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The Hon Tony Burke MP
Minister for the Environment, Heritage and the Arts
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600
<Tony.Burke.MP@environment.gov.au>

Dear Minister Burke

Grey Nurse Shark Protection

The Clarence Environment Centre has maintained a shop-front presence in Grafton for more than 22 years, and has a proud record of environmental advocacy. We have currently completed a submission to the New South Wales Fisheries Department on the need to protect the Grey Nurse Shark (GNS).

As you are (hopefully) aware, the NSW Government recently honoured a pre-election pledge to remove fishing restrictions on a number of Grey Nurse aggregation sites along the NSW coastline, such as Fish Rock and Green Island, in order to obtain the Shooters and Fishers Party support in the Upper House.

While researching for the submission, we were reminded that the Grey Nurse Shark (GNS) is rated as critically endangered on the east coast of NSW under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), and also by the International Union for Conservation of Nature. At the same time, Fish Rock and Green Island are declared Critical Habitat for the GNS.

Activities associated with recreational fishing are listed among the major threats to the GNS, with a significant amount of scientific evidence available to back up that fact, including research reported this year by Drs Will Robbins & Vic Peddemors, Cronulla Fisheries Research Centre of Excellence (*"Investigating the behavioural response of grey nurse sharks to recreational lures and baited lines"*), which confirms what everybody already knew, that the GNS eats fish, and therefore takes baits on offer by fishermen, leading to widespread reports of GNS with embedded hooks, both externally and internally.

Robbins and Pedemors assert that GNS clearly interact with static baits deployed close to their aggregations. All bait types were taken at all times of day, and grey nurse sharks were the only bait-takers after dusk. Even the least taken bait types resulted in frequent (10%) shark interactions,

demonstrating that bottom-set baits pose a high interaction risk when deployed around grey nurse shark aggregations.

In removing protection for the GNS, the NSW Government makes the erroneous claim that scientific evidence supporting the need to protect the Sharks' marine environments, with one well quoted MP claiming existing evidence was based on “voodoo science”.

The Federal legislation (EPBC Act) contains a very important principle, the Precautionary Principle, one definition being: *“Where there are threats of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing cost effective measures to prevent environmental degradation.”*

We assert that in this case there was scientific certainty relating to the threats posed to sharks. Numerous reports and studies have recorded the need to separate Grey Nurse Sharks from fishing, both recreational and professional, including Bansemer and Bennett, who have already conducted a study which showed conclusively that Fish Rock is the greatest aggregation point for the Grey Nurse Shark on the east coast of NSW. (Bansemer C.S. & Bennett M.B., 2010) entitled: “Retained fishing gear and associated injuries in the east Australian grey nurse sharks (*Carcharias taurus*): implications for population recovery”, Marine and Freshwater Research 61, 97–103.

To remove protection for a critically endangered species, as the NSW Government has done, in defiance of the Government’s own science before carrying out a review of that science, not only contravenes scientific protocols, but also makes a mockery of the precautionary principle, and actually uses alleged scientific uncertainty to remove all the protection that had already been afforded.

We question therefore, why has the Federal Government not stepped in to enforce the protection of one of its most iconic endangered species?

We await your response to this question.

Yours sincerely

John Edwards
Honorary Secretary
Clarence Environment Centre