiveness of some of the agencies? A big portion of the Lake Kurrenkutten system was given back to the department we know as CALM. What happened when it was given back some 35 years ago? Nothing. In the past 20 years that I have had the farm, only once has a CALM representative visited it. It was raining that day and he asked whether he could cut a fence. I told him that he could not and he said that he did not want to get the car dirty and drove away. That is the only inspection that I know of that has been done in the past 20 years. If that is the type of responsibility we will get from these agencies, we are in trouble.

The Avon catchment accounts for approximately 125 000 square kilometres, most of which is farmland. If the Swan River Trust changed direction on an owner or occupier of land in any catchment, it would cause huge devastation to the farming industry and associated businesses. Although we hope that commonsense will prevail in these decisions, legislation must ensure that agencies cannot act outside what they are intended to do.

The Swan River Trust must be adequately funded. Members will recall that we were told 15 pumping stations along the river were required to be replaced at a cost of \$15 million each. The government has committed only \$90 million for the regeneration of the Swan River, which falls way short of what was, and still is, needed to protect the river.

I must mention the number of sewage spills that have occurred in the river. Three of the worst environmental incidents that have taken place occurred in 2004-05. A massive 2.5 million litres of sewage spilled into the river at Bassendean, resulting in a huge environmental catastrophe in that part of the river and its surrounds. Why has this government cut the budget for infill sewerage so savagely while claiming to be environmentally responsible? Plenty of leach drains are being installed in and around the metropolitan area. Sewage is going into the river system at Serpentine-Jarrahdale, which is away from the Swan and Canning Rivers, and into the Blackwood River at Boyup Brook, yet the infill program has been put back to 2018.

The Liberal Party's amendment does not ask to allow farmers to be irresponsible. It is not unusual to get six, eight or 10 inches of rain overnight; it happens every three or four years. If a farmer has used nitrogen, there is a possibility that it could leach into a tributary that goes into the Avon River and finally into the Swan River. Although he might use the best farming practices and methods, that would be out of his control. The opposition is asking that these people be protected under the legislation in those instances. If there is mismanagement, we certainly have no pity for the people involved. The opposition will not oppose the bill, but the right of farmers to farm must be protected. It is not about giving the green light to farmers to pollute; it is about giving farmers in this area some security in the legislation that could impact on their practices. It would encourage them to work alongside the agencies and to continue to improve farm practices without the fear of heavy-handed government practices. I know that many members opposite believe that the amendment I have foreshadowed is responsible. When we consider the other safe practices in agriculture, it begs the question: why would the amendment be opposed? It is a commonsense amendment that the opposition is seeking to make. The government has put forward good legislation, and I ask for support for the opposition's foreshadowed amendment to the legislation.

HON HELEN MORTON (East Metropolitan) [8.01 pm]: I am very supportive of the purpose of the Swan and Canning Rivers Management Bill to protect and enhance the ecology and amenity of the Swan and Canning Rivers. The intent is to increase government's ability to better manage the rivers and associated activities. Large areas of the Swan and Canning Rivers are located within the east metropolitan electorate, including areas in the localities of Bayswater, Bassendean, Belmont, Swan, Gosnells, Armadale and parts of Canning. As my colleagues can relate to, many of my constituents have a close affinity with the river, as it provides a focus for local recreation and as a historical reference. Many of our constituents have fond childhood memories of time spent along the shores of both those rivers and their tributaries. Perth's rivers, along with its beaches and gardens, are iconic symbols of Perth that we often take for granted. Our river system is very important to our current lifestyle, as well as for future generations, and the rivers are part of this country's ancient past. Local indigenous communities have strong cultural links to them as well. I recall late last year reading an interesting story in the Swan Catchment Council's newsletter about its efforts, in partnership with the local Nyoongah people, to document stories about their relationship with the land and waterways that had not previously been documented. I thought it was a great initiative to help contribute to better community understanding of the cultural connection between indigenous people and the rivers.

The legislation is most definitely needed to preserve and protect our river system. The term "Riverpark" in the legislation to describe the river and shoreline provides a beneficial and descriptive means to aid in the protection of the rivers and adjacent areas. The concept of the riverpark has been described as establishing a Kings Park for the rivers, allowing community enjoyment while protecting it at the same time. As we are all aware, our river system is precious, and serious problems that require constant vigilance are numerous and include sewage spills, as mentioned by my colleague, nutrient levels, pollution, algal blooms, silting and salt, not to mention maintenance issues such as revegetation, the river walls and drainage issues. In an article on the front page of today's newspaper, I read about a new problem with the level of acid in the water. River protection notices will undoubtedly continue to be contentious in some situations. I trust that this legislation will improve clarity when identifying a causative link between the subject of the notice and the ecological and community benefit.

