



THE HON STEPHEN SMITH MP

MINISTER FOR FOREIGN AFFAIRS
PARLIAMENT HOUSE
CANBERRA ACT 2600

Mrs Julia Irwin MP
Chair
Standing Committee on Petitions
Parliament House
CANBERRA ACT 2600

16 OCT 2008

Julia

Dear Madam Chair

Thank you for your letter dated 4 September 2008 about a petition concerning whaling.

The Australian Government is firmly committed to securing better protection for all whales. We strongly support the global moratorium on commercial whaling and believe there is no credible justification for the hunting of whales for so-called 'scientific' purposes.

Our first objective remains to persuade Japan to cease lethal 'scientific' whaling in the Southern Ocean. I have initiated talks with Japanese ministers on this issue and the Government will continue this dialogue in the coming months.

The Government has also made it clear that Australia intends to lead the global debate about improving whale conservation, research and protection. At the June 2008 annual meeting of the International Whaling Commission (IWC) in Chile, Australia's delegation, led by the Minister for the Environment, Heritage and the Arts, the Hon Peter Garrett AM MP, presented new proposals for international whale conservation, which would give the IWC a central role in improving the conservation status of whales across the world.

The first proposal was for conservation management plans for vulnerable whale populations and the second was for collaborative non-lethal whale research partnerships. Conservation management plans will set targets for the recovery of threatened whale populations and species, and bring countries together to address new threats to whale species. This approach would be a major shift from the IWC's earlier practice of setting quotas for whale hunting. New whale research partnerships will improve international cooperation for genuine whale science. Unlike the current practice of 'scientific' whaling, where an individual country allocates its own permits to take whales in the name of research, these partnerships will bring together scientists from many countries to obtain the information we need to know about whales, and they will gather data using only non-lethal research techniques.

Australia has received strong support for our proposals and we are working with other IWC members to develop and implement the proposals. Australia will lead the group developing the IWC's first conservation management plans, and will host an international scientific conference in early 2009 to develop a research plan for the Southern Ocean partnership.

Some of the Government's actions are producing results in the short term, such as the \$1 million funding boost to the Hobart-based Australian Marine Mammal Centre, which leads Australian whale research. The Government has also released the *Global Cetaceans Snapshot* report (see <http://www.environment.gov.au/coasts/publications/cetacean-snapshot.html>), which provides important data to support the international case for whale conservation. Other actions, such as modernising the IWC – a large organisation comprising countries with diverse interests and views – will require a sustained effort over the long term. The Government's measures provide a comprehensive set of actions to counter Japan's so-called 'scientific' whaling. Pursuing a diplomatic solution is our first priority, however international legal action remains under consideration.

Australia regulates whaling activities in accordance with our international legal obligations. The Commonwealth's Environment Protection Biodiversity Conservation Act 1999 prevents the entry into an Australian port of a foreign whaling vessel without the written permission of the Minister for the Environment, Heritage and the Arts. The Act provides an exception for unforeseen emergencies, prescribed agreements and official directions. The Australian Government does not, as a matter of practice, enforce its legislation against foreign nationals or foreign vessels in Antarctica or Antarctic waters. Because of differing views over sovereignty in Antarctica and the assertion of associated maritime rights, it is the accepted practice that States exercise jurisdiction only over their own nationals in Antarctica.

With regards to safety of life at sea, Australia fulfils its international legal obligations faithfully. Under the Convention on the Safety of Life at Sea and the Search and Rescue Convention, Masters of Australian flagged vessels are required by international law to render assistance to any persons at distress at sea. The Australian Government has responsibility for a Search and Rescue Region covering a substantial portion of the Southern Ocean – from 75 to 163 degrees East.

The Government has made repeated calls for all parties operating in the Southern Ocean to respect and implement the principle of safety at of life at sea and all laws and conventions governing conduct at sea. Refusing to assist any vessels in distress would put human life at risk and would be a serious breach of our international obligations. Thank you for bringing this petition to my attention.

Yours sincerely

Stephen Smith