



New South Wales

Fisheries Management Amendment (Shark Management Trials) Bill 2016

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Fisheries Management Act 1994* and a regulation under that Act to promote the safe use and enjoyment by the public of coastal beaches and other tidal waters by facilitating shark management trials.

The particular objects of this Bill, in relation to the shark management trials, are as follows:

- (a) to reduce the risk to swimmers posed by sharks,
- (b) to minimise the impact of shark management measures on fauna,
- (c) to inform future decision making about shark management.

A shark management trial is a trial of the use of one or more shark management measures. Each of the following is a shark management measure:

- (a) nets that are suspended in waters to protect swimmers from sharks,
- (b) any other thing that is used in or on waters to capture sharks or deter the incursion by sharks into waters that are frequented by swimmers.

The Bill permits the Minister to approve the conduct of a shark management trial in accordance with a management plan that is adopted in the approval. The approval is a ***trial approval***.

The Minister may approve a shark management trial only if the Minister is of the opinion that sharks pose a significant risk to the safety of swimmers in the area in which the trial is to be conducted.

The approved management plan for the trial is to specify:

- (a) the area in which the trial is to be conducted, and

- (b) the shark management measures to be used under the trial, and
- (c) the period of the trial (which must not exceed 12 months).

The Bill provides that a trial approval is authority to carry out the shark management measures, and other related activities (such as monitoring, reporting and research activities).

The amendments provided for by the Bill will automatically repeal 5 years after the date of assent.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Fisheries Management Act 1994 No 38

Schedule 1 [1] provides for the amendments described in the Overview.

The management plan for a shark management trial is to be prepared by the Secretary of the Department of Industry, Skills and Regional Development. Once a trial is approved, amendments to the trial period or the area of the trial (other than minor corrections) are not permitted. However, the Minister can authorise a new trial.

The amendments make it clear that activities carried out under an approved shark management plan do not require any other approval, licence, permit or authorisation under any Act or law. Specific legislative exemptions (such as exemptions from planning and threatened species requirements) are also provided for by the Bill.

The amendments also make it an offence to interfere with any shark management measures that are used under an approved shark management trial and provide for other matters relating to shark management trials.

Schedule 1 [2] is a savings provision that is consequent on the proposal for the amendments to be automatically repealed after 5 years.

Schedule 2 Amendment of Fisheries Management (General) Regulation 2010

Schedule 2 prescribes the penalty amount for the offence of interfering with shark management measures when that offence is dealt with by the issue of a penalty notice.