

WATERWAYS — ENVIRONMENTAL DEGRADATION

Motion

HON SALLY TALBOT (South West) [2.34 pm]: I move —

That this Council condemns the Barnett government for its failure to take effective action to protect Western Australia's rivers, estuaries and inlets from environmental degradation.

The motion that we have just concluded debating was couched in similar terms to this motion that stands in my name in that we are condemning the Barnett government for its lack of action. Some of the debate was centred around whether we should indeed be condemning the government on the issue of its handling of disability. Every speaker on this side of the house clearly demonstrated that the government did indeed deserve condemnation on that issue, and indeed the government was damned by its own failure to respond adequately to the terms of the motion. I put it to the house that the same consideration applies to this motion; that the Barnett government, made up of the Liberal Party and the National Party, clearly deserves the heartfelt condemnation of the whole Western Australian community for its total failure to take action to protect our waterways. A number of speakers want to contribute to this debate, and the debate in itself encompasses an enormous amount of material. It is hard to know where to start in terms of providing a catalogue of the government's failures and missed opportunities. However, I am sure that within the four hours provided to us for this debate that my colleagues and I will be able to go a considerable distance towards providing a full and comprehensive account of those failures and missed opportunities. Perhaps I will even have time at the end to provide some further comments by way of a summary of the debate, but although we have that opportunity under the standing orders, I notice that when we move motions on this side of the house there are usually so many people who want to speak at such length and in such detail that the mover rarely has the opportunity to summarise at the end. At some stage perhaps we can change the standing orders to make sure that that is built into the debate. I hope I have time at the end of the debate to speak, but I will give way to my colleagues on this side of the house to make their points of view.

The issue of the care of our waterways, not just the ocean, but our rivers, estuaries and inlets, is something that concerns every single member of this house. Sometimes we debate issues that apply more to regional than metropolitan members, and sometimes they might apply more specifically to the parts of the state covered by the electorates represented by my colleagues Hon Stephen Dawson and Hon Darren West. However, in the case of our waterways, nearly every single person in this chamber has a great interest in representing the concerns of their constituents about the government's failures. It was noted—the government was considerably more interested in this than members on our side of the chamber—that sometimes the timeliness of these motions, in rising to the head of the notice paper, can lead to some difficulties or confusion. I concede that this is an unusual state of affairs, but this seems to be a completely appropriate moment at which to debate a motion condemning the government about its failure to look after our waterways. It was only yesterday that this very chamber considered what is in every effect—except that the government hotly denies it—the winding up of the Swan River Trust. I know that every member of the government will say that the Swan River Trust will continue to exist, but the proclamation of the amendment bill that we considered yesterday will effectively sound the death knell for the Swan River Trust. It was not a lengthy debate in the chamber yesterday. The Labor opposition articulated comprehensively its opposition to the bill and we voted against the second reading of that bill, because it was entirely misconceived. However, this is an opportunity for members to talk at more length—for over four hours—about the specific concerns they have about not just the winding up of the Swan River Trust, but also the statewide issues. It is indeed fortunate, and I do not know that there is any way we could have contrived this, that we were provided with this opportunity at this particular moment in time.

It is an observation commonly made by people who serve in this chamber that the other place sometimes pretends that it does not notice much of what we do. We, of course, take an avid interest in all the activities of members in the other place, but sometimes it seems that they forget we are here. This week we are seeing the opposite of that because it seems that members of the government in this chamber failed to look at what was happening in the other house. If they had seen that, we would not have had the early winding up of the Parliament yesterday, and presumably some shorter sitting time today. Of course, those who take the trouble to look at the notice paper will realise that absolutely nothing is on it because the government failed to realise that the Council, being a house of review, has to have something to review to do its job.

Hon Adele Farina interjected.

Hon SALLY TALBOT: It would be very, very handy, Hon Adele Farina.

Point of Order

Hon PHIL EDMAN: There is nothing whatsoever relevant to the debate in talking about legislation in this house last night.

Several members interjected.

The ACTING PRESIDENT (Hon Amber-Jade Sanderson): Members, order! I remind members that Hon Sally Talbot has the call and the honourable member may wish to address her remarks to the motion.

Debate Resumed

Hon SALLY TALBOT: Thank you very much, Madam Acting President. I am very pleased to be able to tell Hon Phil Edman that if he just restrains himself for probably less than a minute, I will get to the point, which is entirely about the relationship between the two houses and the notice we take of each other. I know that Hon Phil Edman is expanding his repertoire. He has just appeared on Twitter, which is terribly exciting. I notice that he is following me, so that is indeed —

Hon Kate Doust: Is that a worry or a plus?

