



Media Release

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For Immediate Release: **Grey nurse sharks: the cost of defending an unreasonable paranoia**

From a Sydney Morning Herald article on 6th October last year when the Nature Conservation Council's (NCC) court action in the Administrative Appeals Tribunal (AAT) was first mooted: "The NSW Minister for Natural Resources, Ian Macdonald, defended the Government's efforts to protect the shark and the artificial breeding program. 'We believe the population has stabilised,' Mr Macdonald said. 'You would find there would always be some deaths [from fishing hooks and nets] but we believe we have limited that by banning the key threat, which is set line fishing.' He said those who accused the Government of giving in to recreational fishing groups 'demonstrate an unreasonable paranoia'."

So who is paying for this court action? The NCC claims "The court case is completely funded by individual contributions." But how accurate is this statement? From the Environmental Defenders Office (EDO) web pages: "The EDO is representing the NSW Nature Conservation Council (NCC) in proceedings brought in the Administrative Appeals Tribunal (AAT) against the Commonwealth Minister for the Environment and Heritage." And the EDO is funded entirely from the Department of Climate Change, Environment and Water. So in all likelihood the NCC's legal costs are funded from taxpayers dollars, but this can only be confirmed if the NCC open up their books.

What of the recreational fishing sector? RecFish Australia applied to be party to the AAT proceedings, and the cost of being represented by Deacons was put at \$84,000 for 5 days. And add to this an additional cost of \$10,000 for one day's transcript required by Deacons, and an additional 2 days hearing in July. This money is entirely funded from the recreational sector, including RecFish Australia, the Recreational Fishing Trust Fund, spearfishing groups, Narooma Ports Committee, the tackle industry and various boating and charter groups.

AAG President Phil Ingram said: "Equity is an issue in the AAT proceedings. The State Government funded EDO, in their own admission, is representing the NCC's court action. But do recreational fishers get similar tax-payer funded legal representation? The \$84,000 plus cost to defend this action is from the funds of groups aligned with recreational fishers. What is the total cost of this court action from both the NCC and the defense?"

Phil continues: "Legal action seems to be the way of the future for the NCC. The cost to defend future actions is going to be high and much of these funds can only come from the recreational trust funds. These funds currently go towards assorted research projects into various fisheries and environmental projects, including the grey nurse shark. Surely this money is better spent here rather than defending against an unreasonable paranoia."

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