



**Conservation
Council SA**

Committee Secretary
Joint Standing Committee on Treaties
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ABN 22 020 026 644

January 13, 2010

Dear Sir/Madam

Re: National Interest Analysis [2009] ATNIA 26 regarding the listing of three shark species as migratory under the EPBC Act

The Conservation Council of South Australia Inc (Conservation SA) is the peak conservation body for South Australia, representing over 55 of the State's environment and conservation organisations. Conservation SA is an independent non-profit, non party-political, community based organisation which provides resources, advice and representation for the SA environment movement, and which leads many of the key conservation campaigns in SA.

Conservation SA is known for its success in developing long term community development, education, and on-ground environmental restoration programs. Conservation SA regularly liaises with Local, State and Federal Governments, Government agencies, media, educational institutions, NGOs, unions, industry, business and other groups on matters relating to the environment and social justice.

Conservation SA is writing in support of the listing of the porbeagle, shortfin mako and longfin mako sharks as migratory species under the Environment Protection and Biodiversity Conservation (EPBC) Act 1999.

In addition to being on Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), all three sharks are listed on the International Union for Conservation of Nature (IUCN) Red List as being Vulnerable to extinction with populations declining. Please note that the IUCN lists the short-fin mako as Vulnerable, not lower risk/near threatened as stated in the 'National Interest Analysis [2009] ATNIA 26 with attachment on consultation'.

Clearly, protection of these species is needed as a matter of urgency if further and potentially irrecoverable declines are to be avoided.

With regard to the option of allowing 'catch and release' recreational fishing of these species to continue, Conservation SA strongly opposes this proposal due to insufficient evidence that this approach does not cause harm to these species.

The Objects of the EPBC Act include 'to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources' [S.3(1)(b)]. The principles of ESD in turn include the precautionary principle, i.e. 'if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation' [S.3A(b)]. Given the lack of certainty regarding the impacts of catch and release it would be contrary to the provisions of the Act to allow this to occur.

Further, it would be inappropriate to use the Department of the Environment, Water, Heritage and the Arts' Compliance and Enforcement Policy to enable catch and release to continue, given that the policy's objectives and guiding principles include to 'help achieve the objectives of legislation'.

In our view, the only possible option is to fully protect the migratory porbeagle, shortfin mako and longfin mako sharks to help the populations of these vital top predator species to recover. The impacts of not doing so could potentially be devastating to the marine ecosystem as a whole and subsequently to other recreational and commercial fisheries.

Yours sincerely,

Julie Pettett
CEO