

FISHERIES MANAGEMENT AND PLANNING LEGISLATION AMENDMENT (SHARK MESHING) BILL 2008

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Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.21 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Fisheries Management and Planning Legislation Amendment (Shark Meshing) Bill 2008 makes practical and effective changes to the New South Wales Shark Meshing (Bather Protection) Program.

The bill achieves this by improving and streamlining the environmental management and assessment requirements of the Shark Meshing Program.

The Program operates at 51 busy surf beaches between Wollongong and Newcastle.

It's aim is to deter dangerous sharks from establishing territories in waters where the Program operates.

The Program does this through the use of specially designed nets.

These nets reduce the threat of dangerous shark attacks whilst at the same time aiming to have minimal impact on other marine species.

Since shark meshing was introduced in 1937, there has been just one human fatality on a meshed beach in the thirty years prior to this there was approximately one death per year from shark attacks.

The bill ensures that this effective Program will continue.

Currently, the Shark Meshing Program is subject to environmental assessments that are overly complex and costly.

These assessments arise from requirements under the Environmental Planning and Assessment Act 1979 and the Fisheries Management Act 1994.

In practical terms this means a Fishery Management Strategy, an Environmental Impact Statement and a Species Impact Statement for the Program must be completed by 31 December 2008.

The Department of Primary Industries has estimated that these would take up to two years to complete and cost in excess of \$1 million.

Under existing requirements and without these assessments, the Shark Meshing Program would not be able to continue.

The proposed reforms will be achieved through a combination of minor amendments to the Fisheries Management Act 1994, the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. The agencies with responsibilities under the relevant New South Wales legislation have all worked together to develop a new environmental and impact assessment process.

The agencies include the Department of Primary Industries, the Department of Planning, and the Department of Environment and Climate Change.

Instead of the current costly assessment requirements, Joint Management Agreements have been developed under existing provisions of the Fisheries Management Act 1994 and Threatened Species Conservation Act 1995.

The Joint Management Agreements have been developed between the Department of Primary Industries and Department of Environment and Climate Change.

These Agreements have been developed in conjunction with an environmental assessment of the impacts of the program and this assessment will cost around \$150 thousand dollars to undertake.

This represents a significant saving, when compared to the estimated one million dollars plus the cost of three separate assessments which is currently required.

The proposed Joint Management Agreements have a particular objective this is to ensure that the Shark Meshing Program is managed in a manner that does not jeopardise the survival of threatened species, populations and ecological communities.

The draft environmental assessment will play an important role in achieving this objective.

To ensure the process is transparent, the Joint Management Agreements, the associated management plans and the draft environmental assessment will be placed on public exhibition before being finalised.

In addition, the Joint Management Agreements will be reviewed annually by the independent Threatened Species Scientific Committee and the Fisheries Scientific Committee.

These two independent committees will provide the responsible Minister and the Director General of the Department of Environment and Climate Change with an annual review.

The independent committees will advise of any deficiencies in the implementation of the Joint Management Agreements.

The advice from the committees will be incorporated into each Department's annual report to Parliament.

The New South Wales Government is committed to the ongoing public safety on our beaches and has clearly shown this through maintaining the Program for over 70 years.

However, concerns exist in the community about the impact of shark meshing on marine species such as whales, grey nurse sharks, turtles and dolphins.

The New South Wales Government is doing many things to minimise the impacts of shark meshing on marine life.

For example, the Program is suspended during the main whale migration season, between May and August each year.

In the last 58 years, a total of three whales have been caught with one being released.

These figures clearly indicate that removing the nets during the peak whale migration season is effective in reducing the impact of the Program on these mammals.

Further mitigation measures to help reduce the impact of the Program on these and other sea creatures such as dolphins and turtles, which all go to the surface to breathe, is to bottom set the nets on the ocean floor in about 10 metres of water.

Additionally, pingers and whale alarms are attached to the nets. These devices emit a sound wave which deters the mammals from the area.

The New South Wales Government continues to contribute to the long-term conservation of sharks.

This Government was the first in the world to protect the grey nurse shark when it was listed as a protected species in 1984. As a result, it is illegal to catch or possess a grey nurse shark without a permit.

We are pursuing people who kill grey nurse sharks in the courts. In August this year, one perpetrator was fined \$2000 for killing one of these sharks.

The New South Wales Government has also provided high level protection for the grey nurse shark at 10 declared critical habitat areas along the New South Wales coast that are subject to special fishing and diving rules.

The Government is also undertaking and supporting a number of research initiatives looking at a variety of shark species. I shall list just a few.

In relation to grey nurse sharks, research is being undertaken into their biology, numbers and movements.

Research is also seeking ways to reduce grey nurse shark interactions with recreational fishing equipment.

Another study is looking at the role of aquatic reserves in conserving wobbegong sharks.

Further, juvenile dusky whalers and bull sharks are being tagged and tracked to better understand their movements and responses to changes in environmental conditions.

Lastly, sandbar sharks, a mainstay of the New South Wales commercial shark fishery, will be tracked to better understand their numbers and distribution.

I want to finish by addressing a mistaken perception on the impact of the Shark Meshing Program on grey nurse sharks.

Indeed, a recent study by four eminent shark specialists suggests that the Shark Meshing Program poses a relatively low risk to grey nurse sharks.

The study was conducted on behalf of the Commonwealth Department of Environment, Water, Heritage and the Arts.

It found that changing the format of the Program will have little impact on the long term survival of these creatures.

Whilst the capture of non-target species is unfortunate I am confident the mitigation measures I have already listed above along with a constant review of the Program under these proposed new arrangements will contribute to reducing the impact on these species.

This bill will streamline the environmental assessment of the Shark Meshing Program it will address the overly complex assessment process that currently exists and it will reduce red tape and cut costs.

Most importantly, the bill will continue an important public safety measure, and does so in a way that lessens environmental risks to marine life.

I commend the bill to the House.