

DOLPHIN DEATHS — SWAN AND CANNING RIVERS

Urgency Motion

THE PRESIDENT (Hon Barry House): This morning I received the following letter —

Dear Mr President

I hereby give notice that at the next sitting of the house I intend to move, pursuant to standing order 72:

That the Council consider, as a matter of urgency the Government's failure to respond adequately to the community's distress over the recent deaths of six Swan River dolphins, its failure to provide adequate reassurance about the presence of dieldrin and other heavy metal toxins in the bodies of the Swan River dolphins and its failure to put in place any credible plan to protect both the dolphins and the Swan River.

Yours sincerely

Hon Dr Sally Talbot MLC

The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

HON SALLY TALBOT (South West) [3.49 pm]: I move the motion.

I draw the attention of members to the precise wording of this urgency motion and to the nature of the concern that we are seeking to present to the house this afternoon. It is very important that members understand exactly the nature of our concern, and exactly the nature of the community's concern, about this important matter.

I was very pleased that the minister walked into this place this afternoon and made a ministerial statement on the dolphin deaths, as, I am sure, were a number of my colleagues on this side of the house. However, my interest in what she was saying quickly turned to the same sort of frustration and despair that I had been feeling all weekend ever since Friday night when *Stateline* broke this story about the number of dolphins that have died. This minister, Mr President, is not called the "minister for cut and paste" for nothing; it is about time we heard some new information that will answer some of the community's concerns.

The PRESIDENT: Order, members! There are about a half-dozen very audible conversations happening around the chamber. Could members please keep the volume of the conversations down or remove themselves to an area where they will not interrupt the debate. Hon Sally Talbot has the call.

Hon SALLY TALBOT: Thank you, Mr President.

As I was saying, the minister is not known as the "minister for cut and paste" for nothing, and this afternoon we heard more of the same—cutting and pasting from previous press releases and previous material her department has put out about this issue. Indeed, over the weekend we saw cutting and pasting from the ABC *Stateline* story.

Hon Simon O'Brien interjected.

Hon SALLY TALBOT: I appreciate that Hon Simon O'Brien is doing his usual job of trying to protect the minister, but perhaps the Minister for Environment would actually like to hear what I want to say so that she can respond, unless Hon Simon O'Brien is the lead speaker on this matter.

Several members interjected.

The PRESIDENT: Order! Members, it is the beginning of the week; we have a long way to go! I think we all need to proceed according to the standing orders and the common courtesies that are observed in this place. Let one member speak at a time. Hon Sally Talbot has the call.

Hon SALLY TALBOT: Thank you, Mr President.

We will wait to see whether Hon Simon O'Brien is the lead speaker on this motion.

Hon Simon O'Brien: You're inviting me to participate by interjection. If you want the protection of the Chair, you ought to behave yourself as well!

The PRESIDENT: Order! You have made a valid point, but you have made it in an unruly way. The member on her feet should not invite interjections, and then she will not get any.

Hon SALLY TALBOT: Thank you, Mr President. I have absolutely no wish to hear what Hon Simon O'Brien has to say about this motion; however, I do want to hear what the Minister for Environment has to say, and I am waiting for her to answer some of these important questions.

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I begin by drawing honourable members' attention to the precise wording of this urgency motion, particularly the first part, which states —

... the Government's failure to respond adequately to the community's distress over the recent deaths of six Swan River dolphins ...

Indeed, a great deal of community concern was expressed from Friday night onwards after *Stateline* ran this story on the ABC at 7.30 pm. Anybody who saw the pictures on the ABC website will understand what that distress was about. I seek leave to table this document, which is a picture of a dolphin taken from the ABC website.

Leave granted. [See paper 1529.]

Hon SALLY TALBOT: Anybody who looked at that photograph could not fail to understand why people have been so moved.

Stateline ran the story as an exclusive without revealing the subject matter, but on Friday afternoon I heard the promotional interview for *Stateline* during the *Drive* radio program, when Russell Woolf, in his usual jocular way, tried to get Frances Bell to tell him what the exclusive was. During the course of those five or six minutes that they were talking, Frances Bell, who really did a very good job of keeping shtum on the whole thing, conceded that it was not about sport or business and that it was about Western Australia. I put to Mr President that every minister should have been on the edge of his or her seat by the time *Stateline* went to air.

When it did, of course, we watched a horrifying story about having lost six dolphins in five months, informing us that high levels of heavy metal contamination were found in their bodies, and that obviously, as we can see from that picture, they died in a considerable amount of distress. It is not surprising that the community was asking for answers. Where was the minister? The minister—as is usual when things start getting a bit hot—was nowhere to be seen.

Hon Simon O'Brien: At 7.30 pm on a Friday night—when you're watching the telly!

Hon SALLY TALBOT: I know that Hon Simon O'Brien thinks that ministerial business does not operate after business hours.

Hon Simon O'Brien: No, that's not the case!

Hon SALLY TALBOT: I know that that is how he operates.

The PRESIDENT: Order, members!

