

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 Wildlife Conservation Act and Regulations would appear to have been breached in a number of instances. In some cases 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 are brought to the attention of the general public and 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 "fish" means and includes all or any of the varieties of marine or fresh water fishes and crustacea or marine animal life; "aquatic organism" means and includes all aquatic animals and aquatic plants and any part of those animals or plants, and the sources or reproduction of them.)

- (a) *Regulation 17* No person shall deposit any filth, refuse, or other deleterious matter in any tidal or inland waters or into any water-course, whether dry or not, leading into any tidal or inland water 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 manufactories 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.

(d) Section 26A

- (1) Where in the opinion of the Minister any spraying, dusting, injection or other activity is likely, or if undertaken would be likely, to introduce into any waters, land or air any substance which might have a serious effect, whether at once or in the longer term, on any adjacent aquatic environment or the fish, aquatic plant or animal life therein, the Minister may, by an order in the prescribed form served on any person, prohibit that person or any other person under his control from undertaking, or continuing to undertake, that activity.

(e) Section 30

- (1) The Governor may, subject to such conditions and limitations as he thinks fit, by Order in Council reserve to Her Majesty any part of Western Australian waters vested in the Crown, and the land at any time covered by those waters . . .
- (2) Every Order made in pursuance of this section shall . . .
 - (d) specify the conditions and limitations imposed in relation to that Order.
- (3) . . .
- (4) A reserve created under this section may, by notice published in the *Government Gazette*, be vested by the Minister in a body corporate which shall administer that reserve subject to this Act, and every such notice shall . . .
 - (e) specify the conditions and limitations imposed in relation to that vesting.
- (5) The Minister may, by order in writing to the body corporate in which a reserve is vested, require that body—
 - (a) to do, or cause to be done, anything which the Minister considers to be essential; or
 - (b) to cease to do, or cause the cessation of, anything which the Minister considers to be prejudicial,to the purpose for which the reserve was created or to the environment of life therein.

2. Wildlife Conservation Act

Regulation 46 Except as the Conservator of Wildlife 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 nature reserve or wildlife 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 nature reserve or wildlife 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 in their natural state to protect the integrity of their ecosystems for the benefit of future generations.