



# Media Release

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For Immediate Release: **Consequences of the Administrative Appeals Tribunal case**

The case against the Australian Government by the Nature Conservation Council of NSW (NCC) in the Administrative Appeals Tribunal (AAT) for allowing export permit status for the Ocean Trap and Line Fishery (OTLF) is to resume in July. The appeal was based on the threat to grey nurse sharks from this fishery, but proposed restrictions to all forms of fishing means the recreational fishing sector was dragged into the NCC line of argument.

Though the case is to resume one thing is clear, and that is the recreational fishing sector was ill-prepared for the court case despite media attention it received back in October last year. And this has two implications, firstly is a requirement for data from DPI Fisheries reports to be made available to the public, and the second is the requirement for a peak/representative body for recreational fishers of NSW independent of State Government.

AAG has previously raised various issues with regard to this data, including an alleged major discrepancy in the resighting of tagged sharks between the 2 groups of volunteer divers in the survey of June 2003 on which the 2004 report was based; and the disputed second survey of August 2003 in which no tags were sighted in 162 sharks seen. Answers have not been forthcoming from Fisheries. AAG President Phil Ingram said "Governmental reporting requirements in many areas stipulate the need to have the raw data supplied with the report. Geological reports of mining and exploration leases is one good example. Why can't the raw data from DPI Fisheries reports be made available to those that may be interested?"

Phil continues: "The recreational fishing defense in the AAT case was always behind the eight ball. The expert witnesses could only question the validity of the Petersen mark/recapture technique used in the estimation of the numbers of the grey nurse population. A statistician or biometrician really needs to look at the original data, but it appears DPI doesn't want this data released or examined by others. And this could explain why the authors of the 2004 report haven't had their work published in a peer reviewed scientific journal, as the reviewers would want to see the original data. And do the Fisheries Scientific Committee review original data when they classify species as being endangered? Perhaps they should be asking more questions and reviewing all of the data that on which decisions are based."

And of the need for a non-Governmental body for recreational fishers? Phil remarked: "It's just as well the grey nurse shark inhabits both Commonwealth and Queensland waters in addition to waters of NSW. If they lived solely in NSW waters then RecFish Australia would not have applied to become a party to the AAT proceedings, and recreational fishers of NSW would be left high and dry as we do not have a peak or representative body independent of Government to represent our interests. Bear in mind the State Government entered into the proceedings to protect their own reputation and not for recreational fishers, and the Justice stating he did not wish to listen to the arguments of many groups."

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