Hon SALLY TALBOT: No, I think it is a plus, because he has a lot to learn. We all know that he made a sort of strange decision when he decided to sit on that side of the house anyway, so I am not without hope that we might be able to interest him in our way of doing politics because I think that would sit much easier with him.

Madam Acting President, I am now coming to my point. If honourable members on the other side of the house will restrain themselves, I can make my point about the fact that there is at least one person in the other place who seems to be taking notice of what we do up here. I could not help noticing that just on a month ago, on 21 January, Hon Albert Jacob, who, of course, is the Minister for Environment, wrote an opinion piece—I assume it is an opinion piece; it is written by him, so let us call it an opinion piece—published in *The West Australian*, titled “Busting myths about health of our rivers”. Maybe there is a problem and not all members on the other side of the house are quite as au fait with electronic means of communication as Hon Phil Edman is. Perhaps the minister thought that this was the only way he could give them some speaking notes about how to address this motion.

Hon Donna Faragher: You are so rude.

Hon SALLY TALBOT: Sometimes it is very easy, Hon Donna Faragher; that is the problem. When I opened the newspaper on Wednesday —

The ACTING PRESIDENT: Order! Hon Sally Talbot has the call. If members wish to make a contribution, they may seek the call at the appropriate time.

Hon SALLY TALBOT: Thank you, Madam Acting President. I know that Hon Donna Faragher will want to contribute because, as a former Minister for the Environment, she is very familiar with a lot of the issues I am going to raise. Indeed, she made some very significant decisions that have led us to the current sorry state of affairs, so I am sure she will want to contribute.

I was just thrilled when I opened the paper that day and saw that Hon Albert Jacob, the Minister for Environment, had taken notice of the fact that my motion was about to be debated in the upper house and had gone right on the front foot with his five myth busters about the health of our rivers. I will not go into all of them because it goes into very, very—it is a bit of a mixed metaphor—long grass. However, I was intrigued by myth number one—which I suppose he put first because that is all most people read when they are reading a long piece in the paper—“The river is dead”. I do not know whether that was supposed to be some sort of allusion to Mark Twain: “This report of my death was an exaggeration.” I do not know why the minister would want to attract the kind of scorn that that kind of silly comment is likely to elicit from people. There is not a person in this state, whether they live on the banks of the Swan–Canning river system or whether they live in Kununurra or Esperance, who does not want to see the Swan–Canning river system thrive. I have never seen anyone go out there and say, “The river is dead.” When I was shadow Minister for Environment, I would get three or four emails every day from people who were riding or walking to work, or just looking at the river from the bus or their car, expressing concern about diminishing wildlife in the river. We went through that terrible period of the dolphin deaths. I do not think I have ever seen such a heartfelt outpouring of feeling. People are desperate to see the signs of life in the river. There are causes for concern and people will always express that, but not once during those four or five years when I was the shadow minister did anybody actually say to me, “The river has died.” People were desperate to mitigate some of the threats and keep it alive. I think it is a very, very sad indictment that when a conservative Minister for Environment is asked to write a piece about the health of the river, the first thing the minister says is that the river is not dead. Are we supposed to cheer because the river is not dead? It is a negative, hope-destroying way of setting an agenda for the river. It is a very, very sad indictment of the way this government has conducted itself.

Of course the river is not dead. Presumably, that is all that the minister who represents the Minister for Environment in this place read from her briefing notes yesterday when she stood to respond to the second reading debate about the effective winding up of the Swan River Trust, because I noticed that the minister, Hon Helen Morton, the minister representing in this chamber, said —

I would like to put on the record in the strongest terms that claims that the river is dead ... are factually incorrect.

Again I say: what are we supposed to do with that piece of information? There are signs of life in the river. The question is whether the Liberal–National government is availing itself of all the means at its disposal to enhance the life of the river. It is just not good enough for minister after minister to come into this place and say, or make statements in the media, that the river is not dead, and that is what we are supposed to be celebrating. It is not the job of the government to prevent the river dying; it is the job of the government to promote the health of the river, our inlets, our estuaries and all our waterways, and it is clearly not doing that. Will the government go to the next state election in 2017 with a great big poster, a DL pamphlet or a full-page advertisement in the paper saying, “Vote Liberal: The river is not dead”? It is just ridiculous. That is one way of illustrating the absurdity of this approach. It is the only thing that the government has left to say: “The river is not dead.”

