

Fisheries Management Amendment (Shark Management Trials) Bill 2016

Second Reading

The Hon. NIALL B LAIR (Minister for Primary Industries, and Minister for Lands and Water) (17:15): I move:

That this bill be now read a second time.

The Fisheries Management Amendment (Shark Management Trials) Bill 2016 provides a pathway for the proposed trial of shark mesh nets along the North Coast of New South Wales in time for the 2016-17 summer school holidays. Since 1937 the State Government's Shark Meshing Bather Protection Program has helped protect surfers and swimmers at 51 beaches between Newcastle and Wollongong. The time has come to trial this method at selected beaches on the North Coast and to test its effectiveness in the local environment.

Three shark attacks—or human-shark interactions, as they are more technically known—on the North Coast in less than a month has the local community looking to the Government to support them and reduce the risk of further incidents. Like the local communities on the North Coast, the New South Wales Liberal-Nationals Government is aware that there is a real and urgent need to implement trials as soon as possible. The clear message we have heard—whether from the local representatives who are part of our formal North Coast Stakeholder Shark Management Group or at our mobile community consultation centres—is that the community wants action.

Five beaches on the North Coast have been identified as sites for the North Coast shark net trial. They are Sharpes, Shelly and Lighthouse beaches near Ballina, Seven Mile Beach at Lennox Head and Main Beach at Evans Head. Each of these beaches is popular among surfers and swimmers and has been strongly favoured in recent community consultation and surveys. Online and independent random phone surveys were conducted to seek feedback on the locations of the North Coast trial and better understand how success will be measured from the community's perspective. Some 600 people participated in the phone poll and more than 5,400 people participated in an online survey or dropped in to a community stand in Ballina.

Consultation is showing that there is strong local support for the shark net trial. The phone poll of 600 Ballina and Evans Head residents produced strong results. Fifty-seven per cent were "extremely" or "very" concerned for the community about shark bites, 54 per cent felt the trial would have a positive impact on the community compared with 12 per cent who felt it would have a negative impact, and 63 per cent of surfers felt that the trial would have a positive impact. Results from our online survey and community stand in Ballina were similarly supportive of the trial, with 61 per cent of surfers believing it would be a positive initiative for the area.

Although no government can guarantee complete safety, our aim is to keep working with the local community to minimise the risk of shark attacks this summer and, importantly, to minimise any impact of the North Coast trial on the local environment. We have consulted broadly on the proposed trial on the North Coast with local government, Surf Life Saving NSW, local clubs, chambers of commerce, tourism operators, retail and businesses as well as with surfers and swimmers who use local beaches in the north. No government and no one measure can stop

shark attacks, which is why we are investing in new technologies, new ways and new ideas. From drones, sonar and VR4G mobile technology through to tracking sharks and alerting the public, the Department of Primary Industries is implementing a suite of measures to gain insights and transfer information to the public. As the Premier noted last week, New South Wales is leading the world in many of these measures.

The North Coast trial complements our existing \$16 million Shark Management Strategy and is intended to reduce the risk of further shark encounters.

Since 1 January 2014 there have been 41 reported shark attacks in New South Wales ocean waters—three were fatal, six resulted in serious injuries and 11 in minor injuries. These incidents include the three attacks on beaches on the North Coast since September this year. Marine life is important but the protection of human life and limb is a fundamental duty of every government. The New South Wales Government acknowledges this duty, as well as the change in community attitude towards the management of shark interactions.

Since the launch of the NSW Shark Management Strategy in October 2015 we have trialled a number of innovative and new approaches for the management of sharks. When it comes to protecting human life all options remain on the table and we will use every available method to protect swimmers and surfers. The basis of the strategy is to test and trial new and innovative methods to determine those that are most appropriate for beaches in New South Wales, and we are refining our approach as the trial results come in. For example, the trial of eco-friendly shark barriers at Lighthouse Beach and Lennox Head at Ballina was discontinued because the barriers could not be installed safely and could not withstand the dynamic ocean conditions at those beaches. I have no regrets as Minister in approving these eco-friendly shark barriers as they added to our knowledge base. I also have no doubt that innovative designers and manufacturers across Australia will study the results of the eco-barrier trials with a view to improving the capability of future versions. The use of Shark Management Alert in Real Time [SMART] drum lines has proven to be effective, with more than 42 sharks caught, tagged and released. As the outcomes of these trials become known we are changing and refining our approach and we will continue to use every available method to manage shark interactions. There is a real need for this bill, and to enact it now, if nets are to be urgently deployed ahead of the summer school holidays.