I will now talk a little more specifically about the relationship between local government and the river system. One of the issues I have noted with interest in the legislation is the concept of joint responsibility, and especially how it applies between state and local governments. This matter was raised in the other place during debate on clause 12, "Responsibility for Riverpark shoreline". The minister said that the government expects councils to contribute to the joint management of the shoreline, and generally they do and with a good sense of responsibility. From my experience, the local authorities in the East Metropolitan Region are very responsible and I believe that state governments should be mindful of how local government is stretched to the limit, especially in fast-growing localities such as those in the eastern region. This theme often arises in my conversations with the cities and shires within my electorate. It is a very serious matter and one that local government has been vocal about - it has recently raised concerns with the food labelling laws, which will add extra costs to local government - especially when local government continues to have to provide resources for state initiatives without an adequate contribution from the state. Local government involvement will especially relate to erosion and river walls, particularly where the shoreline forms a boundary between land managed by the local authority and the river bed, which is the state's responsibility. I have been made aware that local

authorities with river frontage have taken a proactive role and have established a reference group to lobby government on funding and specific issues with the river system. This is a great move, and local government and individual councils should be commended for their foresight in taking the initiative on this important matter.

I now turn to one of my pet subjects; that is, community consultation. It relates to one of my priorities to lift the bar on government consultation with our community in an intelligent and open manner. At times I have felt the government's arrogance when it has been questioned about its lack of consultation on a wide range of issues affecting our community. There is a perception within local authorities that their views are not as well listened to or are of lower priority. However, I know of excellent community consultation programs, one of which is the Water Corporation's proposed water treatment plan for Mundaring. The level of consultation is very good.

Another positive event was the Swan River Trust's river science community forum held some months ago. This was a good example of an agency actively seeking involvement and input to issues of concern to the wider community. Scientists who attended the workshop were on hand to talk about algal blooms being a global phenomenon, with places worldwide facing similar experiences to those we face in Perth. Professor Bill Dennison of the University of Maryland said that the future health of the rivers depended on engaging the community with the clear communication of a scientific knowledge base already established. I believe that this statement about engaging the community is an important sentiment that backs up the need for constant vigilance to consult, engage and listen to the community.

I am pleased that the government has increased the budget for the Swan River Trust to help fix the system, and for specific programs such as nutrient intervention in the Ellen Brook catchment. However, the opposition was looking for a much more serious approach to improving our river system, with increasing expenditure to adequately implement the provisions in the bill. This has been particularly highlighted by serious sewage spills in the Swan River due to ageing pipes. With massive budget surpluses, the government should make this more of a priority. Shadow environment minister, Steve Thomas, has stated on behalf of the opposition that at least \$100 million over the next two years is needed to address the problems facing the Swan and Canning Rivers. He said that this is not even a bandaid, and that the river remains an open sore that is still festering and the government just decided to ignore it. I agree with my colleague wholeheartedly that the budget allocation for the Swan River Trust could be improved considerably.

I would like to learn more about the effectiveness of the \$4.5 million being spent over four years to continue oxygenation of the Canning River and to look at the feasibility of oxygenating the Swan River. In fact, people have referred to its ineffectiveness. Is the government employing the best technology to achieve its objectives? What are the statistics on the success of this program? Are targets set for the next four years and are they available for public scrutiny? Given the size of the allocation, I would like to ensure that the government is getting its money's worth, especially in employing the most appropriate and world-class technology available to achieve this purpose. I will follow this issue up further in other ways. As I mentioned before, the role of local government in the management of our river systems often goes unnoticed. I wish to detail some of the City of Swan's initiatives and achievements. In the Swan Valley, the local tourism industry and the City of Swan are very committed to enhancing access to the Swan River. It has a number of proposals to achieve this goal, such as Riverside Park in Woodbridge, formally known as West Midland. In Guildford, the historical links to the river are deeply entrenched in the local heritage as Guildford was an inland port during settlement in the region. It was a busy hub for transporting goods up and down the river on flat-bottomed boats from Moulton's Landing to Guildford. Early last year the city completed the Maali footbridge over the Swan River, linking the two sides of the Swan Valley for the first time. It is used for walking, cycling and horse riding. Another major project is the city's recently completed Swan Valley bike trail, which will complement its impressive list of tourism innovations and initiatives that also provide links to the Swan River.