Hon SALLY TALBOT: I know that the government's ministers are all weekday ministers and they protect their weekends—that is absolutely fine!—but I am talking about the Minister for Environment's failure to address the community concern after the issue went to air; I suggest that she had a warning that there was a big story running, but did nothing about it. The minister's statement was finally released late on Friday night, and I ask honourable members whether they think that that statement reflected the community's concern. I suggest that, very clearly, it did not. Essentially, this one-and-a-half-page statement makes six points, and I will go through those six points. The first point was that —

... the Swan River Trust and Department of Environment and Conservation, in collaboration with two universities —

That is referring to, I think, Murdoch and Curtin —

would continue to monitor the dolphins living in the Swan Canning Riverpark to ensure their long-term health.

I put it to Mr President that that was actually not the issue that was causing so much distress over the weekend. Of course we want to ensure their long-term health, but we want to know why six of them died in, obviously, very painful and distressing circumstances.

The minister's second point was that she had already had a meeting the day before to discuss the findings of the six dolphin deaths between June and October. In the ministerial statement she made today, she told us a couple of things for the first time—the first being that she had known since the end of October that we had a problem. When was she going to tell us what was going on? I put to Mr President and honourable members that she made a ministerial statement today only because *Stateline* was smart enough to investigate the story and run it on Friday night, for which I congratulate those involved. That is the only thing that has galvanised this minister into action.

The third thing she stated in her press release was that —

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... evidence indicated factors such as seasonal changes in water quality and the long-term exposure to contaminants, including high levels of dieldrin, as possible attributes in the deaths.

That statement is a straight cut and paste from the *Stateline* story. Anybody who saw it knows that that is the situation.

The fourth thing she stated was that —

... dolphin deaths of this nature are not unique to the Swan Canning Estuary ...

As she referred to in her ministerial statement that she read into *Hansard*, we are not alone in having dolphin deaths such as this in a modern city, which I will go into a little bit later. Indeed, she actually stated that —

... the level of contaminants were typical of a modern city ...

In other words, she is saying that we should not worry because this is just stuff that happens in a big city and that we should get used to it.

The fifth point she made is that a couple of the dolphins died from infection arising from entanglement, and her final point, which really, really, for me, put her in the same league as Hon Robyn McSweeney and some of the comments she made in this place about pauper funerals, was when the minister stated that she —

... encouraged members of the community interested in monitoring dolphins to join the trust's River Guardians program and sign up to become a Dolphin Watch member.

I put it to Mr President that nowhere in that pathetic response does she address the community's concerns about the deaths, and to finish the press release by encouraging people to join Dolphin Watch is really just an insult to the level of community intelligence and concern about this issue.

Dolphins, as I stated a couple of times over the weekend, are the canaries of our waterways. They are at the top of the food chain. That is one of the reasons people are so upset about what has happened. Being at the top of the food chain, they have the very important function of being very sensitive monitors of the health of our waterways. I have been saying that all weekend. When I went back through the material that the minister has put out over the past 12 months or so since she has been a minister, I found that she had actually stated that one of reasons we have to look after dolphins is that they are such sensitive monitors of the health of our water, yet suddenly, on Friday night, she states that there is no problem and it is all under control.

I will now work through each of her six points in order. The first point the minister made was about ensuring the long-term health of the dolphins. What did the minister do? One of her first acts as minister was to cancel the mandatory aspect of the fertiliser action plan. I have spoken about this at considerable length in this house. It is of enormous community concern. It is a joke for this minister to make a statement in this house and talk about the amount of money that has gone to the fertiliser action plan. She has been heaved by the farming community in her own constituency. She was heaved to walk away from the single most important measure identified by every expert in this field. The single most important aspect of ensuring the future of our marine environment in the Swan and Canning Rivers was to make it mandatory to end the use of water-soluble fertilisers in the Swan River, and the minister ran away from that at a speed of knots. What is in place now—I do not mean this to be a pun—is a version of the fertiliser action plan that is so seriously watered down that it is not working. Yesterday this minister went on radio and called for measures to reduce the amount of nutrients in the water. What a joke she is! What an insult to people's intelligence this minister is when she makes these statements!

The second point the minister made in her statement on Friday night was that she clearly knew about the story before the ABC broke it. There is never any problem getting this minister to stand up when it is a feel-good story. Members can see this pile of documents on my desk. These are all the feel-good stories about the dolphins and about the money being spent on the Swan and Canning Rivers. But can we get the minister to come out when there is a problem? Of course we cannot; she is absolutely nowhere to be seen. When the heat is on, she disappears, and that is exactly what she did on Friday night and over the weekend.

The third point the minister made was about the causes of the deaths. She spoke about the high levels of dieldrin in the dolphins. If this is true, she must ask the hard questions. She is the minister, not me. Dieldrin is one of the most dangerous chemicals around. It was banned about 21 years ago. How is it ending up in the Swan River and contributing to the deaths of dolphins? What does that mean for the swimmers, the skiers and the people who eat the seafood out of the Swan and Canning Rivers?

