

Submission 3

**Queensland  
Government**Premier of Queensland

Please quote: 17283/DM11/Policy Systems

**10 JAN 2003**

Ms Julie Bishop MP  
Chair  
Joint Standing Committee on Treaties  
Parliament House  
Canberra ACT 2600

Dear Ms Bishop

Thank you for your letter of 13 November 2002 concerning the Joint Standing Committee on Treaties' inquiry into the amendments to the *Convention on the Conservation of Migratory Species of Wild Animals*.

Seven of the species listed in the amendments to the Convention are known to range through Queensland waters. These include the Great White Shark, Antarctic Minke Whale, Sei Whale, Fin Whale, Bryde's Whale, Killer Whale or Orca and the Sperm Whale.

While the Great White Shark is protected in Queensland under the *Fisheries Regulation 1995*, which prohibits the take, possession and sale of this species, there are exemptions for beach meshing operations for the control of sharks. A small number of Great White Sharks are captured under this program annually. The shark control program is in place for the protection of human life and safety and is regulated by the *Queensland Fisheries Act 1994*.

The *Fisheries Regulation* also provides for the issue of fishing permits to take prohibited species in certain circumstances. However permits previously issued for taking shark species generally, for the purposes of observation and display in aquariums and for cancer research, have now been either withdrawn or amended to ensure the Great White Shark is excluded from the take.

I note that the National Interest Analyses you have provided indicates that 'amendments will not require any domestic agencies or management arrangements to be put in place'. I would appreciate you confirming that this means that our current arrangements for beach meshing would not require changes to be consistent with agreements developed in accordance with the treaty. It is important to the Queensland Government that Australia maintains its capacity to provide bather safety with respect to sharks in any regional agreement negotiated to improve the conservation of the Great White Shark. If there is any doubt regarding beach meshing conforming with the Treaty, consideration may need to be given to Australia using the exception provisions provided in Article III Paragraph 5 of the Convention. I would also

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appreciate your views on this course of action as the national interest analysis makes no reference to Australia proposing to use the exceptions provisions to ensure compliance with the Convention obligations.

Although rarely sighted in Queensland, the six whales species are protected under Queensland's *Nature Conservation Act 1992* and *Nature Conservation Regulation 1994*. Guidelines and regulations are currently in place to ensure compliance with the intent of the treaty, for example,

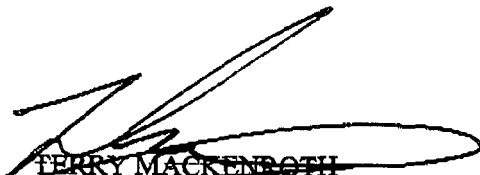
- The whale species are listed as protected wildlife under nature conservation legislation which ensures that they are protected from any form of 'take' except for scientific research;
- Whale watching is regulated through marine parks legislation and a plan for the conservation and management of whales and dolphins which ensures harassment of whales does not occur;
- Stranding rescue operations occur with the intent of re-release and do not constitute 'take' of the species;
- A series of marine parks and sanctuaries have been established for the preservation of habitat.

The plan for the *Conservation and Management of Whales and Dolphins in Queensland 1997-2001* is currently being reviewed and amendments to Queensland's nature conservation legislation are being considered. These instruments provide a major plank in the State's implementation arrangements for the Convention.

The Queensland Government confirms its support for the addition of the eight species to appendices 1 and 2 of the Convention that were proposed by Australia and notes that no state legislative action is required to implement the Convention's obligations in regard to these species.

Thank you for providing an opportunity to consider and comment on the proposed treaty action. I look forward to your response to my queries regarding beach meshing.

Yours sincerely



**TERRY MACKENBOTH**  
**ACTING PREMIER AND**  
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