



PDR: MC16-022734

Mr Duncan Leadbitter

Dear Mr Leadbitter

Thank you for your letter to the Minister for the Environment and Energy, the Hon Josh Frydenberg MP, concerning expansion of shark netting in Australian waters. Your letter was forwarded to me for reply.

State governments appropriately have primary responsibility for public safety and managing risks from sharks. The Minister has a legislated role to ensure that shark hazard mitigation activities are consistent with national environment law.

Most shark nets in NSW operate under the NSW Shark Meshing (Bather Protection Program). The Program has operated for over 75 years and involves netting of 51 ocean beaches between Wollongong and Newcastle. This program has operated continuously since before commencement of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and therefore, under section 43B of the EPBC Act, does not require approval under national environmental law.

New shark meshing activities in NSW which are not part of the existing program, however, do require consideration under the EPBC Act if they are likely to have a significant impact on nationally protected matters such as listed threatened species. Following an application from the NSW Minister for Primary Industries and Minister for Lands and Water, on 16 November 2016 the Minister granted the NSW Government an exemption under the EPBC Act to conduct the NSW North Coast Shark Meshing Trial. The exemption was granted to enable the NSW Government to commence the trial immediately in anticipation of the peak holiday and tourism season, when the beaches are most heavily used.

The exemption is limited to using nets for a total of six months during the 12 month trial period, and does not represent an ongoing approval for future shark hazard mitigation activities. In making his decision, the Minister balanced the interests of public safety, the potential impact on the economy through loss of tourism opportunities and the impact to the marine environment. A statement of reasons for the Minister's decision is available on the Department's website at: <http://epbcnotices.environment.gov.au/exemptionnotices>.

The trial design includes measures to minimise the impact of shark management activities on fauna occurring in the trial area. The Department will receive regular reports from the NSW Government on the implementation and monitoring of the trial, including research outcomes. Information regarding the progress and outcomes of the trial will also be made available on the NSW Department of Primary Industries webpage. The trial's research program is expected to

provide further information to assess the impacts and effectiveness of shark nets, which will help to design future shark mitigation strategies.

I note from your letter your professional and personal interest in how shark mitigation and deterrent measures are managed. The Senate Environment and Communications References Committee is currently undertaking an inquiry into the efficacy and regulation of shark mitigation and deterrent measures and is due to report by 30 June 2017. Information about the inquiry, including its terms of reference and how to make a submission, is available at [www.aph.gov.au/Parliamentary Business/Committees/Senate/Environment and Communications/Sharkmitigation](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Sharkmitigation). Submissions close on 3 March 2017.

Thank you for writing on this matter.

Yours sincerely

Kim Farrant
Assistant Secretary
Assessments (NSW, ACT) & Fuel Branch
19 January 2017