The fourth point the minister made was that these dolphin deaths are not unique to Perth. Let me quote the words of one of the experts in this field in this town. He said that dolphins are found dead from toxic contamination in many parts of the world. The minister used that quote as part of her explanation for what is happening. She said

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that it is not unique to Perth and that these incidents are happening in other Australian cities and all over the world. She said that the contaminant is typical of a modern city.

Several members interjected.

Hon SALLY TALBOT: That is what one of the minister's experts said—dolphins are found dead from toxic contamination in many parts of the world.

The fifth point the minister made was about entanglement. Let me inform the house through you, Mr President, that healthy dolphins do not die when they get tangled up in fishing tackle. Healthy dolphins do not get tangled up in fishing tackle. For the minister to use that excuse is a simple deflection of the issue. She is trying to push the blame away from herself, away from the Swan River Trust, and away from the people who are supposed to be managing this situation. She is saying that it is not her fault; it is the fishers' fault. If it is their fault, she should do something about it; and, if it is not their fault, she should own up to the real problem. Healthy dolphins do not die in this way.

The last point the minister made was about the River Guardians and the Dolphin Watch program. I put it to you, Mr President, that although the minister was very quick to issue a lengthy statement on the day that the Dolphin Watch program was launched—it happened to be 1 April, but I am sure that that was just a coincidence and not the most tragic irony—and there was no problem a few weeks ago when she welcomed the 500th member of Dolphin Watch, could we get the minister over the weekend to give us a full and detailed explanation about what is happening? Did she come into the house today and give us a full and detailed explanation of what is happening? No, she most definitely did not. The reality is that if things go on as they are now, there will not be any dolphins for the Dolphin Watch community to watch. Why do people get involved in Dolphin Watch? They get involved because it is something they care about very deeply. Why have more than 500 Western Australians enlisted in this program? They have enlisted because it is something they care about. They are watching this program go down the drain because there will not be any dolphins left to watch.

HON DONNA FARAGHER (East Metropolitan — Minister for Environment) [4.04 pm]: I will make a few comments on the motion before us. Like all Western Australians, I am very concerned about the number of dolphin deaths that have occurred in the Swan Canning Riverpark. I grew up around the Ashfield Flats, from where we used to see dolphins. I live in Maylands and we see them regularly. As Minister for Environment and as a member of the Western Australian community, I recognise that dolphins hold a very special place in the hearts and minds of all Western Australians. That is why, like Hon Sally Talbot and everybody else, I want to know why they are dying. I am not a dolphin expert, and I am ready to admit that. Hon Sally Talbot is certainly not an expert on dolphins, so she will have to forgive me for not listening to her and for listening to the experts who are providing advice to me.

Hon Sally Talbot interjected.

Hon DONNA FARAGHER: I had to sit here and listen to Hon Sally Talbot go on about the fact that the minister is not listening and has to tell us what is happening. I have to listen to the experts. The experts cannot at this time pinpoint an exact cause. If I knew it, I would tell the member. I do not know the cause because the experts are still working through the issue. The reality is that, yes, some dolphins were found with high levels of dieldrin and other contaminants in their system. As I have said, the final cause of death is still not known, but the advice to me is that a range of factors could possibly be at play.

I heard Hon Sally Talbot refer to discarded fishing line. The advice I have is that discarded fishing line played a part in two of the six dolphin deaths. The member might not like to hear that, but that is the advice I have received. I have also been advised that there is no reason to believe that the level of dieldrin in these dolphins occurred recently and that it most likely accumulated over time. It is also possible that a particular virus is at play. Again, the member referred to a particular scientist. I have been informed by the Swan River Trust that these deaths are similar to deaths overseas, particularly in the United States, and also in the Gippsland in Australia.

Hon Sally Talbot interjected.

Hon DONNA FARAGHER: I listened to the member; she can now listen to me.

The relevant government agencies, particularly the Swan River Trust and the experts, are discussing this very issue with international experts and with other experts across Australia. As I mentioned in my ministerial statement, I understand that there have been 15 deaths in two years in the Gippsland Lakes and still there is no definitive cause of the deaths.

The member said that I did not come out and address the issues surrounding public health. I recall seeing myself on the television. I reiterated the advice that had been provided to me because I wanted to make sure that I had

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all the facts. That is what a minister does. I wanted to make sure that I had all the facts. The fact is that the Department of Health has advised that there is no risk to public health or fishing, save for the general warning that the public should not eat wild shellfish from the river. Despite the claims of Hon Sally Talbot and others, that is the advice from the Department of Health. In addition, the Swan River Trust and the Department of Water undertake sampling weekly in the Swan and Canning Rivers and fortnightly in the catchment. They also report weekly on river health via a variety of means, including on their websites, on Channel 9 and in *The West Australian*. The Department of Health also monitors swimming spots. The Department of Fisheries takes fishing samples. It is completely wrong to suggest, as the member has done in the motion, that nothing is being done.

