

The Recreational Fishing Alliance of NSW

Promoting Sustainable Fishing



19 October 2020

The Hon. Adam Marshall MP
Minister for Agriculture and Western New South Wales
GPO Box 5341
SYDNEY NSW 2001

Recreational Fishing NSW Advisory Council's support for funding of irrigation fish screens

Dear Minister,

The Recreational Fishing Alliance of NSW (RFA) is concerned that the Recreational Fishing NSW Advisory Council (RFNSW) seems to support the use of money from the Recreational Fishing Trusts to solve problems with irrigators' impacts on fish populations—problems that are the responsibility of the NSW Government, other government agencies such as WaterNSW, and irrigators, and that should be managed under numerous existing legislations. RFNSW's position seems to be on the side of profit-driven agencies like WaterNSW and irrigators, at the expense of the not-for-profit recreational fishing public.

The RFA would like to draw your attention to the matter of pump and diversion screening as mentioned in the minutes of the February 2020 meeting:

5. Update on drought and bushfire recovery/rebuilding plans – b) Pump and diversion screening

NOTED:

- Matt Hansen led discussion on the need to reform the use of screens on irrigation pumps, which could play a key role in the native fish rebuilding process.*
- Council agreed that, on occasions, there will be a need for additional allocation of recreational fishing licence revenue, over and beyond the current 30%, to the Freshwater Trust. The need for additional funds has been demonstrated by the necessary response to the drought, bushfires and floods and associated fish kills. There is also the need to help finance essential modification to infrastructure that impacts on freshwater fish populations, such as screens on irrigation pumps.*
- It was acknowledged that transfer of \$1 million of funding from the Saltwater Trust to the Freshwater Trust had previously been supported by Council for important projects. RFNSW 3 supported the transfer of an additional \$1 million to the Freshwater Trust in 2019/20, noting that additional funds had not been transferred in 2018/19.*

ACTION: The Chair requested that RFNSW members with expertise in freshwater fisheries provide input to the letter to the Minister (to accompany the outcomes of Meeting 13) requesting transfer of funds from the Saltwater Trust to the Freshwater Trust.

ACTION: DPI to prepare an application to the Recreational Fishing Trust Expenditure Committees to initiate and hold a workshop/forum to discuss fish screening technology, address the barriers and fast track the adoption of fish screening on irrigation intake pipes. The outcomes of the workshop would contribute significantly to development of the framework for the White Paper, which would seek to outline

the implementation pathways for the broadscale adoption of fish screening technology across the range of current offtakes.

ACTION: RFNSW requested DPI to initiate development of the White Paper discussed at Meeting 12 with the future intention of presenting it to the Minister.

The RFA is concerned that the potential use of Recreational Fishing Trust funds for irrigation pump screens is at odds with the entire process of selling, storing and using water for profit in NSW. A 'White Paper' that could supposedly expedite the process will only lead to more delays. We already know the problem and we need action, not DPI's stalling tactics.

The harm caused by irrigation pumps is not new: 'In fact, millions of fish die each year, either by being sucked into dam storages and crop fields, or being lost in irrigation canals. NSW alone has more than 4500 irrigation pumps. In May 1946, the *West Wyalong Advocate* decried the "thousands probably millions of little Murray cod and other fish ... going to waste" in Leeton's irrigation canals off the Murrumbidgee River. Fifty years on, NSW Fisheries staff labelled as "hypocritical" the limit on an average angler's take when irrigators sucked up "large numbers" of fish and spawn with water pumps extracting 100 million litres or more each day. Worse, some irrigators sold their "illegal" harvest, a document from December 1995 shows.'¹

The RFA feels that the most significant issue that is overlooked is how this is allowed to happen under the *Fisheries Management Act 1994*, *Water NSW Act 2014*, *Protection of the Environment Operations Act 1997*, *Environmental Planning and Assessment Act 1979*, *Biodiversity Conservation Act 2016* and the *Local Land Services Act 2013*.

As a Minister who oversees the *Fisheries Management Act 1994*, can you explain how is it possible that we allow fish and other aquatic animals to be killed as part of irrigation water extraction when the various legislations listed above contain objectives that include the protection, restoration and enhancement of the environment and protection of fish and other aquatic animals? Even the extraction and storage of water must contravene the *Fisheries Management Act 1994* by allowing:

- The taking of prohibited size fish
- The trafficking of fish
- The possession of fish illegally taken
- Taking fish without a licence
- Interfering with habitat protection plans
- Offering no protection to spawning fish
- Damage to critical habitats
- Harming threatened species
- The possession of threatened species.

One of the objectives of the *Fisheries Management Act 1994* is to 'conserve key fish habitats'. The term 'key fish habitat' is not defined, yet DPI's own publications admit the need for improved clarity: 'following is an attempt to define what is meant by the term, to assist Departmental staff and

¹ <https://www.smh.com.au/environment/conservation/emerging-technology-could-solve-ludicrous-fish-loss-from-irrigation-20200522-p54vnq.html>

members of the public achieve the objectives of the Act and help ensure that the legislation can be applied consistently across the state'²

Any waterbody, if it is known to support or could be confidently expected (based on predictive modelling) to support threatened species, threatened populations or threatened communities should be protected under the provisions of Part 7 of the *Fisheries Management Act 1994*.

Irrigation pumps that extract water undoubtedly contravene many pieces of this and similar legislation, yet RFNSW's meeting minutes indicate that it believes that recreational anglers—who themselves must abide by regulations within the Act—should fund the mitigation of harm caused by commercial users of the resource.

RFNSW's intended actions (workshops and a White Paper) seems to ignore the environmental damage occurring contrary to multiple legislations, even though 'There is mounting evidence that significant numbers of fish (ranging from hundreds to millions) are being lost from rivers through water diversion'.³

For many years DPI has been aware of these issues and failed to act responsibly. Reports have been written by the Department's own experts as far back as 2007 'To quantify the occurrence of native fish in irrigation supply offtakes, to determine the size classes and composition of species that are affected by irrigation practices, to determine management strategies to help mitigate the effects of irrigation practices, to highlight knowledge gaps and determine areas for further research.'⁴

Immediate action and intervention is needed, not a government White Paper. That action must be taken using the legislation and regulations already available to the government to resolve one of the most pressing problems facing the freshwater fishery in NSW.

We ask you to take note of the RFA's alternate view to RFNSW's position stated in its meeting minutes. We also ask you to consider using the legislative instruments available to you that appear to have been overlooked.

We would also like to know if you intend to continue to allow the ongoing slaughter of fish and other aquatic animals under the *Fisheries Management Act 1994* and other relevant legislations.

Yours sincerely



Stan Konstantaras
President
Recreational Fishing Alliance of NSW

² <https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/key-fish-habitat-maps>

³ Development of fish screening criteria for water diversions in the Murray-Darling Basin. Boys, C., Baumgartner, L., Rampano, B., Robinson, W., Alexander, T., Roswell, M., Fowler, T., and Lowry, M., 2012. Fisheries Final Report Series 134, ISSN 1837-2112.

⁴ http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0005/185036/Baumgartner---The-effects-of-selected-irrigation-practices-on-fish-of-the-Murray-Darling-Basin.pdf