Also within the East Metropolitan electorate, the Avon Descent is a big sporting attraction that depends on the Avon and Swan river systems. This unique event attracts participants from around Australia and the world. It is a 133-kilometre race to challenge the most dedicated thrill seeker, descending through the Swan Valley and eventually on to the upper reaches of the Swan River's tidal waters. This event has attracted more than 25 000 participants in its history, and involves more than 2 000 volunteers. Ensuring the effective management of our river systems means such events can be maintained and enhanced.

I will now speak briefly about the Canning River. The Swan River seems to be such a dominating feature in our landscape that I started to wonder more about the Canning River and its role within my electorate. I set myself a goal to find out more about it. I will elaborate on some of the things that I found. The Canning River emanates from the Darling Plateau and provides drinking water to the state from its five dams. It is an important habitat for flora and fauna. Recreation includes fishing, canoeing, waterskiing, cruising and rowing. The Canning River was the focus of the early logging industry, supplying timber to the state and around the world, including the great train track of India. The Aboriginal communities, whose ancestors fished and hunted there, regard the river as sacred. Evidence of many former campsites dates back 5 000 years. A remarkable heritage-listed relic of the

convict era, the convict fence, still exists in the waters of the Canning River today. The fence extends over 2 000 metres, and was dug by hand by convicts to form a silt barrier. It still prevents silt build-up to this day. Many European settlers were drawn to the Canning River around Gosnells and Armadale, as well as the Swan, due to its rich soil and abundant water supply for the settlements.

Some of the local features of the Canning River include Canning River Cruises, operating on Canning River. It is the only boutique river charter in operation in WA. It is licensed for a maximum of 12 people and is a charming way to navigate and explore local waters that cannot be accessed by larger boats. The Canning River Regional Park's Castledare Miniature Railway was established in 1963 by a group of model engineers. It has the longest club-operated track in Australia, with approximately five kilometres of track, a fleet of about 25 locomotives and more than 40 passenger carriages.

The Lacey Street main drain in Beckenham is a bit of a problem. It is a key contributor to nutrients entering the Canning River. With help from local businesses and local government, members of the community rolled up their sleeves a few months ago on 10 June 2006 to plant shrubs and trees at the Lacey Street main drain site. Over time the site will be transformed into a vegetated living stream with improved habitat, better water quality and more than 20 000 native plants. The Swan River Trust is spending more than \$50 000 on this project. There are lots of volunteer opportunities to help improve the Canning River catchment.

The City of Armadale has also shown a strong commitment to protecting the river system through a range of initiatives. The City of Armadale and the Swan River Trust have signed an agreement of intent to work together on strategies to safeguard the rivers. This will be achieved through land use, planning, policy development and on-the-ground works. The city also provides support to the Upper Canning Southern Wungong Catchment Management Plan. Further, the Armadale Redevelopment Authority is involved in improving drainage to limit nutrients entering the river from the new urban development at Brookdale.

The City of Gosnells' environmental coordinator, Wayne van Lieven, provided a most informative and educational briefing on the site of the new pioneer park redevelopment on the banks of the Canning River a couple of weeks ago. The social fabric of the community and its pioneering history has started to truly come to life in the \$2.5 million Pioneer Park redevelopment. With it, the perception of the region has dramatically changed. The history of the Gosnells region is not unlike that of Guildford on the Swan River, where flat-bottomed boats were used to transport goods and produce up and down the river. The future of this region seems assured as the increased amenity is incredibly beautiful, educational and inspiring. There will be a treetop walk, boardwalks and viewing platforms to accompany the public art, water fountains and community facilities. A state-of-the-art playground is very much anticipated. It will feature the addition of a liberty swing so that children in wheelchairs can also enjoy this simple pleasure. There is a specialist team looking at the amphitheatre to significantly enhance its use through more seating and springboard flooring. The city's knowledge centre, or library as it is traditionally known, offers so much more than the libraries of yesteryear with interactive historical displays in the Orange Room, water fountains that invite children in to play, uplighting to shift the focus away from Albany Highway and back to the river, which was the source of social life for its early development, plus modern luxuries such as cafes and meeting rooms, information technology labs, listening posts etc. This development has seen the previous 45 per cent commercial vacancy rate for office and retail space in the town decline to a record low of just eight per cent. I would like to talk about some of the environmental issues affecting the Canning River. A total of 98 per cent of its headwaters are dammed. There are five dams and six environmental release points. The river is only free flowing in winter. It has changed since settlement. It is now narrower and deeper, with sediment filling the bottom. Eroded soils fill deep pools and create sediment slugs. Many people used to remember the 10-footer, a swimming hole for local kids, but it is long gone due to the changes in the river. In-stream ecology has been significantly reduced. Fish and crustaceans still exist in small numbers in limited places. An environment flows steering committee is looking at this. In partnership, there are rehabilitation works and flood plain wetland rehabilitation, which is ongoing, with community volunteers involved, such as the very successful National Tree Day held since 2004.