Lest members on the government benches are thinking that I will segue from a statement that the river is not dead, and my criticism of an approach that simply goes out and asserts some kind of endorsement of the life in the river, let me point out why that kind of approach is so non-productive. I could go back to the “State of the Environment Report 2007”. Sadly, that is the last time that a state of the environment report was produced. I know that there is some debate about how often those reports were supposed to be produced. There may even be some validity to an argument that perhaps it is not something that we want to see annually. I think there have been three reports since the first one was produced in the 1990s. Perhaps there is some merit in having a very detailed report that can, in a sense, provide a benchmark for years to come. That may be true. We have never had that debate, but it would be interesting to see the comments that were made in support of either argument. I strongly suspect that the reason we have not seen a report since 2007, and there are no signs that one is about to be produced, is that it will be a very, very short report if the section to do with river health simply states that our rivers are not dead. That will be one line in a whole chapter. If that is all we have to say, no wonder the government does not want to produce that report.

I will make a brief reference to that 2007 report. I think theme 4 deals with rivers and estuaries. I will not go into detail because, as I said, this report is now seven years old and we would expect things to have changed during that time. However, the “State of the Environment Report 2007” notes, first-up —

- About 80% of Western Australia’s estuaries are in good condition.

That is heart-warming for a person who was part of the Labor government during that time. I know how much work we did between 2001 and 2007, when this report was released. I know what intensive work we did to promote the health of the estuaries, so to find at the end of that six years in government that the report states 80 per cent was in good condition was heart-warming. Unfortunately, out of the five headlines that are pulled out of that part 4 section on waterways, that is the only bit of remotely good news, because the other four comments are —

- Only about 30% of the State’s major rivers are in good condition.
- Only seventeen per cent of remaining wetlands on the Swan Coastal Plain have high conservation significance.
- Wetland vegetation on the Swan Coastal Plain is being lost or degraded at the rate of about two football ovals per day.

I know that other members will take up these points later in the debate. The final point is —

- Monitoring and management of inland waters is generally inadequate.

That is a very, very sad state of affairs dating back to 2007. It may be that if that was all we had to rely on, the government could get away with a bit of smoke and mirrors and say that the river is not dead and there are some good things to report. Unfortunately, the shot that was fired across the government’s bow in August last year totally giving lie to the claim that there is good news in reporting about the health of our river systems was the WA Auditor General’s August 2014 report “Our Heritage and Our Future: Health of the Swan Canning River System”. This report gives the lie to the claim that we ought to be celebrating the life that is still in our rivers. If the minister who has carriage of these things in this place had chosen to do a bit of fact checking about the notes she was given by the minister in the other place before she responded in a debate yesterday about the death of the Swan River Trust, she needed to go no further than page 3 of the Auditor General’s report, which is headed “Contents”. Unlike many government reports in which we have to at least wade through a wordy executive summary, in this AG’s report we needed to go no further than the table of contents. Halfway down the page is a section called “What did we find?”. The first point reads —

Despite two decades of monitoring, planning and intervention, the health of the Swan Canning river system is not adequately protected ...

This is in the contents page of the Auditor General's report. We do not have to go further than that to realise what desperate trouble we are in. The second point is —

The Swan River Trust manages and funds programs to improve river health but crucial programs have had limited success ...

The third point is —

Actions to enhance river health are hampered by gaps in reporting, planning and monitoring ...

This is a matter of only six months ago. The government has been in power now for six years and there is absolutely no question that the health of our waterways has gone backwards. I will have more to say about the Auditor General's report as we go through the debate. It is certainly not my role or indeed my interest to make suggestions to the government about how it could be doing better. The time will come for that in March 2017 when Labor moves over to the Treasury benches and once again is in a position to drive the agendas that will deliver significant outcomes environmentally, and also in a number of other significant policy areas. There will be time enough for that. It is, however, my role as a member of the opposition to point out where the government has gone wrong, and it is a very, very long list when it comes to the health of our waterways.

