

**Stephenson, Cassandra**

**From:** John Baas  
**Sent:** Tuesday, 10 November 2009 7:16 PM  
**To:** Stephenson, Cassandra  
**Subject:** Submission to Recreation Activities within Public Drinking Water Source Areas Enquiry  
**Attachments:** Bushwalking Concerns Letter #2 8-07.doc; Kobelke Response #1 9-07.jpg; Kobelke Response #2 9-07.jpg



**10 November 2009**

**Dear Standing Committee on Public Administration.**

**PUBLIC**

**Submission to Recreation Activities within Public Drinking Water Source Areas Enquiry**

I write in response to the above enquiry for which public submissions are called.

On 17<sup>th</sup> August 2007, I wrote to the then Minister Kobelke on matters directly related to your current enquiry. I have attached that letter here and request that it be treated as a submission to your enquiry. For reference, I also attach the Minister's response.

**Thank you.**

**John Baas**

**17 August 2007**

**THE HON JOHN C KOBELKE BSc DipEd JP MLA**

**Minister for Sport and Recreation**

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**Dear Minister**

**Concerns with Department of Water Policy re Recreational Bushwalking**

**Our concerns.** I am writing to you primarily in your capacity as Minister for Recreation but noting that you also have responsibility for Water.

I am an occasional bushwalker who has been bushwalking the nearby metropolitan forests of the water catchments since the early 80's since obtaining a copies of 'Twenty Bushwalks Near Perth' by Murray and Jones (1979) and later 'Forests on Foot' by Meney and Brown (1985). My wife and I are now recently retired and we intend to enjoy much more of this activity for recreational and health reasons. Keeping seniors fit and interested is a universal Governmental policy objective with which we are only too happy to comply!

We are not affiliated with any formal walking groups preferring to be fully independent. Typically, we research areas of bushwalking interest from maps and Government resources, then proceed to plan our walks based on compass bearings and GPS coordinates. The Bibbulmun Track is still the only significant walking trail of any significant length through the huge forest area, so we greatly enjoy following the old forestry trails and off-trail walking in the tradition of the walks published in the early bushwalk books. The usually open wandoo and jarrah forests and animal pads (from emus and kangaroos) allow for off-trail walking wonderfully well.

In conducting some recent research for new walks I have been made aware that the Dept of Water is considering interventions, and has already prescribed policy in relation to its 'drinking water protection schemes', which will result in the curtailing of our activities.

These proscriptions appear to arise initially from a relatively recent Water policy document, 'Policy 13', on page 5, which introduces a concept of a reservoir protection zone, an area within the catchment extending an arbitrary two kilometres from the reservoir high water mark. It appears that Policy 13 had provisions to recognize traditional activities and allow continued access. However, it seems that the Dept of Water is instead now planning to extend the exclusion of traditional bushwalking activities



such as ours far beyond those protection zones to cover the total catchment areas. Bushwalkers would then be limited to just the Bibbulmun Track.

The net effect of these proscriptions therefore appear (I hope not???) essentially to result in the prohibition of traditional 'off-track' walking and overnight camping in much of the near metropolitan forests. Most of these forest areas (including a number of National Parks) lie within the water catchments.

We much hope we are wrong in this interpretation. There are a number of issues that would concern us if 'prohibitions' really are the intent of the Dept of Water. These are (but are probably not limited to):

**Traditional 'rights'.** While probably relatively small in overall numbers of participants, bushwalking and overnight camping have been a very long standing and consistent use of the metropolitan forests. In this, one would think that this user group has accumulated 'rights' through custom and practice.

**Environmental impact.** All walkers I know are very environmentally conscious and are lovers (and protectors) of the environment. I believe the risk of bushwalkers causing pollution to water or otherwise damaging the environment is manifestly negligible. I do not believe bushwalkers go near the actual reservoirs themselves (except where that is permitted such as at Mundaring Weir and Serpentine Dam walls). Overall, their impact is clearly very 'soft' on the landscape; they are small in numbers and have walked for years in traditional walking areas without leaving any evidence at all of where they have walked.

**Precautionary principle?** This principle is mentioned often in the recent Water documents. It makes good sense when applied to climate change, with its major uncertainties and possible dire consequences of not being cautious. - But water management appears to be using the precautionary principle as an easy catch-all excuse from doing its job. This represents a bureaucratic failure in responsible management of water quality. That is, a 'ban everything' approach, when effort should be expended on those activities that need controlling (such as trailbike riding, feral animals, etc) that pose real, not fanciful, minimal risks (I also include bauxite mining here, which although highly controlled, creates huge footprints).

It is not socially responsible for regulators to plan to stop for no good reason, a traditional healthy activity that is supported in principle by a range of other Governmental health objectives.

**Access for all?** We suspect that Dept of Water may argue they if they allow some groups access, others will also demand access. - But Water/DEC already excludes a range of activities from catchments including fishing, and four wheel driving in quarantine areas, and that seems to have been generally accepted.

Like ourselves, other bushwalkers we know don't walk in large groups and none of us attract attention to ourselves through our activities. Though we have been walking the local area bush intermittently (and mainly the catchments) for twenty five years, we have not once come across another bushwalker while 'off-track'. (Although we occasionally see people 'on-track' - but again, rarely, except along the Bibbulmun Track). That is, bushwalking activities do not encourage access by others.

