


ACT
 Government

Environment and Planning

Objective File No 14/26148

Rec'd Minister's Office .../.../...

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UNCLASSIFIED

To: Minister for the Environment

 From: Director-General ✓ 15/11/14
 Executive Director, Environment 12/11/14

Subject: Yabby Trapping in Googong Dam

Critical Date

Critical Reason: In the course of normal business

Purpose

1. To brief you on recent actions by the NSW Department of Primary Industries to allow yabby trapping with hoop nets in Googong Dam and the implications for the Territory.

Background

2. On 3 November 2014, NSW Department of Primary Industries introduced changes to the NSW recreational fishing rules which included opening up Googong Dam to yabby fishing using hoop nets.
3. According to the NSW Department of Primary Industry the change in rule for yabby fishing resulted from requests by anglers to expand the number of impoundments where yabby fishing is permitted.
4. A discussion paper on recreational fishing rules was released for public comment between May and August 2013. The paper included a proposal to broaden the existing rule about the taking of freshwater yabbies in Lake Eucumbene and Lake Jindabyne only to also include Lake Lyell, Lake Wallace and Googong Dam.
5. While the ACT Government manages Googong Foreshores, all NSW legislation, unless inconsistent with Commonwealth legislation, applies to the Googong Dam area, including the (NSW) *Fisheries Management Act 1994*, under which the recent changes are made. Enforcement of NSW fisheries law is carried out by NSW Government agencies.
6. The origins of the Googong Dam derive from the Commonwealth *Seat of Government Acceptance Act 1909*, which gives the Commonwealth paramount rights to the waters of the Queanbeyan and Molonglo Rivers for the purposes of the ACT. Following from this Act, the Commonwealth *Canberra Water Supply (Googong Dam) Act 1974* provides the main source of powers for the Territory, which is largely limited to the planning and provision of infrastructure to supply water to the ACT. Under these arrangements, the Territory has a lease from the Commonwealth for the use of the Googong Foreshores for water supply and associated appropriate uses.

Performance Assessment

DUE DATE:/...../..... DATE RECEIVED:...../...../.....

SATISFACTORY

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According to criteria specified in ACT Government Policy Performance Measures

Signature / /

Issues

7. The introduction of yabby fishing in the Googong Foreshores is inconsistent with the conditions of the lease with the Commonwealth. Clause 4.1(e) of the Googong Lease requires that the Foreshores must only be used for the existing type of recreational use occurring in the area at the time of the signing of the lease in 2008.
8. There was no formal consultation with the ACT Government about the proposed changes or advice provided about the intended implementation arrangements for the new fishing rules.
9. The two other impoundments where yabby fishing has been extended are Lake Lyell and Lake Wallace, both of which are not used to supply potable water. Similarly, no water supply dams in the Sydney water supply catchment are open to yabby fishing. Yabby fishing is already permitted in ACT urban lakes and non-reserved rivers and streams, providing alternative fishing options to Googong Dam.
10. This is clearly an issue that would have benefited from consideration in the context of the proposed establishment of an ACT and NSW cross border catchment management coordination group. This Directorate is working with Chief Ministers, Treasury and Economic Development Directorate (CMTEDD) to put in place interim arrangements for the coordination group.
11. It is proposed that you write to the NSW Minister for Primary Industries, Hon Katrina Hodgkinson MP seeking a reversal of the decision to permit yabby fishing in Googong Dam due to the conflict with existing lease conditions and the management objectives for the Googong Foreshores (Attachment A).

Financial Implications

12. While this fishing rule remains in place, there are financial implications for the Territory relating to additional management requirements for the Googong Foreshores.

Directorate Consultation

13. Territory and Municipal Services Directorate (TAMS) was consulted about its views on the impact of yabby fishing on the management of Googong Foreshores. Their main concern in allowing yabby fishing in Googong is that some members of the public may go to extremes and use whole carcasses (e.g. road kill, dead sheep, etc.) as a lure to attract yabbies to the area where hoop nets are placed. This has the potential to be a water quality issue resulting in a heightened risk of water pathogens entering Googong waters. TAMS also advise that infected lures (animal carcasses) have the potential to spread viruses through fish stock in the Dam. TAMS also express concern about the management implications of yabbing, with increased requirements for monitoring and enforcing legal fisher behaviour, including after-hours illegal trap setting.
14. CMTEDD were also consulted as this is an intergovernmental issue.

External Consultation

15. ACTEW Water was consulted about the water quality impacts of yabby fishing. They have advised that yabbing is inconsistent with the management of Googong Dam as a potable water supply and seek reversal of the decision (Attachment B). The NSW Department of Primary Industries was also consulted to confirm that there was no formal consultation with the ACT about the change.

Benefits/Sensitivities

16. This issue is sensitive because the recently finalised Googong Foreshores Plan of Management does not include the changed arrangements. Management staff at Googong Foreshores were also unaware of the changes and remain unclear in how to deal with the public who may now wish to fish for yabbies in Googong Dam.
17. It is clearly a sensitive issue for ACT /NSW cross border relations as this change was brought into effect without formal reference to the ACT. It is our preferred position that yabby fishing in Googong Dam not be permitted given the sensitivity of the area as a drinking water supply catchment for the ACT.

Media Implications

18. The issue is likely to attract media attention if the NSW Government agrees to reverse its decision. A communication strategy would be prepared at that time for your consideration.

Recommendation

That you:

- note the information contained in this brief; and
- agree to write to the NSW Minister for Primary Industries, the Hon Katrina Hodgkinson MP (Attachment A) seeking reversal of the decision to permit yabby fishing in Googong Dam.

AGREED/NOT AGREED/NOTED/PLEASE DISCUSS

Simon Corbell MLA/...../..... 19.11.14

Minister's Comments

M. Kendall

12/11/14.

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