The City of Gosnells has worked very successfully with the City of Armadale through organisations such as the Armadale/Gosnells land care group and the South East Regional Centre for Urban Landcare. Issues identified as concerns include SERCUL's capacity in terms of funding for community-supported land and river care projects. These local groups are being downgraded and are unable to attract funds to undertake local environmental works and revegetation programs. This change to a more regional approach is supposed to deliver better outcomes. However, the withdrawal of funding for project staff at a community level is a big let-down for community-based environmental projects and programs. For instance, the community assisted with removing a levee on the Canning River that was erected due to the old orange groves that were planted alongside the river. Now that the levee has been removed, flooding can occur naturally. That is beneficial for the regeneration of plant and wildlife. Also, the Green Corps program supported this project, which helped unemployed Aboriginal youth.

Another program that has lost its funding is the Clean Site program. I understand that program was a great initiative. The aim of that program was to minimise the impact of any development on the river environment by ensuring, for example, that sediments and sand were not washed into the stormwater network. Also, the Swan River Trust has helped the Canning river system and other river systems immensely with changes in technology and a greater understanding of the ecology. For instance, the trust used to remove large trees and debris from the river under the false notion that that would improve the health of the river. It is now known that this debris is beneficial and crucial to creating the perfect environment for a healthy river and its inhabitants, such as minnows and crustaceans.

A storm is building in my electorate about the proposed Araluen golf resort on lot 62 Heritage Drive, Araluen. The City of Armadale will be debating the proposed scheme amendment next month to make provision for this development to occur. It is my understanding that the City of Armadale has received a petition with more than 1 300 signatures against the development. Further, about 100 submissions were received during the consultation process and are currently being reviewed. While the developers have not submitted a formal application, the concept plans have sparked considerable concern within the community. The proposed development on the Canning River could include: a restaurant, reception and resort facilities, including a gym and pool; a gallery and cultural centre; two accommodation unit blocks with 16 units per block; a two-storey accommodation unit block with 20 units per block; eco-style accommodation; a waste water treatment plant, and multipurpose access. I am not expressing a strong view for or against the development at this stage, as the City of Armadale has not finalised its community consultation process, nor has the city made a decision on the final outcomes it would like to achieve for the community and the environment. Nevertheless, I wish to recognise some of the issues and perceptions raised within the community. These include a concern about the loss of rural and natural amenity, because the land is not capable of supporting a rezoning and development of that size and scope. There are also environmental concerns about the buffer zones that will be necessary for the Canning River. The need to maintain a viable and healthy ecosystem for the upper Canning River in the long term is also an important concern. The issue of setbacks is critical. I understand that setbacks of 30 metres from major and minor waterways must be adhered to, not to mention strict rules on foreshore management and nutrient and sedimentation impacts for this sensitive area. I feel very strongly about the need for community consultation through all levels of government. This will need to be conducted sincerely and thoughtfully throughout this process. Secondly, I have an overwhelming concern about the need to protect our waterways and river systems and nurture them back to full health as a matter of priority.

I turn now to the effect of the Tonkin Highway extension. The substandard revegetation and erosion control where the highway has been constructed across and near the Canning River have caused unacceptable volumes of sediment to be delivered into the river. The issue has been raised on a number of occasions through the representative group, and by the City of Gosnells and the Armadale-Gosnells land care group. It is my understanding that the Department for Planning and Infrastructure has acknowledged that the management of this project was faulty and the design of the extension was poor, and that it has determined that in the future only construction, not design works, will be tendered for.