I have already mentioned the effective winding up of the Swan River Trust; the death knell was sounded yesterday. I do not want to pretend, and I never have pretended in any debates in this place, that the Swan River Trust was a perfect governance model. However, it was better than nothing. When I saw the amendment bill come into this place, I was very interested to see whether shifting responsibilities back to the Department of Parks and Wildlife would mean that some of these issues to do with the problems that have beset the Swan River Trust had been addressed. One of the problems, of course, was that boundary setting about where the Swan River Trust had jurisdiction. It is not difficult to work out the kind of problems that the lack of jurisdiction—what felt like almost an arbitrary division drawn between the river and the riverbanks—gave rise to. I remind honourable members of quite an extensive period of debate in this place when we talked about the pollution of the waterways from the use of inappropriate pesticides or weedkillers on the banks of the river. I remember one issue particularly that we on this side of the chamber took up in quite some detail with the minister at the time, who was indeed Hon Donna Faragher. We were able to demonstrate that the herbicide that had been used to control the weeds on the football ovals between Steve's pub and the river at Nedlands was clearly marked that it was not to be used anywhere near a waterway. When we took this up with the minister and asked why the Swan River Trust was unable to take action here to stop —

Hon Stephen Dawson: Charles Court Reserve.

Hon SALLY TALBOT: Charles Court Reserve—thank you, Hon Stephen Dawson. Maybe that was part of the problem. Maybe there was a kind of aura around it that was supposed to protect the river. Of course, even Sir Charles Court could not extend his influence that far. There was very little question that it was an inappropriate use of fertiliser. One of the things we talked about was that the Swan River Trust was unable to monitor the use of these substances because its jurisdiction did not extend up the riverbank. I remember going down there one day and pacing out the distances and I was able to prove conclusively to me and to those interested in the argument that it was a matter of only a few metres between the white lines on the football oval and the waterway. There was no question it was a problem. Of course, the Swan River Trust was totally without jurisdiction in that area.

Of course there have been problems, but I must say that my remarks should not be interpreted as having any sort of imputation in any sense about the capacity of people who have been involved in the Swan River Trust over the years, because I have seen from everybody I have ever encountered who had anything to do with the trust that it has attracted people of very, very high calibre with an enormous amount of expertise. I do not have time to name names, but Jan Star is one person who comes to mind immediately as somebody who has really devoted a substantial part of her life to contributing policy ideas and practical suggestions towards improving the health of our waterways. She is still of course doing that now down in the south west with the South West Catchments Council. Everybody I have ever encountered at the Swan River Trust have been very, very fine people, but hampered by some basic problems with the governance model, which, as I think Hon Stephen Dawson pointed out yesterday in the debate, could have been easily fixed with an amendment bill that strengthened its powers.

The other thing about the Swan River Trust is that unfortunately—this is something that the Auditor General's report goes into in quite some detail—to this point today we have never seen the management plan for the river, the river protection strategy, which of course is mandated under the act. How we have gone eight years is just beyond me. The Auditor General's report has a whole section at page 33 under the heading "The Trust developed a draft River Protection Strategy but it has still not been approved by the Minister". I found on the Liberal Party website the press release that the minister put out on 21 December 2011 at the time the draft was released. There were bells, whistles and trumpets of great glee. It read —

- **New vision for protection and use of Swan and Canning Riverpark**

- **Outlines how rivers will be managed in the long term**

This was seriously good news for anybody with an interest in the health of the river. Further, the statement read —

- **700 individual members of public, 20 state government agencies and 21 local government authorities were involved with the initial RPS consultations**

That is hundreds and hundreds of people who contributed their ideas, expertise and experience to the drafting of this strategy. As of today, 25 February 2015, we still have not seen that strategy. The reason the government has given is that—wait for it, folks—an election was called in March 2013! Well, golly gee, I seem to remember that that was the first election we had ever had in Western Australia for which we actually knew the date a couple of years in advance because we had moved to fixed terms. We knew when the election was going to be held, yet the government said that the reason for not releasing the final version of the draft was that we had to have a general election. What absolute nonsense! In any case, it has been nearly two years since then. Do members know what the government's excuse is now? That the Swan River Trust is being wound up and incorporated into the Department of Parks and Wildlife.

