

NSW SCIENTIFIC COMMITTEE

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms McNally,

Under the *Threatened Species Conservation Act 1995* (TSC Act), the NSW Scientific Committee is required to conduct an annual review of the performance of all parties to Joint Management Agreements and provide comments to the Secretary of the Department.

The Scientific Committee has reviewed the Shark Meshing (Bather Protection) Program (SMP) 2014-15 Annual Performance Report. With mortalities of protected species again reported, the Committee maintains its concern about the impact the SMP has on protected and threatened marine species in NSW. The Committee notes that there continues to be more interactions reported with non-target (77%) compared to target (23%) species and suggests that the effectiveness of the SMP on target species should be weighed against the evidence of its relatively greater impact on non-target species.

The Committee notes the confirmed deaths of an entangled Hawksbill Turtle (listed as Vulnerable in Australia), four Green Turtles (listed as Vulnerable in NSW) and three Common Dolphins (protected in NSW). The Committee also notes that the entanglement of 4 Green Turtles and 3 Common Dolphins in 2014-15 resulted in the tripping of two trigger point since ten Green Turtles and four Common Dolphins were also entangled in 2013-14.

As stated previously by this Committee, trigger points should be sensitive to the population parameters of particular species. However, as they are currently set, trigger points are too coarse to initiate an effective change in management for species with declining or recovering populations. In addition, trigger points currently take no account of the different threat categories in which a species is listed. More sensitive trigger points should be set for species listed as Endangered or Critically Endangered, where life history traits (e.g. late maturation, low fecundity, small population size) and low population numbers already predispose species to significant impacts from anthropogenic sources of mortality. The Committee therefore once again urges a review of the scientific basis for setting trigger points, taking into account population size, demographic structure, breeding biology and the cumulative effect of other anthropogenic sources of mortality affecting each non-target and threatened species that interacts with the SMP. Both the NSW Scientific Committee and the Fisheries Scientific Committee have raised concern regarding the trigger points in comments on a number of JMA Annual Reports. This Committee hopes to see those concerns addressed in the forthcoming review of the JMA and Management Plan.

The Committee believes that the Observers play an important role in the SMP, including the collection of biological samples. The Committee welcomes the continued collection of biological information and samples from entangled vertebrates as part of the SMP and would like to encourage greater liaison

ESTABLISHED UNDER THE THREATENED SPECIES CONSERVATION ACT 1995

Contact Address: C/o PO Box 1967 Hurstville BC NSW 1481

Telephone: (02) 9585 6940 Facsimile: (02) 9585 6606

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with the Australian Museum to ensure that where possible maximum long-term scientific value can be gained through the permanent archiving of specimens and/or biological samples. The Committee is concerned about the decline in funding for the Observer Program and that Observers were present on only 29% of the net checks. The report indicates that part of the funding was redirected to other programs. The Committee recommends that additional funds be provided to significantly increase and at least double the number of times there is an Observer present on net checks. In addition, we would appreciate information included in the monthly reports that allows a comparison of the catch (by species) during days when an observer is present and days when there is no observer present and that the monthly reports also include the dates on which each net was inspected.

The Committee notes the Statement on page iv that "This Annual Performance report has not identified a need for any amendments to the Management Plan or the JMA". This statement is inappropriate as it pre-empts any issues arising from the Review reports on the trigger points tripped in 2014-15 re Green Turtles and Common Dolphins. We note that these Review reports have not yet been prepared. Furthermore, Review reports of trigger points from previous years (e.g. 2013-14 re Humpback Whales) have also not been prepared. The Committee is aware that point 47(5) of the Management Plan enables the above statement to be made while "any unmet timeframes or triggered performance indicators are being considered through formal review processes". However, we do not think it was the intent, nor that it is acceptable, that this claim can continue to be made in each subsequent annual report until the review report is eventually prepared. As there is no timeframe specified for the preparation of a review report this claim could continue to be made indefinitely.

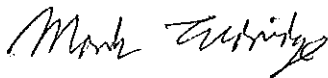
For this reason, in the forthcoming review of the JMA and Management Plan we would like to see a deadline of 6 months included for any review reports prepared under Section 8.4 of the JMA and Point 47(5) should be removed from the Management Plan.

While the Committee understands its statutory responsibilities pertain to marine mammals and reptiles (as listed under the *Threatened Species Conservation Act 1995*), we remain concerned about the impacts of the shark meshing program on species listed under the *Fisheries Management Act 1994*, in particular the Critically Endangered grey nurse shark (*Carcharias taurus*). The Committee will continue to raise its concern regarding the SMP in order to assist in improving the operation of the Program in relation to mitigating impacts on non-target marine species.

Finally the Committee wishes to stress the importance of evidence-based criteria in the SMP. Scientific evidence is required to determine the effectiveness of the whale and dolphin pingers attached to the nets, the assessment of shark abundance or aggregation at netted vs un-netted beaches, and the fate of different species under the 'released alive' category.

This letter is provided in accordance with section 122 of the TSC Act. A similar letter has been forwarded to Mr Terry Bailey Chief Executive, Office of Environment and Heritage for his information.

Yours sincerely



Dr Mark Eldridge
Chairperson
NSW Scientific Committee

18 SEP 2015