



Australian National Sportfishing Association Ltd

ACN 063 293 514

COMMITTED TO CONSERVATION AND INTEGRITY IN SPORTFISHING SINCE
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Grey Nurse Shark (GNS) Court Action

The Nature Council of NSW (NCC) has appealed to the Commonwealth Administrative Appeals Tribunal (AAT), a decision by the Australian Government to allow export permit status for the Commonwealth Ocean Trap and Line Fishery (OTLF). Export permit status is granted by the Commonwealth under the provisions of the Environmental Protection and Biodiversity Conservation Act (EPBC).

The NCC appeal is based on the argument that the operations of the OTLF constitute a threat to the east coast grey nurse shark (GNS) population which based on NCC assumptions will face extinction if both commercial and recreational fishing is allowed to continue unchecked in waters where GNS are known to aggregate. The impact of fishing on GNS is claimed by the NCC to be a violation of the EPBC.

The thrust of the NCC case is to have the Tribunal direct the Commonwealth Government to enact law which will in turn require the NSW Government to upgrade the status of the existing declared GNS critical habitat zones into sanctuary zones (in which all fishing will be banned) and to increase the number of such zones by four and to broaden the zone areas to a minimum of 1500 metres – essentially a 3 km square box around the aggregation sites.

It seems that the NCC is not content with the NSW Department of Primary Industries (DPI) intention to maintain the status quo within the existing declared NSW critical habitat zones (which currently have a 200 metre anchoring and bait fishing exclusion) and is looking to exercise a possible legal loophole to have the Commonwealth usurp and override the powers of DPI and the NSW Government.

ANSA spokesperson John Burgess after attending the proceedings today claimed “that the NCC appeal was an unfortunate waste of Tribunal time and taxpayer money given that only 5% of the OTLF catch was destined for the export market (mainly spanner crabs), recreational fishers had no connection with the OTLF and there was little conclusive scientific evidence to substantiate that the GNS population along the Australian East coast was facing extinction or that the measures sought by the NCC would make any difference.” He also stated “the financial cost of this court case will potentially run into hundreds of thousands of dollars which could be far better spent undertaking quality GNS research which was sadly needed and a point acknowledged by the Tribunal”

Recfish Australia is to be applauded for joining in the Appeal proceedings to represent recreational fishing interests. Legal representation is expensive and may cost Recfish in the order of \$65,000 to \$100,000 – maybe more. Commitments of support have been received from various fishing related sport and trade bodies but more is needed. ANSA clubs and members are encouraged to assist Recfish with donations towards a GNS appeal fighting fund.

Please contact the Recfish Administration Manager via phone /fax (07) 33561111 or PO Box 187 Grange Qld 4051 or via email admin@recfish.com.au if you can help. Commitments of \$2000, \$1500 and \$1000 have already been made by ANSA National, ANSA NSW and Qld Branches.

The Tribunal hearing has been adjourned until mid July.

For more information contact
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