I will now outline the key elements of the bill. The Fisheries Management Amendment (Shark Management Trials) Bill 2016 aims to promote the safe use of our beaches by facilitating shark management trials. The current assessment process is complex and lengthy and includes requirements for consents, approvals, licences, permits and other authorisations under multiple pieces of legislation. The bill provides a pathway for me, as the Minister for Primary Industries, to approve trials of shark management measures, which includes nets, at beaches in New South Wales in accordance with a management plan. This alternative approval pathway will mean that multiple assessments and approvals will not be required under the Environmental Planning and Assessment Act 1979, Threatened Species Conservation Act 1995, National Parks and Wildlife Act 1974 and the Fisheries Management Act 1994.

The bill provides that an approved shark management trial will need to be conducted in accordance with a management plan prepared by the Secretary of the Department of Industry. The management plan will set out the area in which the trial is to be located, the period of the trial, and the shark management measure or measures to be used in the trial. The management plan is a key mechanism to minimise the impacts of shark management trials on marine species. Accordingly, management plans may also include information about performance indicators and

measures to monitor and assess the trial; risk mitigation and management strategies relating to environmental impacts, emergency response and public safety; contractor compliance requirements; observer program requirements; and monitoring and reporting on the trial.

In anticipation of issues raised by Mr Justin Field with my office, I can advise that the Department of Primary Industries [DPI] has committed to reporting on details of bycatch in nets during the trial of mesh nets on the North Coast. A trained DPI observer will be on board the contractor's vessel to observe and ensure accurate reporting of any trapped marine life and to document key information, including species type and status—alive or dead. The mesh nets will be checked daily by the contractor, weather and sea conditions permitting, or following reports of caught marine life such as from the public or via alerts from the SMART technology attached to the nets. As in the case with the current shark meshing program from Newcastle to Wollongong, contractors and observers will be required to report on the findings and regular reporting will be made publicly available as soon as possible on the DPI website whilst the nets are deployed during the trial period. Transparency in reporting is a key commitment for the trial period. A final report on the outcomes of the trial will also be made publicly available.

Any amendment to an approved management plan will require subsequent ministerial approval. In addition, the bill requires the management plan to be published on the department's website. This is evidence of the Government's commitment to ensuring that trials are developed and implemented in an open and transparent manner. The bill also makes it an offence to interfere with any shark management measure. The maximum penalty will be 200 penalty units or \$1,000 if a penalty notice is issued. The bill will sunset after five years, given that it is to enable trials. In the existing Greater Sydney Metropolitan Shark Management (Bather Protection) Program we have experienced effectively operating shark nets. Every year between September and April this program oversees the deployment of shark nets at 51 beaches between Wollongong and Newcastle. Since the announcement of the trial of shark nets on the North Coast, the Department of Primary Industries and the Office of Environment and Heritage have been collaborating on management options. Given the need for urgent action, my department has also been working closely with the Commonwealth Government.

The management plan for the North Coast trial being developed by the Department of Primary Industries will include information on the shark management measures to be used, the number of nets and how they will be deployed. The management plan for the first trial on the North Coast will include requirements for regular reporting, which will be available to the public on the DPI website. A final report on the outcomes of the trial will also be made publicly available. Deployment will be designed with the best mitigation measures in place to manage unintended impacts for fauna. Shark nets will be fitted with whale alarms and dolphin pingers to deter marine mammals from the netted area. The trial will be closely monitored to minimise any environmental impacts. In addition, a whale disentanglement plan will be developed, with qualified people identified to assist in any disentanglement.

As trials are approved and underway, they will be complemented by the NSW Shark Management Strategy. There is no single solution to reducing the risk of shark bites and no combination of approaches will guarantee all interactions will be prevented. Elements of the strategy include detection, deterrence, research and public education. The strategy is research-focused and aims to trial or develop new technology and to better understand shark movements and their association with other changes in the marine environment. Public education and community engagement remains a strong focus and the new app, SharkSmart, provides alerts, surveillance, information on sharks and advice for how swimmers and surfers can minimise their personal risk. Close

collaboration with Surf Life Saving NSW and professional lifeguards is critical to ensure all efforts to protect swimmers and surfers are coordinated.

Personal responsibility and protection play an important role in minimising risk. The NSW Shark Management Strategy includes funding for grants that have been awarded to accelerate development and testing of technology. Ultimately, reducing the risks of shark interactions is a shared responsibility and everyone has a role to play in making our oceans as safe as possible for swimmers and surfers. The New South Wales Government is leading scientific research into sharks and trials of shark management methods and technologies, and educating the community on shark safety. Local councils have a role to play in the long-term funding and implementation of the successful technologies. Surf lifesaving organisations will continue to be responsible for beach safety. Individuals should minimise the risk by following the recommendations on how to be shark smart.

We will work with councils and communities to assess outcomes and implement any findings or lessons learned from these trials. The New South Wales Government is committed to a scientific and evidence-based approach to the management of shark interactions. To date there has also been extensive consultation with the community through the NSW Shark Management Strategy. We will continue consulting with the community throughout the proposed North Coast trial. This Government is committed to doing everything it can to ensure the safety of beachgoers, swimmers and surfers. I commend the bill to the House.