



**Hon Ken Baston MLC**  
**Minister for Agriculture and Food; Fisheries**

Your Ref: Petition No 27  
Our Ref: 47-03693

Hon Simon O'Brien MLC  
Chairman  
Standing Committee on Environment and Public Affairs  
Parliament House  
PERTH WA 6000



Dear Chairman

**Petition No 27 – Opposing Great White Shark Cull**

Thank you for providing me with the opportunity to comment on the terms of Petition No 27 and the submissions from the Hon Lynn MacLaren MLC, principal petitioner and tabling Member.

In the last three years Western Australia has experienced seven fatalities from shark attacks, causing a large proportion of the population to reconsider their water use. In response the Western Australian Government has developed a new shark hazard mitigation policy which complements previous strategies to addressing what is a public safety issue. The Government's approach is not a cull of sharks, but does attempt to provide the general public with areas supported by enhanced shark hazard mitigation measures. Marine Monitored Areas will not only aim to reduce the risk posed by large white sharks, but will also target tiger and bull sharks three metres and over in length.

The petition asserts that the Government is undertaking a cull of white sharks that will lead to a decline in the population of the species, and requests that the Government cease the drum line program and inquire into science-based approaches to managing shark-human interactions. This correspondence will address the issues raised in the petition and the submissions from the tabling Member, and in the process demonstrate the Government's commitment to using scientific evidence as the basis for the shark hazard mitigation policy.

The tabling Member raises the following reasons for supporting the petition:

- *White sharks are legally protected, based on science.*

The Western Australian Government obtained the necessary exemptions required under Commonwealth and State Acts prior to commencement of the drum line program. The procedures used in obtaining the exemptions have been tested at law. Following a legal challenge by the Sea Shepherd organisation the Western Australian Supreme Court ruled that the exemption, made under the *Fish Resources Management Act 1994*, was valid.

A Federal exemption was granted under s158 of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) on the grounds that impacts on public safety and the economy are considered to be matters of national interest. In granting the exemption, the Federal Minister for the Environment acknowledged the Western Australian Government's investment into non-lethal shark deterrents and commitment to ongoing scientific research.

The Minister for the Environment also considered the measures committed to by the Western Australian Government in its approach to the drum line program, including the use of a large hook size for reducing the chance of by catch, the depth below water at which the hooks are set to avoid interaction with sea birds, the timing of the program to avoid interaction with whale migrations, and a requirement for daily patrols of the drum lines to improve the chance of successful release of by catch.

The Western Australian Government will also be referring the continuation of the drum line program to the Commonwealth for consideration under the EPBC Act

Although white sharks have been widely listed for protection it is believed that the Western Australian drum line program will not have a significant impact on shark population levels. Following scientific advice and examination of catch data from the program, the Environmental Protection Authority determined that based on the limited timeframe and geographic scale, the program was unlikely to have a significant impact on the environment, and therefore an environmental assessment was not warranted at this time (EPA 2014)<sup>1</sup>.

In 2005 the Threatened Species Scientific Committee examined the case for listing the NSW and QLD shark control programs as a Key Threatening Process (KTP) under the EPBC Act. The committee investigated potential impacts of the programs on a number of species at risk, including white sharks. Advice to the former Minister for Environment and Heritage from the committee recommended that the programs not be listed as a KTP in the EPBC Act, as they did not constitute an increased risk of population decline to species at risk.<sup>2</sup>

Given that the Western Australian program is of a much more limited scale than either of the programs in the Eastern States, and based on the findings of the committee in its review of the impact of those programs on white sharks, the Western Australian Government believes that the local program does not constitute a threat to white sharks.

- *Impacts on our oceans and key industries.*

Whilst not disputing the role of white sharks as apex predators there is no evidence that the program to target white sharks of three metres or greater in length, in a limited area representing 0.32% of our 12,500km coastline, will

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<sup>1</sup> Environmental Protection Authority. Public Notice: *EPA determines not to assess shark drum-line proposal*. Release Date 11 March 2014.

<sup>2</sup> Advice to the Minister for Environment from the Threatened Species Scientific Committee on amendments to the EPBC Act. Report 21 March 2005 at <http://www.environment.gov.au/node/14596>

put the survival of the species at risk, and create problems for the health of marine systems and ocean-based industries.

