

PROTECTION OF INLAND AND TIDAL WATERS AND WETLANDS

In recent months a great deal of attention has been focussed on the need to maintain wetlands, that is watercourses, streams, rivers, lakes and swamps in a healthy state for the well-being of our fisheries and wildlife and also for aesthetic and other purposes.

It has been drawn to the Department's notice that the provisions of the Fisheries Act and Regulations and also of the Fauna Conservation Act and Regulations would appear to have been unwittingly breached in a number of instances. No doubt with the best of intentions, offences have occurred through the use of certain wetlands and watercourses as rubbish dumps, as reservoirs or drains for effluents of various descriptions and also in unauthorised drainage schemes. It is highly desirable, therefore, that the following statutory requirements be drawn to the attention of all officers of authorities and organisations concerned with rubbish, waste or effluent disposal. The relevant laws are as follows:

1. FISHERIES ACT AND REGULATIONS

(It should be noted that, in this section, "fish" means and includes all or any of the varieties of marine or fresh water fishes and crustacea or marine animal life.)

(a) **Regulation 17.** No person shall deposit any filth, refuse, or other deleterious matter in any tidal or inland waters or into any watercourse, whether dry or not, leading into any tidal or inland waters where fish are or are likely to be.

(b) **Regulation 18.** No person shall deposit any filth, refuse, or other deleterious matter, or discharge any matter from mining works, sawmills, gasworks or other manufacturing or boiling-down or wool-washing establishments in any place in a manner which will cause or be likely to cause the destruction of fish in waters near or adjacent to the place in which the matter aforesaid is deposited or discharged or injury to any fishing grounds.

(c) Section 26.

(1) It shall not be lawful by the explosion of dynamite or any explosive substance, or by means of any poisonous or noxious thing, to destroy or take fish in any Western Australian waters: And if any person shall explode any dynamite or any explosive substance in or under such waters, or place or cause to flow thereinto any poisonous or noxious thing, such person and all other persons assisting or

being at the time in company of such persons shall, for every such offence, be severally liable to a penalty not exceeding one hundred dollars and not less than twenty dollars; But nothing herein contained shall apply to any person duly authorised by the persons and in the manner to be prescribed by the regulations to explode torpedoes or dynamite in any such waters.

(2) If any person is found in possession of, or has in his boat, any dynamite or other explosive substance immediately after such explosion, it shall be *prima facie* evidence that such person caused such explosion.

2. FAUNA CONSERVATION ACT

Regulation 46. Except as the Chief Warden of Fauna may authorise in pursuance of a management scheme or working plan or in the administration of the Act and these regulations, a person shall not, in respect of any sanctuary—

- (a) remove or disturb any humus, leaf mould, rotting vegetation, soil, stone, sand, rock or gravel;
- (b) cut, pick, pull, break, remove, injure, poison, strip or destroy any tree, shrub, herb, grass or other plant thereof, whether living or dead;
- (e) interfere in any manner with the water level or water supply in any sanctuary, including any lake, swamp, watercourse, river, drainage flow, well, water hole, or dam, whether natural or artificial, or use any water therefrom.
- (n) introduce, place, drop, pour, spray, fog, mist or otherwise use or discharge any dangerous, poisonous or noxious substance.

Wetlands and samphire flats play an invaluable role in natural life cycles and are among the richest feeding areas for crabs, prawns, fish, birds and other forms of wildlife. Because of this their use as sanitary land fill sites is inadvisable as it must lead to further depletion of the State's fish and wildlife. Already over 500,000 acres of valuable wetlands on the coastal plain alone have been drained, filled in or otherwise destroyed and wildlife stocks have been impoverished as a result. It is considered that those that still remain must be retained unless a careful evaluation by all interested parties suggests it would be in the public interest to do otherwise.