I have never shied away from the existence of dieldrin and other contaminants in our rivers. It is a significant issue, but it is not true to say that the government has not provided that advice to the community. That is absolutely false. It is not true to suggest that this is new. It is not new. The Swan River Trust has been working on a non-nutrient contaminant program since 2006; in fact, it released a report in March this year that showed high levels of contaminants in certain areas. That relates to sediments, and I want to be clear on that. Whether Hon Sally Talbot likes it or not, the river abuts a city and we are dealing with a legacy of more than 100 years of pollution. The scientists and the experts—again, forgive me if I listen to them—tell me that these contaminants take years and years to break down. Having said that, I recognise, as the Minister for Environment, that we need to do more to improve water quality to stem the flow of new nutrients entering our waterways.

Hon Sally Talbot: Why didn't you make it mandatory?

Hon DONNA FARAGHER: Hon Sally Talbot referred to the fertiliser action plan. I love it when the member does that! Yes, it was a plan that was developed under the former government; I acknowledge that. However, did the former government put any money towards it? When Hon Sally Talbot was the Parliamentary Secretary to the Minister for the Environment, did she say, "Minister, I think you had better put some money into it"? Clearly she did not, or if she did, he did not listen to her because no money went to it.

Hon Sally Talbot: It was ready to go.

Hon DONNA FARAGHER: It is always "ready to go". Members opposite had eight years and they did not do it! In less than a year, the Liberal-National government has put \$610 000 towards that—that was earlier this year. We have just put an additional \$500 000 as part of the fertiliser action plan, and quite a significant amount of funding, \$3.19 million, has now been put in through the natural resource management program. The former government did not do this. The funding provides for the installation of nutrient-stripping wetlands in the Ellenbrook catchment; construction of three nutrient-stripping wetlands on the Southern River; remediation and removal of contaminants in a basin in the Mill Street —

Hon Sally Talbot: It is still letting the nutrients go in.

Hon DONNA FARAGHER: What did Hon Sally Talbot put in? Absolutely nothing!

The funding also provides for nutrient intervention and the application of nutrient-binding materials to the Canning River. This is in addition to all the other work that is done by the Swan River Trust and others. The Swan River Trust is developing a river protection strategy that will be all encompassing. That work is being done now. Hon Sally Talbot wants to make fun of the River Guardians' Dolphin Watch program. I will let the experts, the researchers, the Swan River Trust and the community members who are involved in that know that Hon Sally Talbot thinks it is a joke. It is not a joke. It is all part of providing further information and research and helping the researchers gain more knowledge about these dolphins. That is really important. If Hon Sally Talbot thinks that is a joke —

Hon Sally Talbot: They just have to read *Hansard* to know who is the joke.

Hon DONNA FARAGHER: If Hon Sally Talbot thinks that is a joke, more fool her! I heard Hon Sally Talbot say that. They take that program very seriously.

Hon Ljiljanna Ravlich: They want to see the animals alive not dead.

Hon DONNA FARAGHER: We all want to see the animals in the future.

Hon Ljiljanna Ravlich interjected.

Hon DONNA FARAGHER: Do I need to listen to Hon Ljiljanna Ravlich? She is certainly not the expert on dolphins. This is a serious issue. I am listening to the experts. I have required the Swan River Trust to report back to me by the end of the week. It is identifying any further gaps in the research and any action that is required. If more funding is required to deliver on those gaps, I will find it. I am absolutely committed to finding out why these dolphins are dying. However, the reality is that I am not a researcher; I am not an expert. I am reliant on their advice, and their advice at this point is that they are not aware of the final cause of death.

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If I was an irresponsible minister, I would say, “Look, this is what it is.” Would that be responsible? No, it would not! It is responsible for me to have all the facts in front of me and to make sure that when I am given advice from the department on health risks and the like—I am not the Minister for Health—the information that the department is providing through the Department of Health is accurate. Hon Sally Talbot said, “You cannot fish and do this and that”. The advice I have is that people can fish and swim and there is no public health risk from those activities. It was important for me to make sure that that information was accurate. As I have said, I do not want to see any more dolphin deaths. None of us does! I have watched these dolphins since I was a little kid at Ashfield. I do not want to see any more deaths. That is why we have so many people working on the issue right now. I fully support every single thing they are doing.

HON GIZ WATSON (North Metropolitan) [4.14 pm]: I wanted to make some comments in this debate because it is an important issue. I concede to the minister that it is very difficult to determine cause of death in these cases. I appreciate that it is not easy, even for the experts, to determine that. That is what I have discovered recently by reading up on this. It is very clear that the death of that number of dolphins in a small population that, basically, resides at least half of the year in the Swan River is most likely indicative of cumulative impacts of toxins. The tissue samples seem to be indicating that, and it has already been stated by everybody involved in this that that has probably contributed to, if not caused, their death. The problem is that we are dealing with toxins that have been present in the soil for a while, most likely, and are cumulative. Therefore, we are dealing with something that is already in the system.