- *Pre-emptive killing of Great White Sharks that have posed no risk is illogical.*

Drum line programs targeting dangerous sharks have been successful in reducing fatal shark attacks in Queensland, South Africa and Recife in Brazil. These jurisdictions employ shark capture devices such as drum lines to reduce the risk of shark attack by fishing for potentially dangerous sharks in proximity to a protected beach (Dudley et al 2006). In Queensland there has been only one fatal attack at a protected beach in 44 years of operation (Queensland DPI 2006)<sup>3</sup>.

Only three shark species are considered to have been responsible for fatal attacks over the past 20 years in Australia. These were the white shark with 15 fatalities, the bull shark with four fatalities, and the tiger shark with three fatalities (West 2011)<sup>4</sup>. N.B. The number of white shark fatalities has increased since the publication of the West paper in 2011.

- *A fundamental mismatch between policy and the main intended policy outcome.*

The submission cites anecdotal evidence that baited drum lines draw in more sharks. However, research indicates that the distance over which scent is an attractant for sharks is of the order of hundreds of metres as opposed to kilometres, therefore only those sharks in the vicinity of protected beaches are likely to be attracted to the baits (Springer and Gold 1989)<sup>5</sup>.

- *Drum lines will pointlessly kill vast numbers of other marine animals.*

The equipment used in the Western Australian program is designed to minimise the capture of non-target species and smaller sharks. Drum lines are more selective than nets, and for this reason the South African shark control program is selectively replacing netting with drum lines (Dudley et al., 1998)<sup>6</sup>. In addition, the use of large (25/0) circle hooks is proving effective in reducing the number of smaller sharks caught. Circle hooks have also been shown to be effective in increasing the survival rate of sharks released from drum lines (Godin, A., et al 2012)<sup>7</sup>.

Catch data for the period of deployment of the drum lines to 16 March 2014 shows that only one non-shark species was captured on the lines, a North-West Blowfish.

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<sup>3</sup> Queensland Department of Primary Industries and Fisheries. 2006. *A Report on the Queensland Shark Safety Program*.

<sup>4</sup> West G.J. Changing Patterns of shark attacks in Australian waters. *Marine and Freshwater Research*, 2011, **62**, 744-754.

<sup>5</sup> Springer, V.G. and J.P. Gold 1989. *Sharks in Question: the Smithsonian Answer Book*. Smithsonian, Washington, DC:187pp.

<sup>6</sup> Dudley, S.F.J., Haestier, R.C., Cox, K.R., and Murray, M. (1998). Shark control: experimental fishing with baited drumlines. *Marine and Freshwater Research* 49, 653-661. doi:10.1071/MF98026

<sup>7</sup> Godin, A.C., Carlson, J.K., Burgener, V. (2012). The effect of circle hooks on shark catchability and at-vessel mortality rates in longline fisheries. *Bulletin of Marine Science*. 88(3):469-483. 2012.

- *We can make people safer by focussing on the facts.*

Although the 2012 study by the Western Australian Fisheries Department indicates that people swimming close to shore in summer at metropolitan beaches appear to be at less risk than those surfing or diving offshore, the disappearance of Bryn Martin at Cottesloe in 2011 and the fatal attack on Ken Crew at North Cottesloe in 2000 justify the policy objective of minimising the intrusion of dangerous sharks into popular swimming areas.

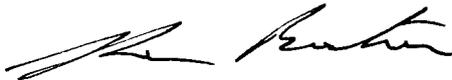
To increase our community's understanding of shark hazard mitigation the Government has established the SharkSmart website. The site provides advice to swimmers and other water users on how to minimise their own risk. The site also includes details of the research programs supported by the Government and education material on a number of shark species.

In addition to the drum line program the Government has committed over \$20 million to broad ranging policy measures which include:

- aerial surveillance contracted through Surf Life Saving WA;
- research into shark stock status by the Department of Fisheries;
- a Shark Response Unit in the Department of Fisheries (which includes funds for a communication strategy);
- a trial shark protection enclosure at Old Dunsborough;
- a phone app released in 2013;
- Department of Fisheries shark monitoring and alert program;
- applied research funding into new surveillance and deterrent technology administered by the Office of Science;
- jets skis for beach patrols; and
- construction of a watch tower at Cottesloe beach.

The drum line program is only one aspect of the shark hazard mitigation policy which has been developed in consultation with scientists, relevant agencies and Surf Life Saving WA. The policy ensures that the Western Australian Government upholds its duty of care to the Western Australian community and offers people the ability to make responsible decisions about their aquatic activities.

Yours sincerely



**KEN BASTON MLC  
MINISTER FOR FISHERIES**

25 MAR 2014