

Submission to the Senate Inquiry - The effectiveness of threatened species and ecological communities' protection in Australia.

In the management of key threats to listed species and ecological communities; the development and implementation of recovery plans; management of critical habitat across all land tenures; regulatory and funding arrangements at all levels of Government; and timeliness and risk management within the listings processes the State Governments of Australia are consistently failing. What is worse in the eastern states of NSW, Qld and Victoria they don't care.

In the example of the critically endangered Grey Nurse Shark (GNS) the NSW Coalition Government has shown clearly its total disregard for the science and the need to protect critically endangered species. The East Coast population of this shark was the first shark in the world to be protected.

Fish Rock and Green Island have long been recognised as critical habitat for the Grey Nurse Shark. Hypocritically, however, high impact fishing methods have been allowed in that habitat.

Bansemmer and Bennett had shown that Fish Rock was the key aggregation site for GNS on the East Coast of Australia but also the place where most incidences of retained fishing gear were recorded.¹ The latest population estimates of the East Coast GNS by Bansemmer and Bennett and Marcus Lincoln-Smith suggest a population of GNS at around 1250 while many scientists regard 5000 to be the point above which a species might be regarded as being endangered rather than "critically endangered".

Retained fishing gear can cause injury and even death to GNS through inability to feed or through septicaemia. The loss of just one breeding female at this stage is a tragedy.

Robbins and Peddemors conducted extensive bait and lure trials at Fish Rock and proved conclusively that GNS will take bait and are impacted to a lesser degree by jigs fished in the critical habitat especially benthic lures.²

In late 2010 the NSW Labor Government introduced a ban on bait and live bait fishing and plastic lures in the critical habitat zone at Fish Rock and Green Island as the GNS is known to relocate between the islands in the connecting open corridor between them.

There was an immediate uproar from local fishing groups who joined the curiously named ECOfishers and whose members in many cases supported the newly formed Shooters and Fishers Party. The political reality was that the National Party was in competition with the Shooters and Fishers for the same votes at the coming election and promises were made to remove the bait bans immediately upon the Coalition Government taking office after the coming election without any regard to threatened species status.

The incoming NSW Coalition Government removed the new protections and allowed all forms of fishing in that habitat including fishing with bait and live bait while a review was carried out over 3 months. The Review was supposedly into the science and community consultation.

In fact it took 16 months for a return to a ban on bait fishing at Fish Rock and Green Island.

There was no new science or a review of the science which the government held published during the 16 months.

The process which was carried out was unscientific, cynical and completely against the precautionary principle.

¹ by CS Bansemmer - 2010 - [Cited by 10](#) - [Related articles](#)

14 Feb 2010 – **Bansemmer, C. S. and Bennett, M. B. (2010) Retained fishing gear and associated injuries in the east Australian grey nurse sharks (*Carcharias taurus*): Implications for population recovery.**

² *Investigating the behavioural response of grey nurse sharks to recreational lures and baited lines.*

Drs Will Robbins & Vic Peddemors, Cronulla Fisheries Research Centre of Excellence

Rather than set in place protections for a threatened species despite “a lack of scientific certainty” as is encouraged under the EPBC Act this removal of protection was in the face of scientific proof developed by the Government’s own scientific research!

There were over 2000 submissions in the process but it did not come up with the result the Shooters and Fishers wanted. Over 1100 submissions supporting protection from AMCS and Project Aware were disqualified as form letters. Of the remainder 82% of submissions demanded increased protection with the most common request being 1500m sanctuary as recommended under the Stevens report. Approximately half of those identifying as fishers wanted increased protection with a similar amount for the local postcode submissions.

A Forum was then held at Coffs Harbour with representatives of fishing and conservation which was unbalanced with an extra 5 fishing interest reps at the last minute at the request of the Minister thus making it impossible to get agreement on the 1500m sanctuary proposal most favoured in the submission process. Conservation requests for a balancing number of delegates were refused.

In some conservationists’ opinion the meeting was farcical with constant interjection by fishers mocking conservation opinions. The conclusions reached by the facilitator were challenged after the record was sent out by him.

The facilitator had even tried to get one delegate from HSI to agree to a compromise after the meeting finally closed.

Bait fishing was consistently pursued by the fishing interests although they did recognise bait fishing as the highest impact method. At no time however did the fishers agree to give up bait fishing or any other method of fishing.

However Minister Hodgkinson explained in a letter to the Deputy Premier, Andrew Stoner, that there was common agreement that high risk fishing methods should be removed and that gave the compromise position of allowing other forms of fishing and no 1500m sanctuary.

It is notable that when the CEO of ECOfishers gave a guarded acceptance of bait fishing he was deposed and a local coalition of fishers took over and immediately called for a review of bait fishing in the area 50 metres from the rocks of the point near Green Island.

This call is not based on science but on recreational preferences and will certainly once again bring bait into the critical habitat at Green Island.

There is minimal policing of the regulations in any case. The South West Rocks Dive Centre take dive parties there every day of the year that it is safe to do so but have not seen a Fisheries boat at Fish Rock in two years.

Fisheries have two compliance officers to monitor the area between Diamond Head and Grassy Head on the Mid North Coast which is hopeless level of resourcing by the NSW Government.

While there is a ban on spearing dimersal fish at Fish Rock (frequently ignored) there is no such ban at Green Island. Recently a spearfisher who speared a mulloway there and foolishly tied it to his weight belt was grabbed by a GNS.

There have been two court cases where the defendants were not convicted of illegally spearing a GNS through alleging fearing an attack by one defendant and misidentification of the type of shark by the other.

In calling for a review of the recently announced critical habitat zone between Green Island and the shoreline to allow bait fishing the Government is claiming this is in line with the government’s policy of combining protection of threatened species with social amenity.

There should be no compromise of critical habitat for a critically endangered species just to allow occasional fishermen to fish in a particular, small, and hard to access area on a huge coastline. It is also obvious that boat fishermen will be able to fish the area on quiet days but that is not mentioned in the propaganda.

There has to be times when social recreational pursuits have to take second place to the survival of a species. Although the NSW Government allows shooting in National Parks it does not yet allow shooting of threatened species in national parks. Similarly it should not change lines on maps to alter critical habitat areas for fishers’ convenience.

There are estimated to be only around 1250 GNS left in the whole world. It is unscientific to risk extinction by allowing fishers to hook these sharks, especially female sharks in their key aggregation sites.

If this species had fur, big eyes and lived in trees there would be an international uproar.

This push to allow all forms of fishing in the critical habitat of a critically endangered species has nothing to do with science and everything to do with politics.

Incredibly the Federal Government which did nothing at all to help the GNS through all this was, until last week, prepared to give the EPBC Act protections to the very government which has such an appalling environmental record.

That record does not just cover its callous treatment of this shark. It includes allowing shooters, cabins, mountain bikes, horses and cattle in national parks and is now looking very seriously at the proposal to allow logging in national parks which has been a bastion for the survival of threatened species. The NSW government's record on coal and CSG mining is regarded as a betrayal of the environment as well as regional communities.

What government in its right mind would contemplate such madness as to give this mob the EPBC control and responsibilities?

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