I think that one of the truly astounding facts about river management, and this is why the system desperately needs to be overhauled, is this whole business of governance. We spent part of yesterday talking about governance and members of the Liberal Party and the National Party presumably believe that governance will be improved by winding up the Swan River Trust and incorporating it into DPaW. It is just such a nonsense to suggest that that will be the case because it is perfectly evident what the problem is. I have long argued, spoken in this place, spoken in public forums, written papers and spoken all over this state about it. My view of the problem is that we did not have a governance system that could possibly work because we had five, if not six, government agencies directly involved with the governance of our waterways. I used examples from the top of the state to the bottom of the state. The example in the top of the state is in Kununurra. Those people who have been to Kununurra will know that one of the highlights of visiting Kununurra is going to the PumpHouse Restaurant, which surely is one of the great eating places in the world; it is absolutely stunning. Do members know, however, that the PumpHouse Restaurant took 13 years to get its licence to operate as a restaurant? It was a derelict Water Corporation building and somebody, who not only had vision but also an enormous amount of patience, looked at this derelict building and thought something special could be made out of it. That approval was granted 13 years later, because of course whenever anyone tries to do something with anything to do with water, they have to talk to the Department of Environment and Conservation, as it was then, the Department of Water and the Department of Transport. We are periodically reminded in this place when we try to ask questions about waterways that those questions do not go to the Minister for Water or the Minister for Environment; they go to the Minister for Transport, because the Department of Transport regulates traffic on the water. The Department of Agriculture and Food also has its dibs right in there and then there is the Department of Planning.

Hon Adele Farina interjected.

Hon SALLY TALBOT: Of course, as Hon Adele Farina says, when there are specific problems or proposals, the Department of Health gets in on the act.

Hon Adele Farina interjected.

Hon SALLY TALBOT: That is exactly right, but Hon Adele Farina will remember when we were talking about speed limits on the Swan–Canning River system, particularly around Maylands, that Hon Simon O'Brien as the Minister for Transport had to get up day after day to answer our questions about it. That is fundamentally why we could not get anything done, because what do the people who work for the Department of Transport know about the health of the river system? We went for years with those riverbanks being eroded before the Department of Transport could get its act together and say that it would lower the speed limit to eight knots or five knots or whatever it was we eventually settled on.

Just to finish that point, the example I used to use from the other end of the state was that of Wilson Inlet where there is a perpetual battle, which literally divides the community in two every single year, about whether to open the bar or not, and if it is decided that the bar is opened, whether it should be the north end or the south end of the bar. The argument is always between two entirely conflicting interests. It is to do with the Department of Agriculture and Food that looks after the interests of farmers in the area and the amount of nutrients used. We know about the problems with run-off, so the Department of Agriculture and Food will come in with one view. The Minister for Water will come in with another view and the Minister for Fisheries will come in with a completely different view. Members who are familiar with the "State of the Environment Report 2007" will remember that Wilson Inlet is one of only, I think, two or three areas with a red dot on it, which means that there is risk of shellfish extinction. That is directly linked to whether the bar is open. Recently, we have seen that with the whole question of boat launches, the Department of Transport gets involved and the Department of Planning

gets involved and guess what happens? Nothing. Year after year nothing happens because there is a bureaucratic deadlock. Ministers will not talk to each other, bureaucrats will not talk to each other and so absolutely nothing gets done. I have always framed this part of my critique of the existing situation in terms of those five or six departments I have just mentioned.

I draw the attention of honourable members to pages 38 and 39 of the Auditor General's report, appendix 1, where the Auditor General lists agency responsibilities for river park management. This is truly breathtaking. Of course, the agencies I have just mentioned are there. This is a two-page list of departments that is followed by issues and the responsibilities. There is, as I have already mentioned, the Department of Agriculture and Food, the Department of Fisheries, the Department of Health and the Department of Parks and Wildlife. Then there is the Heritage Council of WA; Main Roads WA, which of course is the Department of Transport; the Swan River Trust; the Water Corporation and the Department of Environment Regulation. The government is not prepared to talk about that in this regard because we are talking about governance and by splitting the Department of Environment and Conservation, the government created an extra government department. Suddenly, we have gone from six frontline agencies to seven frontline agencies looking after the health of the waterways. In the Auditor General's view, added to that list is the Department of Aboriginal Affairs; the Departments of Planning and Transport, which I have already mentioned; the Department of Sport and Recreation, the National Trust of Australia, Tourism WA, and then, of course, local government authorities. I can tell members that there are 21 metropolitan local government authorities with direct responsibility for part of the Swan Canning Riverpark—21 of them. The Auditor General has pulled together a very, very important table that lists the issues, and I recommend it to anybody with even a passing interest in these things. The Auditor General lists the issues as algal blooms, biodiversity, boating, contaminated sites, development applications, drainage, dredging, environmental flow, fertiliser use, fish kills, fishing, foreshore erosion, human health issues, introduced species, litter, non-nutrient pollution, sedimentation, sewage spills, swimming, tourism activities, and yacht clubs and marinas, all of which have that raft of agencies taking responsibility.

Debate adjourned, pursuant to standing orders.