



# 2017 Joint Management Agreement for the Shark Meshing (Bather Protection) Program

## Frequently Asked Questions

August 2017

### What is this about?

The Department of Primary Industries – Fisheries (DPI) and the Office of Environment and Heritage (OEH) reviewed the two 2009 Joint Management Agreements (JMAs) for the Shark Meshing (Bather Protection) Program (SMP) and publicly exhibited the review in 2016. Before entering into a new JMA, both the Minister for Primary Industries and the Chief Executive (or delegate) from OEH must consider all written submissions received during the public exhibition period. Based on the review and the submissions received, a new JMA and Management Plan has been finalised and is being implemented.

### What is the Shark Meshing (Bather Protection) Program?

The NSW Shark Meshing (Bather Protection) Program (SMP) was introduced on some Sydney beaches in 1937 in response to community concern about the number of shark bites, many of which were fatal. The program has expanded over time to cover 51 of the State's most popular bathing beaches between Newcastle and Wollongong. Between 1 September and 30 April each year, DPI contractors deploy nets below the surface in about 10 to 12 metres of water, within 500 metres from shore. The nets are 150 metres long by 6 metres deep and have a mesh size of 60 cm.

### What is a Joint Management Agreement?

The Minister may enter into a Joint Management Agreement (JMA) with one or more public authorities for the management, control, regulation or restriction of an action that may impact threatened species, populations or ecological communities.

The SMP has been successful in reducing the number of shark bites at meshed beaches, but has an environmental impact on threatened marine species and is listed as a key threatening process under the State's threatened species legislation; the *Fisheries Management Act 1994* and the *Threatened Species Conservation Act 1995*. The SMP aims to find a balance between providing an important public safety measure while reducing environmental impacts.

In 2009, the Government reviewed the SMP and introduced new management arrangements for the program. Since August 2009, the program has been authorised by and managed in accordance with two JMAs: one under the *Fisheries Management Act 1994*, and the second under the *Threatened Species Conservation Act 1995*. The agreements are underpinned by a Management Plan. The agreements and plan were developed between DPI and OEH in collaboration with stakeholders and were subject to public comment.

### Why was a review required?

In accordance with the JMAs, those agreements from 2009 must be reviewed after five years. A review of the JMAs were conducted in 2015 by DPI and OEH, which recommended numerous amendments to the agreements, including consolidating the two agreements into a single agreement and updating the Management Plan. Before entering into a new JMA, the Minister for Primary Industries and the Chief Executive of OEH must give the public an opportunity to make submissions on the draft agreement, and all written submissions must be considered prior to finalising the JMA.

## When was public consultation conducted?

DPI and OEH jointly developed and publicly exhibited a revised draft JMA and an associated draft Management Plan for the SMP from 21 February to 31 March 2016.

## What were the results from the public consultation?

Twenty-five submissions were received. A range of issues were raised in submissions, many of which are not directly relevant to the JMA and Management Plan for the SMP, such as collection of beach use data and the review of the use of aerial surveillance. Submissions were generally supportive of one new JMA and suggested changes to trigger points in the draft JMA, but some requested further research and modelling into trigger points to assess their effectiveness. Several submissions noted concerns with the definitions used in the JMA and Management Plan, particularly in relation to 'target sharks'. Further details are in the Summary of Submissions Report which is available on the DPI website.

## What amendments have been made to the final JMA and Management Plan?

The two 2009 JMAs for the SMP have been replaced with a single JMA in accordance with s.221W(3) of the *Fisheries Management Act 1994*.

The key changes are that the definitions of "non-target species", "shark meshing" and "target sharks" have been amended. A variation to the start and end dates of meshing seasons has also been inserted to allow for seasons commencing and concluding on a weekend (i.e. the nets may be set up to 2 days before 1 September or retrieved up to 2 days after 30 April). A number of other minor editorial amendments have also been made to the JMA and Management Plan.

## What next?

The final JMA and Management Plan have now been enacted and are being implemented. The next SMP season will commence on 1 September 2017 and will operate under the new JMA and Management Plan. The next 5-year review will commence in June 2022 unless there is a need to amend the JMA or Management Plan beforehand.

## Where can I get more information on the SMP?

Visit the DPI website: [www.dpi.nsw.gov.au/fisheries](http://www.dpi.nsw.gov.au/fisheries)

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