



Australian National Sportfishing Association Ltd
ACN 063 293 514

COMMITTED TO CONSERVATION AND INTEGRITY IN SPORTFISHING SINCE
1967

10 September 2012

Fisheries Scientific Committee
C/- NSW Department of Primary Industries
12 Shirley Rd
Wollstonecraft NSW2065
Email fsc@dpi.nsw.gov.au

Dear sir / Madam,

Re Notification of Proposed Determinations

Thank you for the invitation to make submissions in respect of the proposed listing of Darling River Hardyheads as “Endangered” and Smooth Hammerhead sharks as “Vulnerable” under the relevant provisions of the NSW Fisheries Management Act.

In terms of the Darling River Hardyhead listing, ANSA has very limited information on the species and its relevance to recreational fishing. Based on what information we do have on the species prevalence and distribution throughout the NSW and Qld river systems, it would seem likely that recreational fishing would have negligible if any interaction, intended or otherwise, with the species. Given this position and the limited information that is available, ANSA has no basis for objection to the listing of Darling River Hardyhead as an endangered population under part 2 of schedule 4 of the Act.

It is recognised that such a listing will preclude all forms of fishing for this species in NSW. The reality though is that a “no fishing” restriction for Hardyheads will have negligible impact on measures to rehabilitate, conserve and ensure the longer term survival of the species. What is required is determination and leadership by government agencies to address the real threats to this species survival such as habitat degradation, thermal pollution, excessive water extraction for agriculture and alien fish species.

In terms of the proposed listing of Smooth Hammerhead shark as “Vulnerable”, ANSA does have a number of concerns.

The only evidence that would seem to indicate that there has been a substantial decline in this species numbers over the past 20 -30 years is purely anecdotal and selective. Due to the lack of any real science or scientific certainty the precautionary principle has been invoked.

The use of CPUE data from the NSW Shark Meshing Program over 1950 to 2007/08 is inconclusive and has no regard for the changes in meshing protocols that have

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evolved over the years and the fact that meshing is mainly conducted only off beaches in the Sydney Metropolitan Area which have their own unique problems in terms of water quality and abundance of feeder fish stocks. It is also not illogical to conclude that Hammerhead sharks have become conditioned to the existence of meshing nets and deliberately avoid interaction with them. This after all was the logic for the installation of mesh nets in the first place.

The reference to commercial take of Hammerheads over the period of 1993 to 2011 poses more questions than answers. While a peak of 15.7 tonne was recorded over 1993 /94, which decline to an average of 3.5 tonnes per year between 2004 and 2008, the reality is that the catch increased to 7.6 tonnes by 2009/10. This would tend to indicate that there has been a recovery in Hammerhead numbers over recent years but more realistically it is likely that the commercial effort and take of Hammerhead sharks declined markedly over the period 1993 to 2004 due to economic facts rather than an actual decline in specie numbers. Furthermore NSW DPI capture data for the 2009 commercial take shows that Smooth Hammerhead accounted for 53% of all Hammerheads taken.

The reference to the catch of Hammerheads by the recreational sector also poses more questions than answers. While it is not contested that the number of Hammerheads captured by game fishers increased from 50 annually in the 1970s to a high of 250 annually in the 1990s and then declined to 120 by the late 1990s, these data comparisons have no regard for the change in game fishing conservation attitudes that occurred over that timeframe. The days of catching and hanging up Hammerhead sharks and sharks generally in a quest to obtain a weight record have long gone by.

By NSW DPI's own admission most Hammerhead captures since 1990 have been tagged and released and there is no real estimate of recreational effort expended in the fishery or the actual take which anecdotally would be very low. Likewise the incidence of tagging under the NSW Game Fish tagging programme peaked in 1991 at 18000 for all tagged species and has gradually declined to the present level of 11000 as at 2011. This coupled with the fact that most sport and game fishers now fish much wider than they did 20 years ago, well beyond the coastal range of most hammerheads, is further confirmation of the change in recreational fishing trends over the past 20 years and throws into question the selective use of such historical recreational data.

Similarly the Charter Fishing log book records for the period 2000 to present indicate that 181 Hammerheads were caught of which 49 were released. It would be interesting to see the change in retention rates versus release over this time frame.

ANSA is not prepared to support the case for the listing of Smooth Hammerhead sharks as "Vulnerable" based upon such flimsy and selective anecdotal evidence and heavy reliance upon the precautionary principle. It is concerning that NSW will be the only State where such a listing would apply and we already have the anomaly where NSW is the only state to have Great Hammerhead listed as "Vulnerable" and

Scalloped Hammerhead listed as “Endangered”. If there was genuine concern for all Hammerhead species then why is it that the Commonwealth government has not moved to list all the species as “Vulnerable” or “Endangered”.

Furthermore ANSA is concerned that should the Smooth Hammerhead sharks be listed as “Vulnerable” then recreational fishers will no longer be able to tag and release these species in NSW and adjacent Commonwealth waters which would seem contrary to the best interest of research into species movement and growth. More concerning though is the fact that commercial fishers who hold Commonwealth fishing licences will still be able to take these species beyond the 3 mile NSW jurisdiction. Where is the logic in this?

We respectfully request that the Fisheries Scientific Committee reconsider its proposal to list Smooth Hammerhead sharks as “Vulnerable” and acknowledge the need for robust science to be conducted into population numbers and substantiation of claims that the species faces a high risk of extinction in NSW in the medium term future. We also respectfully request that should the decision be taken to list Smooth Hammerheads as “Vulnerable” that the current practice of capture, tag and release by recreational fishers be allowed to continue and that a similar exception be allowed for Great hammerhead and Scalloped Hammerhead species

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Burgess', with a large, stylized flourish at the end.

John Burgess
Executive Officer/ Director ANSA Ltd
Vice President ANSA NSW Branch