In conclusion, I aimed to outline examples of how local government, businesses and volunteers are willingly and enthusiastically working to help improve our precious river system throughout the east metropolitan region. Once again, local government seems to be asked to do more and more but continues to experience under-resourcing. Cities represent their communities and are becoming more overcommitted to non-traditional areas of operation to respond to state government mandates or to reflect the values of their communities. I am very concerned and committed to ensure that we provide the level of investment needed to protect the Swan and Canning Rivers and all waterways in our fine state, and to provide communities with the tools and empowerment to undertake good works to care for their local rivers and streams.

HON MURRAY CRIDDLE (Agricultural) [8.25 pm]: I could not miss the opportunity to raise a couple of points in this debate. As a person who comes from areas outside the metropolitan area, I realise the Swan and Canning Rivers are very precious to people who live in the metropolitan area. However, members need only go to the Avon River to see the substantial challenges it faces in restoration and maintenance. In fact, the same issues apply to a range of rivers right across the state. I hope, therefore, that although a budget has been set aside for the Swan and Canning Rivers - as I say, I am happy for them to be maintained and restored to some extent - we must keep in mind all the other rivers that are very valuable to the state. I refer particularly to rivers in the north of the state such as the Ord River and its flow, the Fitzroy River, which we talk about all the time, and the Gascoyne River further south. I could go on listing rivers down the coast of Western Australia to the Blackwood River and others, which are all very important to the wellbeing of industries, tourism and the like in those areas. I remind the government that other rivers are very important.

Clause 89 on page 70 of the Swan and Canning Rivers Management Bill 2005 is headed "Compensation". Subclause (2) refers to conditions under which an owner may obtain compensation for injurious affection. I

have been a member of upper house committees that have touched on this issue. Subclause (2) refers to the conditions under which an owner can claim compensation for injurious affection as a result of losing the opportunity to develop certain lands. Subclause (4) states -

A claim under subsection (2) must be made to the Trust in the prescribed form not later than 6 months after the day on which the Minister's decision was notified to the applicant.

It is referring to the decision to not allow development. We have had a lot of discussion about compensation and where compensation funding will come from. This raises a very large issue across the state. For the benefit of members, the minister might outline where those funds will come from. While this bill enables access to compensation for those people injuriously affected, I would not like to think that other people who have very genuine reasons for claiming compensation in a range of circumstances will miss out. Members will recall the discussion we have had about that.

The other issue that interests me somewhat is the amount of work that local governments will do and what sort of pressure they will be under and the commitments they will be required to make. I have asked questions in this Parliament about the responsibilities that those councils have concerning requirements for them to carry out certain works without funding being made available to do that. I want people to realise that it is not in anyone's interest to put responsibilities on local governments if money does not flow to resource those responsibilities. We must be fair about that. Commitments have been placed on local governments to carry out some of these requirements, and that will put further pressure on ratepayers, whereas the whole community will benefit from them. I just wanted to raise those couple of issues. The principal bill is certainly very comprehensive, and I will listen with interest as we deal with some of its clauses. However, I wanted to raise those issues because I believe that, in the longer term, they could become very important. Compensation is the responsibility of local governments when it comes to finding the finances to carry out some of the commitments that they are being asked to make.

HON LJILJANNA RAVLICH (East Metropolitan - Minister for Education and Training) [8.30 pm]: I thank members for their contributions to the debate on both these bills. There is no doubt that improving the water quality and the ecological health of our waterways continues to be a key environmental issue for the government. Certainly, it is a key environmental issue for the Swan and Canning Rivers. There is no doubt that the continuing high nutrient levels in the rivers and tributaries feed algal blooms. Obviously, when there is an algal bloom, usually as a part of that there is a genuine concern on behalf of the community, because the community does not want to see it occur. The reason it does not want to see that is that it very much recognises that that is a symptom that the river is suffering in some way. Obviously, a key priority for the government is to ensure that we improve the health and amenity of the rivers so that the public can genuinely benefit from that very valuable resource.

The key elements in improving the ecological health of the rivers are reducing the nutrient losses from urban and rural activities throughout the catchment, ensuring new development does not result in increased nutrient losses, and managing the drainage system to prevent nutrients entering the rivers. I know that on the supplementary notice paper there is an amendment to clause 91 regarding that matter, and we will deal with that when we reach that clause. Quite clearly, that is very important in preventing nutrients entering the rivers and restoring the ecological function of the rivers. These initiatives necessarily involve the government, and they involve the community as a whole. They will take many years to significantly improve the health of both the Swan and Canning Rivers.

