

FOOD AMENDMENT (SHARK FIN PROHIBITION) BILL 2019

Introduction and First Reading

Bill introduced, on motion by **Hon Diane Evers**, and read a first time.

Second Reading

HON DIANE EVERS (South West) [10.04 am]: I move —

That the bill be now read a second time.

The Food Amendment (Shark Fin Prohibition) Bill 2019 proposes amendments to the Food Act 2008 to implement a ban on foods containing shark fins, such as shark fin soup. The practice of shark finning, which involves removing fins from a live shark and returning it to the ocean to drown, is inhumane and wasteful. Shark finning is an offence for federal and WA fisheries. Other jurisdictions, such as the European Union, the United Kingdom and the United States, have implemented their own specific bans on shark finning. The international community recognises that shark finning damages species and ecosystems, while products such as shark fin soup have not been established to offer any health benefits. It is an inhumane and wasteful practice for no benefit.

Through loopholes in existing regulation around the practice of shark finning, it has been reported that thousands of kilograms of shark fins are imported into Australia each year. Even with bans in place, we know that some fishers continue to use this cruel practice. In 2015, a boat was apprehended in Queensland waters carrying over 3 000 shark fins.

Unfortunately, foods such as shark fin soup continue to be offered in restaurants as a delicacy. It appears to be quite widely available and has even been seen advertised openly on menus. There have been efforts in Australian jurisdictions such as New South Wales to implement bans on the sale of shark fin food products. Some jurisdictions have gone ahead of Western Australia and implemented direct bans on possessing shark fins, including various US states and territories. The introduction of offences in this bill, which clearly prohibit the sale of food containing shark fins, will close significant loopholes and assist with enforcement in the food and fisheries areas.

For the purposes of the bill, “shark fin” is given a broad definition to capture all fins that may be used in food products. The definition clarifies that fins attached to the body of a shark are not within its scope, using definitions from the Fish Resources Management Regulations 1995. This is the instrument that effectively prohibits the practice of shark finning in Western Australian waters—see regulation 16B(4). This ensures that commercial fishers acting in compliance with the Fish Resources Management Regulations are not captured by the offences.

The bill introduces new offences that will impose liability on individuals and corporations selling products known to contain, or ought to be known to contain, shark fins. The two tiers of offences are comparable with the structure of offences in part 3, division 1 of the Food Act, with levels of liability based on levels of the offender’s knowledge. The penalties for these offences are comparable with others in part 3, division 2 of the Food Act, and lower than those for the “serious offences” in division 1. The offences apply only to the sale of food containing shark fins. Private individuals making or consuming food containing fins will not be captured by the offence provisions, as long as the product is originally purchased as a whole shark. This ensures that the offences are targeted to the commercialisation of the shark finning practice rather than activities of consumers. It does not go as far as the bans implemented in some US states, such as California, Hawaii, Texas and New York, but will be an effective step towards ending the practice of shark finning. The offences will operate in the same way as existing Food Act offences. This includes the framework of infringement notices and modified penalties provided for in section 126, whereby lower penalties may be payable. The bill simply seeks to treat shark fin food products the same as others considered unsuitable for consumption.

The proposed amendments to the Food Act will improve food standards and ensure the practice of shark finning is prohibited at each stage of the supply chain. This bill is a clear, measured and important step in our work towards ending the inhumane and wasteful practice of shark finning.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 2750.]

Debate adjourned, pursuant to standing orders.