

5th November 2019

Hon Matthew Swinbourn MLC
Legislative Council Committee Office
18-32 Parliament Place
West Perth WA 6005

Dear Mr Swinbourn

Re: Petition No. 131 - Water Skiing in the Mullocullop Nature Reserve

Thank you for the opportunity to provide a written submission in support of Petition No. 131 regarding the recent inappropriate gazettal of the Mullocullop Lake for the purpose of water skiing.

The Mullocullop Nature Reserve (Reserve 16367) is a small Crown Reserve of about 57 hectares situated on Warriup Road some 75km east of Albany. The reserve encompasses a small but environmentally significant freshwater lake. Since 1968 the purpose of the reserve has been for Water, Camping and the Conservation of Flora and Fauna.

Mullocullop Lake in the Mullocullop Nature Reserve supports a large and diverse population of water birds and other wildlife, as well as being a breeding area for the long-necked turtle. A number of past environmental surveys of this valuable wetland have emphasised the importance of conserving this natural asset.

The Lake, known as Mirrambeen to the traditional owners, or Warriup Lake or Swamp, is important to the Wilomin and Minang Noongar people as a meeting place for traditional ceremonial gatherings. The area has spiritual significance as a women's birthing place and there are a number of aboriginal graves in the reserve. It is a registered Aboriginal site under the Aboriginal Heritage Act 1972.

The Reserve was first gazetted in 1916 for the purpose of camping and water as a stopping place on the stock route from Albany to farming settlements at Cape Riche, Bremer Bay, Jerramongup and east to Esperance. The gazetted purpose of the Reserve changed from camping and watering place to "Water, Camping and Conservation of Flora and Fauna" in 1968. The gazetted name changed to the "Mullocullop Nature Reserve" in 1981. It can be seen that the intended purpose of the Reserve is conservation of the natural environment.

For some years the Lake has been used for unauthorised water skiing. Under Department of Transport regulations, water skiing is only permitted in designated water ski areas as gazetted by the Department. The Mullocullop Nature Reserve has never in the past been a gazetted water ski area.

With an increase in the illegal use of the Lake by skiers, local landowners along with the traditional owners, concerned by potential environmental damage to the wetland, and the safety risks of unauthorised skiing, approached the City of Albany with a view to have all motorised craft banned from the Lake under the City's Local Laws.

In response, the City councillors, after initially supporting a ban on water skiing, inexplicably saw fit to pass a resolution to seek gazettal of the Nature Reserve as a water ski area by the Department of Transport.

In effect, making legal what had previously been an illegal activity.

No consideration has been given to the environmental and cultural impacts of this action and, as the Reserve is also a listed Aboriginal Heritage site, only a belated consultation was had with the local aboriginal peoples, as required under the City of Albany's own guidelines and the Aboriginal Heritage Act. Following pressure from the local Noongar community, a report was commissioned from Dr Myles Mitchell regarding the recreational use of Lake. In response to the Noongar Peoples concerns, Dr Mitchell's report was highly critical of the City of Albany's procedures and actions, and found that the majority of Noongar people surveyed, while supporting passive activities on the Lake, were opposed to power boating and water skiing. There was no suggestion that the Reserve should be closed to people wishing to enjoy the natural environment. The City ignored the Report as its findings did not reflect well on the City's actions and intentions.

The Minister for Lands vested the management of the Reserve in the City of Albany by a Management Order which states "*To be used only for the designated purpose of Water, Camping and Conservation of Flora and Fauna*". There is no mention in the Order of recreational use of the Reserve, let alone water skiing.

We believe the City may be in breach of the Land Administration Act 1997 in seeking gazettal of the lake in the Reserve for water skiing contrary to the terms of the Management Order. We also believe the Department of Transport has erred in not considering environmental and cultural issues when determining to gazette the Lake for water skiing.

The use of large powerful ski boats on this small lake presents an unacceptable risk to the environment. Noise pollution disturbs and drives away the bird life. Wash from the boats damages reed beds and swamps waterfowl nests. Powerful propeller wash churns up the shallow lake bottom releasing nutrients that result in algal blooms. Oil pollution from the boats is a real risk, as the capsizing of ski boats is not uncommon. It is also of concern that there are no toilet facilities or rubbish bins at the Lake and parking is limited to the roadside.

Past environmental surveys undertaken by experts, have identified the Lake as unique, as it is one of the two remaining permanent coastal freshwater lakes between Albany and Esperance, Most of the other lakes in the South Stirling/Green Range area are naturally salt or have become salt as a result of land clearing for agriculture. In 1980 Andrew Williams of the then Department of Fisheries and Wildlife especially commented on the ecological importance of the lake and recommended that in view of its value it should be vested with the Department of Wildlife rather than the City of Albany.

We seek support to convince the Minister for Transport to rescind the gazettal of Mullocullop Lake for water skiing as we believe it is an inappropriate activity in a Nature Reserve and Aboriginal Heritage site.

We also request that the Minister for Lands remove the management of the Mullocullop Nature Reserve from the City of Albany and place its care in the hands of a more responsible and sympathetic entity.

We believe the increase in use by water skiers presents an unacceptable threat to the environment of the Lake and Reserve as a whole, and should not be a permitted activity in a gazetted Nature Reserve and Aboriginal Heritage site. However other passive activities such as bird watching, swimming and kayaking should not be excluded.

Yours sincerely

John Hassell
Principal Petitioner