What I wanted to talk about today, and where the Greens (WA) would like action to be taken, is redoubling our efforts to ensure that no further toxins are introduced into the system. Quite frankly, if they are in the water column and in sediments in the Swan River, there is no viable method of getting rid of them. I understand from the Swan River Trust and other people who have been studying the water quality in the Swan River that there are certain hot spots where contaminants are still going into the river. Members are probably aware that every sports oval that is located beside the river is a former waste dump, so each one of those is a contaminated site. In addition, there are hot spots around Maylands where groundwater plumes are still putting heavy metals and fertiliser pollutants into the river. We need to be sure that monitoring is occurring in those areas so that further contamination is not occurring.

I also wanted to talk this afternoon about the potential of further contaminants from the dredging that is planned as part of the deepening of Fremantle Harbour. That issue has been raised in the context of this debate. I share concerns that have been raised about the potential, at least, to introduce further of these cumulative heavy metals upriver. The Environmental Protection Authority’s report on the proposed dredging, titled “Fremantle Port Inner Harbour and Channel Deepening—Reclamation at Rous Head and Offshore Placement of Dredged Material” and dated June 2009, pertains to the dredging that is planned to commence in January. That part of the report that deals with the marine water quality and sediment quality reads —

Surface sediments sampled from the Entrance Channel initially showed TBT —

Which is tributyltin, an antifouling marine paint which is banned now on most vessels, but which is a heavy metal compound that is very toxic to the environment at very small quantities. It is a great antifouling paint because nothing grows on it. The report continues —

and polycyclic aromatic hydrocarbons (PAH) well above National Oceans Disposal Guidelines for Dredged Material (NODGDM) screening levels. Surface sediments sampled from the Inner Harbour showed TBT, Mercury, pesticides, organochlorides and polycyclic aromatic hydrocarbons (PAH) well above NODGDM screening levels.

We are being told that these materials will be dredged and disposed of behind the new seawall at Rous Head. In addition, these pollutants will remain attached to the sediment and, therefore, will not release into the water column. The problem with that is that the Fremantle Port Authority acknowledges that the plume from this dredging operation has the potential to go upriver as far as the Leeuwin launch ramp. Although it may not introduce elevated levels of heavy metals or other contaminants in the water, the sediment is contaminated. Members who understand how ecosystems work would know that if contaminated sediment is spread upriver, it makes it more bio-available to a broader range of molluscs and fish—hence into the food chain and into the dolphins.

I am not comforted by the fact that the port authority and the Environmental Protection Authority have said that the contamination will not be in the water column. We know, and the minister has just reminded the house, that the recommendation to the public is not to eat any shellfish out of the Swan River, because they are sediment filters. However, things eat the shellfish, and that is why I would not eat fish out of the Swan River. Even if the actual levels are not sufficient to trigger a warning from the Department of Health, if people wish to reduce their input of toxins, I would suggest that eating fish out of the Swan River is not the right thing to do. We are in the

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same order in the food chain as the dolphins, although I am sure we do not eat as much fish as they do. Therefore, we have the potential to accumulate those toxins in our body and the very thing that they do, which is to affect one's immune system.

Members might not be aware that the accumulation level is 10 times per level; therefore, for each level, the concentrations are multiplied 10 times. It would not take long for the concentrations to be hundreds or even thousands times above the acceptable level.

I point out that it is not only the Greens (WA) who are stating concerns about the potential from this plume. The Swan River Trust has also made comment to the proposed dredging plans and I quote from page 81 of the "Fremantle Port Inner Harbour and Channel Deepening Public Environmental Review Supplement and Response to Submissions" dated 13 May 2009. The Swan River Trust said —

The primary concern of the Trust is the lack of water quality monitoring sites in the Swan Estuary upstream of Fremantle Harbour as part of the Dredging and Spoil Disposal Management Plan Despite modelling predictions suggesting little impact of dredging activities in this area, two sampling sites upstream towards the Leeuwin boat ramp is prudent and is in line with the Proponent's subscription to the Precautionary Principle.

The response from the proponent was that they did not think that these additional sampling sites were needed. The Swan River Trust also said —

Given tributyltin ... has biological impacts at concentrations ~1 ng.Sn / L and levels of TBT in the water column reached 6 ng.Sn /L during the last harbour deepening, the Trust would like to see the environmental monitoring include biotic indices ...

That is, looking at what happens to shellfish. That is the point: instead of looking at the water column, we need to look at the changes to the bottom feeders in the system to know what is happening in terms of tributyltin, because the material does not show up there. The Swan River Trust also stated —

Currently the DSDMP —

That is, the dredging and spoil disposal management plan —

reporting schedule for water quality results is once monthly. Given the sensitivity of the area the Trust suggests immediate reporting of these results on a weekly basis as a project requirement.

Again, the proponent has declined to meet that request. It seems to me that over a 26-week projected dredge time, to simply sample once a month will give only one sample.

Hon Adele Farina: Do they report monthly?

Hon GIZ WATSON: I am not sure about that, but I could check. I assume that if the monitoring is only monthly, the maximum would be once a month.

Hon Sally Talbot: Is this in relation to the deepening of the harbour?

Hon GIZ WATSON: Yes, it is to do with the deepening of the harbour.

Hon Sally Talbot: That dredging has not started yet.

