



Australian Government

Department of the Environment, Water, Heritage and the Arts

Mr Jerome Brown
Secretary
Joint Standing Committee on Treaties
jsct@aph.gov.au

Dear Mr Brown

I am writing in relation to the appearance of the Department of the Environment, Water, Heritage and the Arts at the public hearing of the Joint Standing Committee on Treaties (JSCOT) on Monday, 1 February 2010. I apologise for the delay in providing this advice.

As you are aware, the Department was asked to appear in relation to Amendments to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

During the hearing I committed to answering a number of questions on notice. My response to these questions is attached to this letter.

In addition, I have since become aware of the need to clarify one of my comments to the Committee. At the hearing I indicated that the Humane Society International was consulted in the development of the Australian Government's negotiating position. I have since been advised that there was no record of such consultation taking place. My answer to the second question in the attached should be used to correct the Hansard record on this matter (pages TR21 and TR22).

Yours sincerely

Stephen Oxley
First Assistant Secretary
Marine Division
26 February 2010

Amendments to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals

Question no: 1

Proof transcript page: TR20

Mr John Murphy asked:

Do we know how many species of shark are protected presently under the EPBC Act?

Answer/s:

Currently 9 species are listed under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). These are:

- Whale shark *Rhincodon typus* (listed as threatened and migratory)
- Great white shark *Carcharodon carcharias* (listed as threatened)
- Speartooth shark *Glyphis glyphis* (listed as threatened)
- A river shark *Glyphis garricki* (listed as threatened)
- Grey nurse shark *Carcharias taurus* (listed as threatened)
- Longfin mako shark *Isurus paucus* (listed as migratory)
- Shortfin mako shark *Isurus oxyrinchus* (listed as migratory)
- Porbeagle shark *Lamna nasus* (listed as migratory)
- School shark *Galeorhinus galeus* (listed as conservation dependent).

Question no: 2

Proof transcript page: TR20

Ms Melissa Parke asked:

Ms PARKE—During the consultation process, does the department normally consult with conservation and environment groups?

Mr Oxley—Yes, it does.

Ms PARKE—Was that done in this case?

Mr Oxley—Yes, it was.

Ms PARKE—With which particular groups?

Mr Oxley—I would have to take on notice the question of all of the groups that were consulted, but the Humane Society International was certainly one of those groups that were consulted in this process.

Ms PARKE—Thank you.

Answer/s:

There are no records of consultations with NGOs on the Australian Government's position prior to the CoP meeting in December 2009. The Humane Society International (HSI) attended the meeting as a member of the Australian delegation. A condition of HSI's participation was a requirement to adhere to the Australian Government delegation brief.