

RFA Response to request by Floodplain Harvesting Committee for all correspondence relating to Floodplain / Water Harvesting Issues:

<http://www.rfansw.com.au/nsw-and-federal-government-correspondence-submissions-and-issues-updates/>

**1. RFA to NSW and federal politicians regarding floodplain harvesting**

**Date sent:** 22 July 2021

The RFA has written to a number of state and federal politicians regarding floodplain harvesting and its impact on native fish, especially threatened or endangered species such as Murray cod, trout cod, Macquarie perch and silver perch. Floodplain harvest intercepts over-land flows from the floodplains surrounding main river channels and stores the water in on-farm dams for irrigation of broadacre crops, mostly cotton. Floodplain harvesting has never been regulated, monitored, or measured in NSW. The NSW Government is in the process of licensing floodplain harvesting for the first time and recreational anglers have significant concerns that need to be addressed.

Over-harvesting of any natural water flows of water across a catchment has significant impacts on a freshwater aquatic ecosystem, in particular aquatic plants, fish and the food web that supports so much life.

Letters have been sent to the following. All letters were similar to the letter in the first link.

[Melinda Pavey, NSW Minister for Water](#)

Matt Kean, NSW Minister for Environment

Keith Pitt, Federal Minister for Water

Sussan Ley, Federal Environment Minister

Roy Butler, NSW Member for Barwon

Helen Dalton, NSW Member for Murray

Robert Borsak, NSW Upper House

Cate Faerhmann, NSW Upper House

Justin Field, NSW Upper House

Mark Pearson, NSW Upper House

Clayton Barr, NSW Opposition Spokesperson for Water

Michael Daley, NSW Lower House

Penny Sharpe, NSW Upper House

Mick Veitch, NSW Lower House

Mark Latham, NSW Upper House

Rod Roberts, NSW Upper House

2. **RFA to Minister Adam Marshall and other NSW Ministers regarding irrigation pumps killing fish in NSW waterways**

**Date sent:** 18 October 2020

The RFA has written to [Minister Adam Marshall](#), and to [Ministers Melinda Pavey, Damien Tudehope and Treasurer Dominic Perrottet](#) expressing concerns that problems with irrigation pumps killing fish in NSW waterways just show a complete failure of multiple existing legislations which supposedly protect fish. The RFA also queries whether recreational fishers' licence money should be spent fixing a problem that recreational fishers didn't cause. [Minutes of the Recreational Fishing Trusts](#) show that the Trusts recently approved the expenditure of \$148,000 of rec fishing licence money to convene "a stakeholder forum to provide an opportunity for knowledge and ideas exchange between local irrigation districts, water managers, the broader scientific and engineering communities and other regional stakeholder communities, including recreational fishers."

**Outcome:**

[Letter received from Minister Adam Marshall](#)

[Follow up letter from RFA to Minister Marshall](#)

[Letter received from Minister Pavey](#)

[Further follow up letter from RFA to Minister Pavey](#)

[Further follow up letter from RFA seeking response from Minister Marshall](#)

(Attached Pavey Response)

(Attached Marshall Response)

**RFA to NSW to Fisheries Scientific Committee in relation to its ruling of 24 May 2002**

**Date sent:** 31 July 2021 (Attached)

The RFA wrote to the Fisheries Scientific Committee in relation to its ruling of 24 May 2002 on Key Threatening Process - Installation and Operation Of Instream Structures And Other Mechanisms That Alter Natural Flow Regimes Of Rivers And Streams.

The Recreational Fishing Alliance of NSW (RFA) wishes to pursue matters that the NSW Government has apparently failed to address, namely whether killing of fish and other aquatic organisms through irrigation pumps contravene existing laws, including 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 and who is liable for any offences associated with the killing of fish and other aquatic organisms through irrigation pumps.

**Outcome:** No Response to Date

#### **4. Email to Natural Resource Access Regulator 9<sup>th</sup> May 2022**

Dear NRAR Board,

Please find attached a letter from the Recreational Fishing Alliance of NSW. The Recreational Fishing Alliance of New South Wales (RFA) seeks advice on;

- \* whether the killing of fish and other aquatic organisms through irrigation pumps contravene existing laws, including 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
- \* who is liable for any offences associated with the killing of fish and other aquatic organisms through irrigation pumps
- \* whether the use of recreational fishing trust funds under section 233 of the Fisheries Management Act to meet the cost of installing screens on irrigation pumps to prevent the killing of fish and other aquatic organisms is permitted under that Act, and
- \* what remedies are available to prevent further killing of fish and other aquatic organisms through irrigation pumps.

The RFA believes that because of its role in the control of irrigation in NSW, WaterNSW is responsible for the millions of fish that die each year, and we wonder how this is allowed to continue, considering multiple legislations that ostensibly protect fish and habitat. The unregulated killing of fish and aquatic animals has impacts for the recreational anglers of NSW who pay a fee to fish, and it will continue to have environmental impacts if it not addressed immediately.

Can you provide some advice on this important matter.

The links to Ministerial correspondence is listed below and the most recent response from Minister Pavey is attached and is akin to saying the NSW Government is not responsible or should take action to reduce the road toll because it did not build the cars.

Kind Regards  
Stan Konstantaras  
RFA of NSW

#### **Response**

Dear Mr Konstantaras

Thank you for your emails dated 9 May and 30 June 2021 in regards to irrigation screens and fish/aquatic animals near water pumps on behalf of the Recreational Fishing Alliance.

I apologise for the delay in responding.

NRAR does not have responsibilities for the issues you have raised or the enforcement of the legislation you refer to.

The issues and legislation are within the remit of the Department of Primary Industries (Fisheries), I have passed your correspondence to them for their direct response to you.

Kind regards

Beth

Beth Williams

Senior Project Officer

Natural Resources Access Regulator (NRAR)

Department of Planning Industry & Environment