

The Hon. Niall Blair, MLC
Minister for Primary Industries
GPO Box 5341
SYDNEY NSW 2001



Sent by email to: office@blair.minister.nsw.gov.au

Dear Minister

Re: Annual Performance Report for the Shark Meshing (Bather Protection) Program

The NSW Shark Meshing (Bather Protection) Program (SMP) operates under two Joint Management Agreements (JMAs) and a management plan, which provides for improved environmental outcomes.

As required by Section 221Y of the *Fisheries Management Act 1994*, the Fisheries Scientific Committee's (FSC) role regarding the JMA is to:

- (1) conduct a review of the performance of all parties to the joint management agreement, and
- (2) advise the Minister of any deficiencies in implementation of the joint management agreement by any party to it.

The FSC has reviewed the performance of all parties as outlined in the SMP 2014-15 Annual Performance Report. An assessment of the program by the FSC is important because the SMP is listed as a Key Threatening Process for several species of sharks and other non-target species. The FSC was pleased to note a 78% live release rate of batoids captured in the SMP and recommends that funding be made available for expansion of the trials for mid-water setting of nets to other zones and/or other contractors.

The FSC has significant concerns about the scientific and research aspects of the SMP, under-utilisation of resources for the observer program and continued use of resources for the aerial survey program. The observer program is essential to ensure accurate reporting of net captures and identification. The aerial survey program is discredited on page 24 of the SMP 2014-15 Annual Performance Report, page 29 of the SMP 2013-14 Annual Performance Report, page 28 of the 2012-13 Annual Performance Report and page 37 of SMP 2011-12 Annual Performance Report as well as in Robbins *et al.* (2014). On numerous occasions in Table 4, lack of funding is explicitly stated as a factor limiting the SMP's capacity to deliver on key elements of the strategic research program. These research programs are required under the JMA, and the lack of resources for them is a clear deficiency. The FSC strongly recommends that funds allocated to aerial surveys should be directed to priority research outcomes and enhancing the utilisation of the observer program. The FSC also notes that because aerial surveys under-report shark presence and abundance, these surveys can mislead the public and lead to a false sense of security.

The FSC has concerns about the loss of nets from five locations on 24th April 2015 and the subsequent likelihood of ghost fishing. There is no information about any attempt to recover the

gear either through location of the pingers, whale alarms or other methods. A loss of gear of this magnitude should trigger a management review.

The failure to analyse any genetic samples to verify species identification from captured individuals, which is stated to be due to lack of funding, is of particular concern. The FSC is particularly concerned about individuals recorded as Smooth Hammerhead Sharks, which were the most abundant shark species captured in the program. Such verification is essential for the discrimination of species that are difficult to identify in the field, such as the three hammerhead shark species. The continued lack of genetic verification of identifications is a clear deficiency.

The Committee questions the lengthy delay in reporting on the trigger points which have been tripped as described in Section 1.6. Delaying reporting on these trigger points for up to four years is not conducive to improved management.

The Committee trusts that the specific reporting and analyses on the key issues identified in its SMP 2013-14 Annual Performance Report letter will be dealt with in the five-year annual review expected in late 2015, as few, if any of them, have been addressed within this annual performance report. In addition, the FSC requests a specific analysis of SMP data to assess regional and temporal differences in Grey Nurse Shark and other threatened species interactions in the SMP.

Yours sincerely

Assoc. Prof. Mark Lintermans
Chairperson
Fisheries Scientific Committee
27th August 2015

References:

Robbins, W.D., Peddemors, V.M., Kennelly, S.J. and Ives, M.C. (2014) Experimental evaluation of shark detection rates by aerial observers. *PLoS ONE*, **9**(2): e83456.