

NSW SCIENTIFIC COMMITTEE

Mr Anthony Lean
Chief Executive
Office of Environment and Heritage
PO Box A290
SYDNEY SOUTH NSW 1232

Dear Mr Lean,

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 a Joint Management Agreement (JMA) and provide comments to the Secretary of the Department.

The Scientific Committee has reviewed the Shark Meshing (Bather Protection) Program (SMP) 2015-2016 Annual Performance Report. With mortalities of threatened and protected non-target 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 substantially more interactions reported with non-target (82%) compared to target (18%) species and that the rate of non-target interactions has increased from 77% in 2014-2015. This calls into question the effectiveness of the SMP as a means of impacting target species and contradicts its stated objective to minimize the impact on non-target species.

The Committee notes the confirmed deaths of 5 entangled Hawksbill Turtles (listed as Vulnerable in Australia), 11 Green Turtles (listed as Vulnerable in NSW), 2 Loggerhead Turtles (listed as Endangered in NSW), 1 Leatherback Turtle (listed as Endangered in NSW), as well as 9 Bottlenose Dolphins and 4 Common Dolphins (both protected in NSW). The Committee notes that this death toll has resulted in the tripping of two trigger points in 2015-2016 for Common Dolphins and Hawksbill Turtles. It is concerning that in 2014-2015 trigger points were also tripped for Common Dolphins and Green Turtles. The Committee is concerned by the apparently increasing toll the SMP is having on threatened and protected marine mammals and reptiles, as well as the delay in completing the Review Reports resulting from the tripping of the above trigger points.

While the use of 72 hour net inspection frequency is an improvement on the previous 96 hour cycle, there is a continuing unacceptably high death rate of entangled marine mammals and reptiles. This would be reduced if net inspection times could be reduced to 24-48 hours.

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 which remain unresolved.

NSW SCIENTIFIC COMMITTEE

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 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 that Observers were present on only 34% 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.

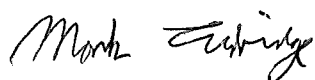
The Committee notes the Statement on page iv that "This Annual Performance report has not identified a need for any amendments to the Management Plan or the JMA". This statement is inappropriate as it pre-empts any issues arising from the still to be completed Review Reports on the trigger points tripped in 2014-15 re Green Turtles and Common Dolphins, as well as the Review Reports on the trigger points tripped in 2015-2016 for Hawksbill Turtles and again for Common Dolphins. The Committee believes that the delay in preparing these reports is unacceptable and that they need to be prepared as a matter of urgency.

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 again stress the importance of evidence-based criteria in the SMP. Scientific evidence continues to be required to determine the effectiveness of the whale and dolphin pingers attached to the nets (especially in light of recent frequency adjustment), the assessment of shark abundance or aggregation at netted vs un-netted beaches, and the fate of different species under the 'released alive' category.

A similar letter has been forwarded to Ms Carolyn McNally, Secretary, Department of Planning and Environment.

Yours sincerely



Dr Mark Eldridge
Chairperson
NSW Scientific Committee

20 JUN 2017