Hon GIZ WATSON: It is starting in January.

The Swan River Trust also said —

The Trust is concerned that the zone of potential impact ends abruptly at the end upstream border of the harbour, with no indication of zones of potential effect of influence.

My request to the minister is that there be a further consideration of the frequency of monitoring and that it needs to be at least on a weekly basis, if not more frequently. If the sediment is moving upriver, there needs to be a clear mechanism whereby there is the capacity to stop the operations. The monitoring must actually include the molluscs as well.

HON JON FORD (Mining and Pastoral) [4.26 pm]: I will start with the comments about fishing lines contributing to the death of a dolphin. I can tell the minister that I listened to experts in the Department of Fisheries who told me that they do not contribute in that way. Also, I have seen them being filmed. A healthy dolphin will not get entangled. In fact, a healthy dolphin will swim along a gill net and pick fish out of that net. Healthy dolphins actually hunt through trawl nets. Sometimes they get caught up and escape hatches have to be put in for them. I have seen the footage of dolphins. They are cunning and very nimble. The fishing lines would contribute to their death only if they were sick. It is wrong to say that fishing lines are contributing to their death.

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They will only be contributing in the same way as pneumonia contributes to the death of a person who has lung cancer. That person will not die of lung cancer, but from pneumonia or another contributing factor. A dolphin that has fish hooks in its guts or has been tied up in a fishing line means that it is already sick.

The minister made great play about listening to the experts. I advise the minister that as far as her department is concerned, it has next to no experts in fishery matters and interactions between marine mammals and fisheries. In fact, when I was Minister for Fisheries, I provided experts from the Department of Fisheries to assist the department for which she now has responsibility. On top of that, ministers have a mind of their own. Under the Westminster system, she has the responsibility to make judgements that are in the interests of the public. Ministers do not always get it right. Sometimes they are exposed to bad advice. When the minister has officers telling her that it is all right to fish out of and bathe in the Swan River, she has to weigh that against the evidence in front of her—that is, dead dolphins in a very small population.

Notwithstanding all the things that have been said about accumulative effects, it may be that some activity has occurred within the Swan River that has tipped the dolphins over the edge. Some contamination in the river has accelerated the dolphin deaths. It is something that all the monitoring and testing has not picked up. It does not give confidence to the people of Western Australia to hear the minister say that it is all right to eat fish from the Swan River, but it is not all right to eat shellfish, and that the department is looking into the deaths of these dolphins.

I do not know whether the minister has considered—unfortunately I did not make my contribution before she did, but perhaps she should consider, if she already has not—implementing precautionary instruments into the Swan River. When there is an overflow of sewage into the river, the offending sections of the river are closed until it is determined what has happened and the department is assured that it is okay.

As an example of where this might take the minister, I will go down the line Hon Giz Watson took. I will draw the minister's attention to the short questions that were asked earlier this year about dredging activities. I asked questions about the Department of Fisheries' advice and how it was received by the EPA. The Department of Fisheries made a submission, which I am happy to table, and I thank the minister for it. It states —

The implementation of the proposal is likely to have a direct impact on fish habitat through the direct loss of benthic —

That is the bottom —

habitat, and indirectly through turbidity associated with dredging activity. The Department is satisfied that efforts have been made to reduce turbidity and potential loss of benthic habitat as much as possible, through off site spoil disposal, and proposed monitoring ...

When we read this submission, we see that the whole focus is on the turbidity of the river associated with dredging. The bottom of the river is a trap for all these heavy metals—that is why they are called heavy metals. It starts at the bottom of the food chain with the crabs. The crabs are eaten by other animals, and it goes up and up, and there are higher concentrations of heavy metals in the animals. That is why sharks have such high levels of heavy metals in them, particularly mercury.

This sounded the alarm bells in my mind that perhaps it was an opportunity to revisit what had been done by the Environmental Protection Authority, and perhaps the EPA's advice regarding the ministerial conditions set out for this operation, because the river is a big sink that contains all these heavy metals. Perhaps the EPA should look specifically at those contaminants, and even do some sampling to see what is going on. Just outside the bay in Cockburn Sound is where most of the local mussels are grown. It is one of the big aquacultural areas. We have just heard that the Minister for Fisheries has put out a very good plan regarding crabs. Everyone is about to go out there and have a feed of crabs. Hopefully, they will have had their feed by January when the dredging will start. However, it will not affect just the bay; it will also have an effect up and down the river.

