

ENVIRONMENT AND PLANNING DIRECTORATE

QUESTION TIME BRIEF

SUBJECT: NSW LEGISLATIVE AMENDMENTS RE YABBY TRAPS

KEY POINT:

- On 3 November 2014, NSW Department of Primary Industries introduced changes to the NSW recreational fishing rules which included allowing yabby fishing using hoop nets at Googong Dam.
- On the 26 November 2014, you wrote to the NSW Minister for Primary Industries, Katrina Hodgkinson MP, requesting a reversal of the NSW Government decision (14/26148). Your correspondence expressed ACT Government concerns regarding increased risk in the levels of pathogenic organisms in Googong Dam, lack of interjurisdictional consultation and non conformity with the Googong Foreshores Lease.
- On 19 December 2014, Minister Hodgkinson responded declining to revoke her decision citing extensive consultation without objection and a NSW Government view that the yabby fishing did not pose a high level of risk to the ACT Water supply.

ISSUES:

- Lack of intergovernmental consultation. Minister Hodgkinson's reply referred to "...*extensive consultation..*", "...*relevant staff of your department were specifically consulted..*" and "...*no objection to the proposal being received from the ACT Government during the consultation phase*". Territory and Municipal Services (TAMS), Icon Water and the EPD all confirm that they did not receive formal notification of the proposed changes nor were offered any formal briefing sessions.
- Water Quality and associated health risks. Icon Water's concerns regarding water quality are:
 - The consequence of pathogen contamination in potable water is serious, realistic and may result in hospitalisation and potential death.
 - Icon Water employs a multi-barrier approach to the water supply chain in which the first step is catchment management. Icon Water provides considerable resources in understanding and controlling risks across the supply chain and views the introduction of yabby nets as an additional, and as yet, unassessed risk.
 - Icon Water has allocated financial and human resources to work with local landholders on raising awareness of pathogenic contamination, auditing and rectifying all onsite sewage management systems, conducting training programs and funding fencing to exclude cattle from creek lines plus riparian restoration and bank stabilisation works. The proposed rule changes to expand yabby fishing is in conflict with the intent of these programs.
- Googong Lease. EPD and Icon Water are of the opinion that the proposed rule change is an additional type, and pattern, of recreational use and therefore contrary to the Googong lease.
- Ministerial Brief (15/00316) recommends that you write to the NSW Minister for Primary Industries, Katrina Hodgkinson MP, and request the risk assessment and/or analysis that NSW Department of Primary Industries completed in order to arrive at the conclusion that yabby fishing did not pose a high level of risk to the ACT Water supply, or alternatively establish an officer level working group to complete such an assessment.