



Department of Primary Industries

Office of the Director General

DGPO16/142

14 OCT 2016

Mr Matt Cahill
First Assistant Secretary
Environment Standards Division
Department of the Environment and Energy
GPO Box 787
CANBERRA ACT 2601

Dear Mr. Cahill *Math.*

I refer to my Department's initial correspondence yesterday and wish to now formally advise that the NSW Government intends to conduct a six month trial of shark meshing on the North Coast of NSW due to the urgent and imminent threat from shark interactions to human life. The threat is of national interest as the Ballina-Byron Bay area of NSW is a major national and international recreation and tourism destination, and a gateway to the Gold Coast, Queensland and other regional locations. A primary driver of recreation and tourism in this region of Australia are the iconic surf beaches, offering a range of on-water recreation, tourism and sporting opportunities (swimming, surfing, surf schools, kayaking, kite surfing) and on-water events including Gromfest (young surfer competition), ocean swimming events, kite surfing competitions, amongst others.

The NSW North Coast attracts over 11 million visitors each year. The local tourism industry is worth more than \$3.4 billion annually to the national economy and supports around one in three jobs in the region. The local community have raised concerns about the impact on the economy and tourism-related businesses since the 'spike' in shark attacks occurred.

The major holiday and tourism season for this region from December through to April is fast approaching and urgent action is needed to address this threat to human life. The heightened public media on the most recent shark events is likely to impact on Australia's reputation as a tourism destination, with flow on impacts to the regional and national economy, including jobs and growth. The NSW Government has already received reports of planned on-water events being rescheduled elsewhere from the Ballina-Byron Bay region.

The NSW Government will shortly be seeking an urgent exemption in accordance with s.158 of the *Environment Protection and Biodiversity Conservation Act 1999*, subject to the finalisation of NSW approval processes. The details of the trial are under development, but may include several high risk beaches in the Evans Head to Byron Bay region where shark interactions have recently occurred.

I can advise that since 1 January 2014, 26 unprovoked shark interactions have occurred in NSW waters. Of these, three were fatal, six resulted in serious injuries, ten resulted in minor injuries and seven were uninjured. Two of the fatalities were on ocean swimmers, with the third being a surfer at Shelley Beach, Ballina in February 2015. White Sharks were identified

as responsible for 13 of the 26 unprovoked interactions, including the three fatalities and four of the serious injuries. Bull Sharks were responsible for the other two serious injuries.

Of those 26 unprovoked interactions, 13 occurred on the North Coast, five in the Mid North Coast, two in the Hunter and one in the Central Coast, Sydney and Illawarra respectively with three on the South Coast. These reports are from Department of Primary Industries (DPI) Fisheries records, the Australian Shark Attack File and the Global Shark Attack File.

Seven of the unprovoked interactions since 2015 have occurred in the area of the proposed trial; all on surfers. Of these, six involved Great White Sharks and one involved a Bull Shark.

There are currently no shark mesh nets in place on the NSW North Coast and installation of these nets is not wholly supported by the public. The NSW Government plans to consult with the community on the trial. After the trial, if there is wide public support for the continued use of mesh nets, the Commonwealth Government will be consulted further.

Shark meshing is not listed as a Key Threatening Process under the *Environment Protection and Biodiversity Conservation Act 1999*. However, the NSW Government recognises that the proposed trial will impact on some matters of national environmental significance, namely threatened and protected species and migratory species. The monitoring of the trial will provide data and information to more accurately gauge the level of that potential impact and would underpin any future assessments or proposals.

Public safety is a responsibility of all governments. Shark attacks are not specific to NSW and are considered a national issue where state and commonwealth governments need to work cooperatively to ensure the protection of beach users from shark interactions.

My Department will keep you informed of progress on the NSW approvals process for this trial and the associated timeframes required.

Yours sincerely

SCOTT HANSEN
DIRECTOR GENERAL



Australian Government

Department of the Environment and Energy

Dr Geoff Allan
Deputy Director General
DPI Fisheries
Locked Bag 1
NELSON BAY NSW 2315

Geoff

Dear Dr Allan

Thank you for your letter of 6 October 2016 regarding actions the New South Wales Government proposes to take to protect public safety, particularly on the North Coast.

You have sought confirmation from the Department of the Environment and Energy that the expanded SMART drumline program will not have a significant impact on a matter of national environmental significance protected under the *Environment Protection and Biodiversity Conservation Act 1999*.

I note that you have undertaken a self assessment of the potential impacts of this proposed action. Based on your self assessment you have concluded that the action will not have a significant impact on a nationally protected matter and as such approval is not required.

I appreciate that you intend to manage the expanded SMART drumline program with a permit issued under the *NSW Fisheries Management Act 1994*, which will be subject to the environmental assessment and consultation/concurrence requirements in Part 5 of the *Environment Planning and Assessment Act 1979*. I understand that the conditions for the SMART drumline program permit will include monitoring and reporting of species captured.

I would be grateful if this Department could be provided with timely reports outlining the capture and survival status of nationally protected matters as the expansion progresses.

On this basis, I confirm that there is no need to refer the expanded SMART drumline program at this stage. If the environmental assessment or results of the operation of the program indicate outcomes for protected species that are inconsistent with the trial, you should carefully consider the need to refer the action for assessment and decision.