When we see those horrific pictures of the dolphins, we must weigh that up against what the department has told us. It will tell us about the pure scientific facts as they are. It is like dealing with lawyers. Each side of the case will get different scientific facts, depending on which case it wishes to pursue. Fortunately, the Minister for Environment represents the people and must weigh up all those facts. Therefore, I was a bit disappointed that the minister reiterated the comment that the Department of Health had advised that no health risk is posed to members of the public from swimming in or taking fish from the Swan and Canning Rivers, when the evidence is that high-level species, which are close to us, have been found dead from poisoning in that marine environment. Yes, it could be long-term contamination, and it could have happened in the ocean, or it could have been caused by something else, but surely we should be taking some precautionary action that will look primarily after the health of Western Australians—all those people who contribute to the contamination of the river and who live around the river—to make sure they are safe while we wait for the scientists to come back to

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us and tell us what is going on. That is what I think the public wants to hear. That is what I am hearing from Hon Giz Watson. We need to have confidence that while the agencies in which the minister has confidence are doing their job, the government is protecting the people's interests. That is what Hon Sally Talbot was saying, and that is what I read in the media. In fact, when I read the minister's first comment, I thought that she had made a big rod for her back. She should have simply said, "This is not good enough. We'll look at some closures while we see what the effect is." That is the response that I would have thought was appropriate.

I do not disagree with anything the minister is saying about all the research. However, in politics, it is about perceived problems and real problems. Therefore, it is about people's confidence in governance. When there is high-profile evidence that something is desperately wrong, it is very hard to win that argument and to sit there and say that it is all right to do this activity but it is not all right to do that. That is the main point that I wanted to put before the chamber.

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [4.34 pm]: I want to make a few comments to caution the people who have spoken about assuming that these dolphins died from poisoning. As the minister has said, a lot of work is yet to be done to get a definitive understanding of the causes of death of the dolphins. Some of the advice that I have been given by the Minister for Water, who has been briefed on this matter, leads me to ask people to be cautious in what they are assuming about the causes of death of these dolphins.

I will run through some of the information that I have. On 5 June, a male dolphin calf was reported dead. The mother of the calf accompanied the body for many days, thereby prolonging the recovery of the carcass. That calf was in good body condition, but, unfortunately, the carcass was in an advanced stage of decomposition and the cause of death was not determinable.

Hon Sally Talbot: Was it the mother who had died?

Hon HELEN MORTON: No, it was the calf.

On 8 June, another male juvenile dolphin was found dead in Mosman Bay, within the Swan River. Going through all the information that was provided to the Minister for Water, and looking at all the different things that had happened to this dolphin, it was concluded at the time of the briefing that it could be argued that either this dolphin was suffering from prior immunosuppression for unknown reasons or that it had received excessive challenge to its system and subsequent haematogenous spread via the bloodstream. In any case, the exact reason why this dolphin became infected and how it came to be so remain unknown. It had an infection rather than it being a different cause of death.

On 21 June, a juvenile female dolphin was recovered from the Swan River. This is the one that had a fishing line wrapped around the right tail fluke. The line had started to bite into the tail and had caused significant damage. Given the evidence of the way in which this dolphin appeared to have suffered a degree of decreasing health, it is likely that the infection of the lung that it had at this stage was the result of an opportunistic infection that was more than likely already immunosuppressed as a result of the infection caused by the injury to the fluke. Therefore, the bacteria had gained entry through that mechanism. That was another death that was more likely to have been caused by injury to the dolphin.

On 17 September, a deceased adult female dolphin was recovered between Claisebrook Cove and Windan Bridge. It is believed to be the subject of the sighting of a sick dolphin covered in skin lesions. No fungal organisms were grown on culture from this dolphin. It is likely that this dolphin suffered some sort of skin damage that predisposed it to the fungal infection, or the dolphin had been immunosuppressed, allowing the opportunistic infection to take hold.

On 9 October, a mature male dolphin was found. Unfortunately, its body was already severely decomposed, and that level of decomposition did not enable any definitive consideration of the cause of death.

On 25 October, an aged adult female dolphin was witnessed dying in Waylen Bay within the Swan River. Some line was present that had recently entangled around the right flipper, and a fish hook with line attached had lodged in the mid oesophagus. It was also covered in the ulcerated skin lesions that were found on one of the previous dolphins, and it had a mild lung infection. However, the outcome was that it was likely that both the fungal and the bacterial organisms were opportunistic pathogens that gained entry following the skin damage.

The reason I spoke about being quick to make an assumption that somehow or other these dolphins had been poisoned is that the evidence to date is inconclusive, and it backs up what the minister is saying; that is, it is really important that people take a more cautious approach before assuming that these dolphins have been poisoned in some way. People should take a far more cautious approach and allow the minister and her advisers to do the work that they are doing so that we can find out precisely what has caused the dolphins to die, because

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the evidence to date does not suggest that it is necessarily any kind of poisoning but, rather, that it is a coincidence of factors such as line damage, skin abrasions and other factors that have caused these deaths.

I support the minister for the work that she is doing and suggest that it is time the opposition took a less political approach to this issue and adopted a bit more of a scientific approach. While I am on that matter, it has become quite tiresome listening to the rather political approach that seems to be taken to matters environment by the opposition, rather than the more scientific approach that they deserve. This issue deserves a much more credible and scientific approach than that adopted by the opposition at the moment. It is clear that the environment portfolio is hard work, and it means that the opposition has to do the hard work if it wants to be credible; it needs to take a scientific approach to the environment. The opposition persists with this political approach. Members opposite are always trying to attack the minister in some way over something irrelevant, such as trying to find out what kind of social contacts she and her husband have. I imagine the next thing they will try to find out is the colour of her underwear. It is amazing to hear the kind of personal, irrelevant questions that they keep asking of this minister. It is unbelievable.