The government recognises that, and the government has in fact put its money where its mouth is. One member asked a question about funding. I took the opportunity to look up the figures for 2006-07 in the budget papers. It is interesting to note that there has been quite a significant increase in funding. The total allocation in 2005-06 was \$8.87 million, as opposed to the budget estimate for 2006-07 of \$10.881 million, which is projected to increase to \$12.109 million in 2007-08. On the question of compensation, I say to Hon Murray Criddle that I do not know whether that latter projected figure for the 2007-08 forward estimate has included in it some measure for compensation. That is an issue that we may discuss in committee. There is no doubt that some very good programs are in place at the moment. Hon Helen Morton raised the question of the clean-up of both the Swan and Canning Rivers, for example. We have the Swan-Canning Cleanup program and a range of other programs. The Swan River Trust works very closely with local government authorities, state agencies, community organisations, research institutions and industry so as to reduce river nutrient levels and to limit algal blooms. It is important that this partnership continue. I add that this is one of the key objectives of the bill that is before us, because the purpose of the bill is to make provision for the protection and enhancement of the ecological and community benefits and amenity of the Swan and Canning Rivers and associated lands. The new legislation seeks to improve the state's ability to coordinate the management of activities that may affect the Swan and Canning Rivers. Members will know from their experience in dealing with government agencies that we can

pour as much resource as we can into projects, but unless the coordination functions are working as they should, the maximum benefits or the best outcomes will not be achieved.

This legislation is very important. It aims to replace the Swan River Trust Act 1988, which members will agree is fairly old, and the Environmental Protection (Swan and Canning Rivers) Policy 1997. Certainly, the Swan River Trust Act is principally focused on the control of the development of the Swan and Canning Rivers and adjacent reserves. It does not deal with the role and responsibilities of other government agencies or the role that local government authorities have in protecting the rivers. In short, this piece of legislation aims to do a number of critical things, such as establish the Swan Canning Riverpark. It will also enable ecological and community benefits and amenity targets to be set for the protection of the riverpark and establish the role of the state's agencies and local government authorities in working to achieve these objectives. Clear amenity targets will be established. I understand that this has probably not happened in the past. It is a first, and I have no doubt that other jurisdictions around the nation will be looking very closely at what is happening with river management policy in Western Australia. This legislation will enable the development of a river protection strategy and associated management plans that are necessary to achieve the targets.

The legislation will provide arrangements for collaborative agreements between the Swan River Trust and others to achieve its objectives. It will also provide opportunities for greater community involvement, as mentioned by Hon Helen Morton. There is no doubt that the community wants to get involved in river management. The community recognises rivers as a critical resource. I think it was Hon Paul Llewellyn who said that when he thinks about resources, he thinks about the natural resources that we have and does not focus on, for example, capital resources. A lot of people within the community have that same sense of what is an important resource. Hon Paul Llewellyn has struck on the fact that rivers are a vital community resource. They are appreciated by the community and there is no doubt that the community aims to protect these resources. They give of their time and get involved in a variety of ways to make sure that we get better outcomes from and for our rivers. A number of schoolchildren, through their school education programs, voluntarily rehabilitate the areas surrounding the rivers to make sure that the nutrient impact is minimised.

Members will be aware that we are dealing with two bills. I have been focusing on the Swan and Canning Rivers Management Bill. Also before the house is the Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005. The principal bill will impact on a number of acts; therefore, there is a requirement for consequential amendments to these acts. Most of the amendments are of a minor nature and replace references to titles and provisions of other legislation. The Swan and Canning Rivers (Consequential and Transitional Provisions) Bill includes transitional and saving provisions to ensure a smooth transition from the existing to the consolidated legislation.

A number of amendments to this bill appear on the supplementary notice paper in my name. Most of those amendments relate to the Planning and Development Act 2005, which was proclaimed on 9 April 2006. A number of the provisions in this bill relate to planning legislation that are now covered by that act; therefore, those provisions in this legislation need to be amended to ensure accuracy of references. That applies equally to both pieces of legislation. I reiterate that reference is made to the Planning and Development Act 2005 in a number of the amendments I have on the supplementary notice paper. We have taken the opportunity on the way through to make sure that everything is technically accurate. The Swan and Canning Rivers development plan has been developed to improve government's capacity to coordinate the range of activities required to address the rivers' health over not only the short term, but also the long term. It will also better integrate government effort and streamline assessment processes and new regulatory responsibilities.

This legislation is long overdue. It has been eagerly awaited by members of the Western Australian community, and I think we will all be richer for it. I seek the support of the house for the second reading of these very important bills.

Questions put and passed.

Bills read a second time.