If you are considering other measures over the coming summer, I will make officers available to assist.

Yours sincerely

Matt Cahill
First Assistant Secretary
Environment Standards Division
19 October 2016



Department of Primary Industries

OUT16/37214

Ms Kim Farrant
Assistant Secretary – NSW Assessments Branch
Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601

Dear Ms Farrant

I am writing to update the Department of the Environment and Energy on the additional actions that the NSW Government proposes to take to protect public safety at NSW beaches, particularly on the North Coast. The NSW Government intends to deploy SMART drumlines which, in trials to date, have not resulted in any fatalities of any animal. As SMART drumlines are not likely to have a significant impact on matters of national environmental significance (namely threatened and protected species and migratory species listed under the *Environment Protection and Biodiversity Conservation Act 1999*), DPI Fisheries seeks your urgent confirmation that approval is not required under that Act.

You will be aware that there have been 22 unprovoked shark attacks in NSW waters since 2014, with 3 fatalities, the most recent on the NSW north coast at Shelley Beach in February 2015. Of these attacks there have been 11 injuries, including most recently on Monday 26 September at Lighthouse Beach Ballina, with a further 8 people uninjured (Source: <https://taronga.org.au/conservation/conservation-science-research/australian-shark-attack-file/2016>). Since 2015, eight of these incidents have occurred on the North Coast from Port Macquarie to Ballina.

Nationally in 2015, Great White Sharks (*Carcharodon carcharias*) were identified as being involved in 16 of the 22 cases of unprovoked attack with 13 involving attacks on surfboard riders and 3 on surf skis, including the fatality of a surfboard rider at Shelley Beach, Ballina in February 2015. The Bull Shark (*Carcharhinus leucas*) was involved in 2 attacks (a surfer and a rowing scull).

In October 2015 the NSW Government responded with a 5 year, \$16 million Shark Management Strategy to trial and test emerging shark detection and deterrent technologies to reduce the risk of shark attack statewide, with a focus on the North Coast. The NSW Government has conducted scientifically rigorous trials of the use of aerial surveillance, SMART drumlines, unmanned aerial vehicles, underwater 'listening stations', barrier nets at two beaches and enhancing a range of community engagement approaches such as the SharkSmart App for mobile devices. This program is implemented by the NSW Department of Primary Industries (DPI Fisheries).

Over the last 12 months, DPI Fisheries has trialled SMART drumlines at seven locations to specifically target Bull and White Sharks. SMART drumlines differ greatly from traditional drumlines as they are not designed to kill sharks. The state-of-the-art technology alerts a research response team when a shark is captured and the team respond immediately to tag and potentially relocate the shark if it is caught within 500 m of surfers and swimmers. This process minimises harm to the sharks. The use of mullet as bait also aims to reduce the

attraction of, and interaction with, other marine mammals (whales, dugongs and dolphins), seabirds and marine reptiles (turtles).

DPI Fisheries research program involves 15 SMART drumline units and has captured 34 White Sharks and 15 Bull Sharks – all tagged and released alive (from Aug 2015 to 30 Sep 2016). The only non-target species caught to date were two small Hammerhead Sharks, both released alive. No fatalities of either target or non-target species have been recorded using this gear. DPI will also trial the technology on Tiger Sharks this summer. Tiger Sharks have also been recorded in unprovoked shark attacks.

Following the success of these trials, the NSW Government announced on 2 October 2016 that it proposes to roll out up to 100 SMART drumlines (an additional 85 units) along the NSW coast, focusing initially on the North Coast.

The current DPI Fisheries SMART drumline trial is managed under a Section 37 research permit issued under the NSW *Fisheries Management Act 1994*. DPI Fisheries intends to manage the expansion of the SMART drumline program under a separate Section 37 permit, which will be subject to an environmental assessment and consultation/concurrence with relevant NSW authorities under Part 5 of the *Environmental Planning and Assessment Act 1979*. DPI Fisheries will be the determining authority for that assessment.

The permit conditions will require the monitoring and reporting of the capture of both target and non-target species and their survival status after capture on a monthly and annual basis and this information will be made publicly available. It is intended that the SMART drumlines will be managed initially by DPI Fisheries researchers and, once appropriate training is complete, by trained contractors. DPI Fisheries will oversee the contract management process to ensure the technology is used to avoid negative impacts on both target sharks and non-target species.

While the SMART drumlines have the potential to interact with many threatened, protected and migratory species listed under both State and Commonwealth legislation, the results to date clearly indicate that these drumlines are not likely to have a significant impact on either target shark or non-target species. DPI Fisheries intends to operate the SMART drumlines in accordance with the proposed Section 37 permit and environmental assessment requirements, which mirror the requirements undertaken during the trials to date.

SMART drumlines are not likely to have a significant impact on matters of national environmental significance, namely threatened and protected species and migratory species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC, 1999). For this reason, DPI Fisheries believes that approval is not required under EPBC 1999. However, I would very much appreciate your urgent confirmation of this assessment.

Yours sincerely

Dr Geoff Allan
Deputy Director General DPI Fisheries

Date: 6 October 2016