Hon Sally Talbot: Where is this coming from?

Hon HELEN MORTON: The shadow minister lacks credibility because she will not take a scientific approach to this matter. She has to do the hard work, listen to the experts and stop trying to make it a political argument because that is all she is trying to do at the moment.

Hon Sally Talbot: Who's trivialising this debate?

Hon HELEN MORTON: I do not understand why the shadow minister does not realise that the minister is taking a very cautious, well-advised approach to this matter. She has her advisers working on it. She is a very cautious and measured minister. I do not think that any of the shadow minister's silly political attacks will make any difference to the business at hand. We realise that Hon Sally Talbot has a major credibility problem in her own right. As president of the state Labor Party when it lost the "unlosable election" and the recent reports from *The West Australian* that she has not made one dent on this minister while she is taking a very cautious, measured approach to her work says a lot about Hon Sally Talbot's credibility as a shadow Minister for Environment. So far we have had to listen to four hours of debate in her opening remarks on a bill because she has to make a point somewhere, but everybody is turning off because her credibility is down the drain on this matter, as it has been on most other matters. Until she starts using —

Hon Sally Talbot: Coming from you, that's a bit rich.

The PRESIDENT: Order! I seem to remember the word "dolphin" in that letter. There needs to be some reference to the issue at hand.

Hon HELEN MORTON: Absolutely. The opposition should use a more cautious and scientific approach to the issue of the deaths of the dolphins and forget the political spin that it is trying to get out of this matter because it is not doing Western Australians and Hon Sally Talbot as an individual member of Parliament and her party any good. The approach that needs to be taken is the approach that the minister is taking.

HON NORMAN MOORE (Mining and Pastoral — Minister for Fisheries) [4.45 pm]: I want to take a couple of minutes to read a statement about testing in the Swan River because of comments made by a couple of members that it is not safe to fish in the Swan River. This is the view of those departments that have responsibility for assessing these circumstances. Testing of black bream samples from the Swan and Canning Rivers obtained by the Department of Fisheries and tested by the Chemistry Centre in accordance with the food standards code showed the only organochlorine pesticides above detectable limits were dieldrin and DDE, a breakdown product of DDT. The levels of these chemicals were below the maximum recommended levels for human consumption. The Department of Health has advised that the results are indicative of the environmental persistence of organochlorine pesticides but not gross contamination of the river environment. The Department of Health's view is that at this stage the results do not point to any health risk to the general public consuming fish from the Swan River. A number of samples were taken on 22 October and 3 November this year. Those samples were taken in the immediate past. That indicates quite clearly that at this point fishing in the Swan River is not an issue.

HON JOCK FERGUSON (East Metropolitan) [4.46 pm]: I support the remarks made by my colleagues. I assure Hon Helen Morton that I am not interested in the colour of the minister's underwear. I will not be seeking any clarification in that regard.

Hon Simon O'Brien: That's the only lucid remark we've had from your side this afternoon.

The PRESIDENT: Order! Comments need to be relevant to the matter before the Chair.

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Hon JOCK FERGUSON: The Minister for Transport obviously thinks he is a bit of a wit. It is a shame he is only half right.

Hon Simon O'Brien: Well rehearsed, Jock.

Hon JOCK FERGUSON: It was not rehearsed at all. It came straight off the top of my head.

I want to highlight the importance that the Swan River has to my electorate and the electorate of the minister because it winds its way through Bassendean, Maylands, Ascot, Belmont et cetera. I have received a number of calls from people who live in that electorate who are really concerned about the dolphin issue. I am glad that the minister takes it seriously. I understand that she is getting advice from the scientific community, but at the end of the day the punters are interested in what the minister has to say about it. It would appear that she has been quite flippant in some of her remarks.

Hon Donna Faragher: No, not at all.

Hon JOCK FERGUSON: When I say she has been quite flippant —

Several members interjected.

The PRESIDENT: Order! Let the member continue; he has only a minute. Let the member on his feet have his say.

Hon JOCK FERGUSON: The minister said that dolphin deaths occur in other parts of Australia and, indeed, in other parts of the world. That might be the case but that should not be the response of the minister. It is like the proverbial canary in a cage. If the canary drops off the perch, whoever is responsible down the mine does not say, "They've fallen off their perch in a number of other mines, so who gives a toss?"

Hon Donna Faragher: There's a virus. There is an international virus. That is the advice that I've had. That's why they are talking to the international and other Australian researchers as well because similar symptoms are being found. That is why we want to see what they are finding out. We can then find out what is happening here in addition to the work that is being done in this state. That's not being flippant; that's trying to get as much advice as possible.

Hon JOCK FERGUSON: That is fine. At the end of the day, I support some of the remarks of Hon Giz Watson and Hon Jon Ford that in the interim people should be advised not to swim in some areas of the Swan River or to understand —

Motion lapsed, pursuant to standing orders.