

12 September 2018

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Shark Cage Diving (Permitting and Safety) Bill

1. We have considered whether the Shark Cage Diving (Permitting and Safety) Bill ('the Bill'), a Member's Bill in the name of Sarah Dowie MP, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. The purpose of the Bill is to regulate the operation of commercial shark cage diving businesses and in doing so avoid, remedy, or mitigate adverse effects of the operation on sharks, and ensure public safety in the vicinity of the operation.
3. The Bill allows the Department of Conservation to put in place and to enforce minimum standards of operation by way of permit. *Clause 9* of the Bill requires applicants of a commercial shark cage diving permit to submit a written application to the Director-General. *Clause 10* stipulates that applicants must advertise details of their application to allow for public consultation. An offence is created under cl 17 of the Bill should shark cage diving operations occur without permit or contrary to permit. The Director-General must also set up and maintain a register of permits granted under the Act.
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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