

## **Save Our Sharks Bill 2014**

*Sponsor: Senator Siewert*

*Introduced: House of Representatives, 25 March 2014*

### **Purpose**

2.44 The Save Our Sharks Bill 2014 (the bill) seeks to void the 10 January 2014 exemption granted under section 158 of the Environment Protection and Biodiversity Conservation Act 1999, allowing the deployment of baited drum to catch sharks in Western Australia. The bill would also ensure that no similar declaration or exemption will have any effect.

### **Background**

2.45 The committee reported on the bill in its *Sixth Report of the 44th Parliament*.

### **Committee view on compatibility**

#### ***Right to life***

*Impact of voiding exemption*

2.46 The committee requested Senator Siewert's advice as to the compatibility of the bill with the right to life.

#### ***Right to work and rights at work***

*Economic impact of measure*

2.47 The committee requested Senator Siewert's advice as to the compatibility of the bill with the right to work and rights at work.

### **Senator's response**

The Australian Greens, in introducing this bill, believe that its key function of preventing future shark culling does not unreasonably limit the right to life.

The practical effect of the bill, should it become law, would be that no state or territory government would be able to introduce a great white shark culling program without environmental assessment.

The projections which suggest that preventing future shark culls would result in any loss of life are flawed and the effectiveness of the shark cull on reducing the likelihood of shark-related death is greatly contested.

This bill is aimed at achieving the legitimate objective of protecting our marine life, and even if a limitation on the right to life was presumed to exist by not mitigating shark attacks, there are a number of other methods including beach nets and watchtowers available to the Government which have not yet been fully explored.

Nor do the Australian Greens, in introducing this bill, believe that its key function of preventing future shark culling unreasonably limits the right to work.

There are no projections which suggest that preventing future shark culls would result in any job losses, or any impact on the local economy, to the extent that people's right to work would be affected. Rather, it has been argued that the cull in WA this summer has had a negative impact on tourism operators as it has deterred international visitors.

I note, as the Committee's report notes, that the right to work is not absolute and may be subject to permissible limitations where they are aimed at a legitimate objective, and are reasonable, necessary and proportionate to that objective. With this in mind, even if a limitation on the right to work were presumed to exist, this would be aimed at achieving the legitimate objective of protecting our marine life, by ensuring that the population numbers of apex predators that are vital to the health and wellbeing of entire marine ecosystem are not reduced to endangered levels. The critical species are not just great white sharks, but also tiger sharks – the WA Government's public environmental review predicts about 900 tiger sharks, 25 great white sharks and only a few bull sharks will be caught over the next three years. If these animals are removed from the ecosystem, there will be a much more significant impact on not just the work of tourism operators but also of commercial fishers who rely on health oceans for abundant fish stocks.

In conclusion, because the bill does not limit the right to life, and only limits the rights to work in tourism to the extent to which it protects our marine health which is vital to promoting the broader rights of work across all marine based industries including fisheries, the Australian Greens are of the view that this bill is compatible with Australia's human rights obligations.<sup>1</sup>

## **Committee response**

**2.48 The committee thanks Senator Siewert for her response and has concluded its examination of this bill.**

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1 See Appendix 2, Letter from Senator Rachel Siewert, to Senator Dean Smith, 12 June 2014, pp 1-2.