**Conflict with other Agency/s Policies.** We note that the move to increase restriction on walkers is at some odds with the policies of at least one key Government Department - Dept of Environment and

Conservation. DEC responsibly encourages walking and camping in the environmental estate subject to appropriate safeguards. However, DEC safeguards are sensible and do not overly restrict access.

For instance, even in the critically important Lesueur NP, off-track walking and camping is permitted. Similar applies to the 'hills' national parks (including the new ones), much of which now encompass large parts of the catchment areas! (see A Guide to the Perth Hills – DEC publication).

**Enforcement.** It is 'relatively' easy to enforce proscriptions on destructive forms of activity which depend on mechanized transport, and for those depending on 'fixed' destinations such as fishing the reservoir shorelines. For instance, firewood gathering, trail biking, four wheel driving. As well, appropriate signage and track-close booms can be placed at track access points.

However, it is clear that even these vehicle-based activities are in reality already quite difficult to enforce without considerable State resources being applied.

How much more difficult then, to enforce prohibitions on a 'benign' user group such as 'off-track' bushwalkers who simply 'melt' into the green, and can do so from any location on any gazetted road. The point is that proscriptions on this activity will be virtually impossible to enforce. And rules that are un-enforceable are bad rules.

**A solution.** Encourage responsible bushwalking, including off-track applications, as an activity that meets many Government policy objectives, while reinforcing the 'responsible' aspects of the activity.

DEC has had great success with this in its national parks and reservations, where it encourages access (including 'wild' bushwalking) but asks users to observe responsible behaviours through education and codes of conduct (for instance, the 'code of the coast' which successfully mitigates against untoward four wheel drive damage to coastal tracks).

**Conclusion.** We seek your assurances that this very healthy, benign, form of recreational activity will not be unnecessarily and arbitrarily curtailed. Perth is lucky to have this wonderful asset on its doorstep, and responsible usage, without unnecessary restriction due to essentially non-existent risks, should remain a treasured part of Western Australia's social fabric.

We look forward to your response.

Thank you.

**John Baas.**





Government of Western Australia

**Hon John Kobelke** BSc DipEd JP MLA

Minister for Police and Emergency Services; Community Safety; Water Resources; Sport and Recreation  
Leader of the House in the Legislative Assembly

Our Ref: 14-18220

Mr John Baas

Dear Mr Baas

**CONCERNS WITH DEPARTMENT OF WATER POLICY ON RECREATIONAL  
BUSHWALKING IN DRINKING WATER CATCHMENTS**

Thank you for your letter of 17 August 2007 describing your concerns with Department of Water's (DoW) policy on recreational bushwalking in forested Drinking Water Source Catchments.

Catchment protection as a means to help provide safe drinking water has been a key approach in Western Australia since the early 1900s in response to drinking water contamination issues causing deaths in the Victoria Dam Catchment, 25km east of Perth. In addition, in 1925 an interdepartmental committee was established (Chaired by the Department of Health) to provide advice on drinking water protection issues, and that Committee is still in existence today.

The 'prohibited area' you refer to (described also as a 'reservoir protection zone') is a critical component protecting our drinking water quality. These zones have been in place for the Perth Hills Reservoirs (eg Canning, Serpentine, Wungong etc) for more than 2 decades. Water Corporation has delegated powers for surveillance and enforcement in these zones.

The public health risk of contamination by micro-organisms (eg. bacteria and viruses) and chemicals entering the reservoir is considered too high to allow public access to reservoir protection zones. These zones extend two kilometres from the high water level of a reservoir, back into the physical catchment of the reservoir, but not downstream of the reservoir.

The DoW's Policy 13, reflects the legal status regarding a prohibition on public access to these zones. However, it recognises access outside these zones (within the reservoirs catchment) as 'conditional'. This means that access can occur but conditions may limit the type and nature of access that is allowed to avoid or minimise risks to water quality.

I note that Policy 13 is due for review in 2008, and I have been advised by the DoW that the review is already planned for 2008/09. That review will further consider the issues you have raised regarding traditional rights, environmental impact, the precautionary principle (ie. preventive risk management), conflict with other agency policies and enforcement.

I also note that the issue you raise with 'off-track walking and camping' is not unique to drinking water catchments. Through its work with the community and the Department of Environment and Conservation, similar restrictions apply to National Parks and State Forest. The preference is to provide for 'designated tracks and camping areas' to protect the natural state of these areas. I am sure you can appreciate the inequity created if one recreation type was allowed open access and others (such as horse riders, rogainers, mountain bikers etc) were limited. Nonetheless, this matter will also need to be considered in the 2008/09 policy review.

Accordingly, until Recreation Policy 13 is reviewed, it will need to be appropriately applied. Fortunately, there are still many bushwalking opportunities within the water supply catchments (outside the protection zones) in Perth that you will be able to enjoy. I encourage you to continue your activity in those areas and be an active participant in the policy review later next year. The DoW is already collecting issues to be addressed in the review and you should forward your issues to the following email address [drinkingwater@water.wa.gov.au](mailto:drinkingwater@water.wa.gov.au) or to the Water Source Protection Branch at the Department of Water, PO Box K822, Perth WA 6842.

There are also many recreational opportunities, including off-track bushwalking downstream of existing water supply dams and areas outside water supply catchments.

As Minister for both Water Resources and Sport and Recreation, I have to balance the need to have safe drinking water while encouraging recreational activities such as bushwalking. Thank you for your interest and I encourage you to keep active in activities such as bushwalking.

Yours sincerely



**JOHN KOBELKE MLA**  
**MINISTER FOR WATER RESOURCES**

20 SEP 2007