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Media release

## **Call for law change to permit shark cage diving**

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The ruling to ban shark cage diving in New Zealand is a disappointing outcome based on outdated legislation, and Tourism Industry Aotearoa is calling on the Government to amend the Wildlife Protection Act to recognise modern activities.

The Court of Appeal has ruled that shark cage diving is not allowed under the 65 year old Act, which bans hunting and killing protected wildlife.

The Court found that the definition of 'hunting and killing' as used in the Act extends to pursuing, disturbing and molesting, even when there is no intention to hunt and kill, and that the activity of cage diving amounts to disturbing the sharks.

"It is disappointing to see that an activity previously approved by the Department of Conservation can no longer exist," says TIA's Chief Executive Chris Roberts.

"Parliament should urgently pass a simple clarifying amendment to the Wildlife Act. Shark cage diving activity should then be managed by a permit system to ensure safe operations. It should not be banned outright."

The Court of Appeal notes that this ruling places two shark cage diving business operators 'in a very difficult position through no fault of their own' and concludes that is 'up to Parliament to consider whether these activities should be permitted by amending legislation that provides for authorization with the clarity of modern drafting norms'.

"Shark cage diving is undertaken safely in many locations around the world, and there is international evidence that shark cage diving, when well-managed, does not change the behaviour of sharks. Sharks were not harmed in this activity," says Mr Roberts.

Shark Dive New Zealand Ltd and Shark Experience Ltd are commercial cage diving companies operating in Stewart Island. Sharks are naturally attracted to the area due to the large fur seal population.

"These shark cage dive operators have invested heavily in building their businesses, in a region where tourism is a key part of the economic development plan," says Mr Roberts.

### **TOURISM INDUSTRY AOTEAROA**

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“The activity drew people to the lower South Island and Bluff, supporting regional dispersal with an activity that is unique to the region.”

“The Wildlife Act is 65 years old and is being applied to an activity that was never envisaged at the time the Act was passed,” says Mr Roberts.

“These two successful businesses have been operating since 2008 and should not be suddenly deemed illegal and put out of business on the basis of legislation that the Court says is ‘not fit for purpose’.”

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#### KEY FACTS

- Tourism in New Zealand is a \$99 million per day industry. Tourism delivers around \$40 million in foreign exchange to the New Zealand economy each day of the year. Domestic tourism contributes another \$59 million in economic activity every day.
- Tourism is New Zealand’s biggest export earner, contributing \$14.5 billion or 20.7% of New Zealand’s foreign exchange earnings (year ended March 2017).
- 14.5% of the total number of people employed in New Zealand work directly or indirectly in tourism. That means 399,150 people are working in the visitor economy.
- The [Tourism 2025](#) growth framework has a goal of growing total tourism revenue to \$41 billion a year by 2025.

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