



The Hon Greg Hunt MP

Minister for the Environment

PDR: MS14-000029

The Hon Colin Barnett MLA
Premier of Western Australia
1 Parliament Place
WEST PERTH WA 6005

Dear Premier

A handwritten signature in blue ink that reads 'Colin'.

I refer to your letter of 6 January 2014 seeking an exemption under section 158 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) to set up baited drum lines off a limited number of popular beaches in Perth and the south-west of Western Australia until 30 April 2014.

Please note that the Commonwealth is not proposing to review the listing of Great White Sharks under the EPBC Act. In addition, as I advised Minister Buswell, we could not accept any proposal to allow such sharks to be caught in the open sea either directly or as by-catch from fishing operations. That position remains the case.

In relation to the items raised in your letter of 6 January, it is an accepted and desirable part of the Australian culture and way of life that each person and each family understands the risk of swimming, surfing and boating in the open seas. Government cannot take away that risk at the general level. Individuals must take responsibility for their own water safety both as a matter of culture and practice. If we diminish that sense of self responsibility then we may create greater risk of misadventure, accident or tragedy.

In this particular case however, there has been a series of tragedies due to shark attack. The evidence you have provided shows a significant statistical increase in shark strike in South West Western Australia well above the historic norm over recent years. The Commonwealth therefore offers to work co-operatively with Western Australia to best understand the likely cause of the recent increase in the number of shark attacks. In precisely that context the Federal Environment Law (EPBC Act) recognises that State Governments may receive exemption under the Federal Act for issues of national interest. It is clear that public safety and economic interests fall within the broader definition of national interest.

The test of national interest obviously involves reasonable steps to address both public safety and economic harm. Against that background the West Australian Government is proposing limited measures, confined to a few high use, high risk beaches. It is also consistent with and significantly more restrictive in nature than longstanding public safety measures in Queensland. In addition, it is significantly more limited in effect than the longstanding practice of shark netting in New South Wales. In addition the West Australian proposal is for a brief trial period. It therefore attracts the national interest exemption based on both economic concerns and also public safety concerns.

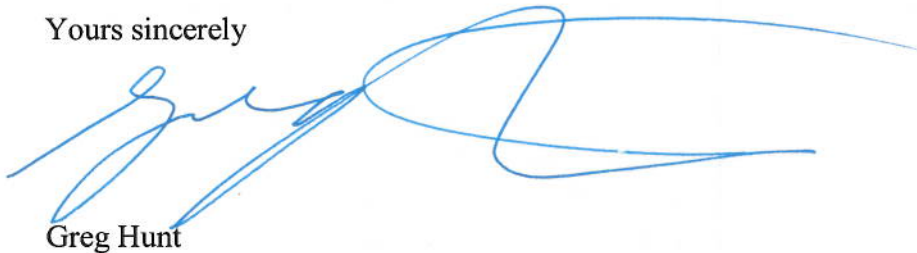
Public safety is of course a paramount consideration and the responsibility of all Governments, although the element of risk will always be carried by those who enter the water. However, I recognise that the State of Western Australia has primary responsibility for public safety in its own waters. One does not have to agree with a policy to accept that a national interest exemption is warranted to protect against imminent threat to life, economic damage and public safety more generally.

On the basis of the information you provided I therefore accept that due to the imminent threat to public safety and significant economic impacts, the national interest exemption regarding Part 3 of the EPBC Act should apply to the actions proposed by Western Australia.

I note that the proposal includes the drum lines would be monitored for 12 hours each day (from 6am to 6pm) and any other species or other sharks, including white sharks, tiger sharks and bull sharks less than 3 metres, that are caught would be released alive, unless they were considered not to be in a condition to survive. This includes sharks not of the above species that are greater than 3 metres. Failure to abide by these conditions will give cause for review and suspension of the exemption.

Please find enclosed with this letter a copy of the exemption notice and the statement of reasons for the exemption. This information will be published on the Department of the Environment website. Please note that this decision relates only to the specific matters protected under Chapter 2 of the EPBC Act and for the action as outlined in the exemption notice. This exemption applies until 30 April 2014; any extension of the action beyond this date would require referral and assessment under the EPBC Act.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Greg Hunt', with a long, sweeping horizontal stroke extending to the right.

Greg Hunt