

Summary ¹

Populations of *Pristis microdon* (Freshwater Sawfish) in Australia are generally considered to be relatively healthy and the most robust in the world representing the last stronghold for the species (CSIRO report 2005)². The same report refers to the regional threats for *P. microdon* outside Australia relating to habitat degradation and then comments “*Within Australia, sufficient controls on development and over fishing exist to hopefully prevent large scale catastrophic declines*”.

Species on the IUCN’s redlist, are not automatically listed under Australia’s EPBC Act. The species must first be eligible for listing under the EPBC Act criteria (s179, Reg 7.01).

Once listed however, the EPBC Act imposes further conditions (to that required by CITES) on the export of specimens from Australia.

- Under the EPBC Act; DEWHA, the exporter and importer of a CITES listed species must enter into an ambassador agreement about the treatment and disposal of the animal and any progeny.
- This ambassador agreement goes **above and beyond** the requirements prescribed by CITES in Articles III (species on Appendix I) and IV (species on Appendix II), for the export of animals and ensures there is a clear conservation benefit. For example, the agreement specifies that interpretative information on the species, its habitat and its natural behaviour must be provided to the public and the aquarium must provide this information to DEWHA for approval prior to the animal being exported.
- Other data (such as length, weight, rostra details etc) must also be supplied and included in a log book and in addition
 - Each sawfish must be micro chipped;
 - Certain data such as weight, length etc must be included in a logbook which is to accompany the animal prior to being exported;
 - A DNA sample must be taken from each animal exported;
 - Each sawfish must be injected with Oxy-tetracycline at specific dose rates before export and then repeated on an annual basis by the receiving country with the time and date of injection recorded in the log book;
 - In the event of death DEWHA and the supplier must be immediately informed. Animal tissue, are to be made available for diagnostic or scientific purposes at the request of DEWHA.

The provision of this data provides invaluable information to DEWHA and other researchers about the species which would not otherwise be available if the animal was not exported. It contributes greatly to better understanding these animals which is imperative to conservation efforts.

¹ References in the summary have been excluded however are included in the main body of this document

² See also Pogonoski *et al* 2002, and McDavitt 2007

HSI note that all species of sawfish are listed as “critically endangered” by the IUCN. What HSI fail to note however is that IUCN Categories and Criteria were designed for global taxon assessments. The IUCN itself notes that when applied at national or regional levels it must be recognised that a global category may not be the same as that in a particular country for a particular taxon.

For this reason it is common for Australian listings not to match IUCN listings. It is not the case that the Australian legislation has simply “not caught up” as inferred by Ms Benyon. Rather the species may not meet the criteria sufficient to list it in Australia (e.g. because Australian populations are stronger than elsewhere in the world).

The recommendation of the CITES secretariat for the inclusion of the family Pristidae in Appendix 1 of CITES did not state that exports of *P. microdon* (including live specimens) should be disallowed. Rather it noted that international trade should not be allowed except in accordance with Article III (The Regulation of Trade in Specimens included on Appendix I). HSI have inferred that an Appendix I listing would prevent all export and this was the desire of the CITES secretariat. This is simply not correct.

The conditions for the exporting country in relation to

- Appendix I animals; and
- Appendix II animals

are the same. It is the requirements for the importing country that are different because Appendix 1 animals require the provision of an importing permit - Article III(3).

The most contentious provision of Article III is para 3(c) which requires an importer to demonstrate that a specimen is not to be used for primarily commercial purposes.

Resolution Conf 5.10 defines commercial purpose and includes the statement that “*all uses whose non-commercial aspects do not clearly predominate shall be considered to be primarily commercial in nature*”.

Article III(3) concerns the intended use of the specimen in the country of importation, not the nature of the transaction between the owner of the specimen in the country of export and the recipient in the country of import. Resolution Conf 5.10 notes “*it can be assumed that a commercial transaction underlies many of the transfers of specimens of Appendix-I species from the country of export to the country of import. This does not automatically mean, however, that the specimen is to be used for ‘primarily commercial purposes’.*”

The test is what is the “predominant purpose” which involves a subjective determination by the management authority in the importing country.

HSI’s complaint that the wording in the annotation passed is “subjective” completely ignores the fact that decisions made about whether or not a specimen is provided for a “primarily non commercial purpose” (as required in Article III) is in itself subjective and technical. In this instance however, Australian authorities have little control over the interpretation as the decision is made by the overseas country. The wording of the

annotation allows Australian Authorities to consider the purpose in the overseas country.

HSI's "floodgate" argument is also without substance. The requirements of the EPBC Act in relation to Ambassador agreements clearly ensures that the export of sawfish to Aquaria will have conservation benefits. Indeed the significant conservation role played by public aquaria has been documented by the IUCN in their 2005 publication "*Sharks, Rays and Chimaeras: The status of the Chondrichthyan Fishers.*"

HSI's statement that the Ambassador agreement makes no attempt to place conservation obligations on the exporter, or the importing aquaria, is quite simply without basis. Further, HSI's comment that the proposal to list sawfish was "groundbreaking" is also misleading. It was proposed that Sawfish be listed at the last meeting of the parties however the proposal was not passed. In 2007 with the annotation, the proposal was passed.

Ms Benyon's remarks that the trade into aquaria for *Pristis microdon* is of increasing concern" is also misleading and implies supply has increased in recent years. This is simply not the case.

The proposal by Kenya and the USA actually notes (at p1) "*Sawfish fins are known to be valuable and to be traded internationally; there is also some trade in sawfish rostra and very limited trade in live specimens for aquaria*". The proposal continues at p 6 "*Currently an Australian exporter is regularly selling a small number of sawfishes to public aquaria worldwide (McDavitt 2006). Export of these is strictly regulated by Australian Regulation..... According to McDavitt (2007) there seems to be global demand for less than 10 individual sawfish annually for aquaria*".³

McDavitt himself supported the listing of all sawfish on Appendix I save that he also supported Cairns Marine alone engaging in limited trade in captive display animals. (In effect, this is what has occurred). McDavitt recognises CMAF has supplied "*extremely valuable observations about sawfish anatomy, behaviour, captive maintenance and habitat utilization...*". (see Report Jan 1997 Attached).

HSI fails to note that Australia's annotation was supported by the USA – one of the original proponents of the listing. Clearly the USA (and the other 2/3 majority of members that passed the annotation) saw the benefits to conservation generally with the annotation (bearing in mind that previous attempts to list Sawfish had failed without an annotation).

Indeed, the reference to "*appropriate and acceptable aquaria for primarily conservation purposes*" in the annotation actually infers a higher standard than under Article III (The Regulation of trade in specimens listed under Appendix I). Article III(3)(b) requires that the proposed recipient of a specimen must be suitably equipped to house and care for it . Under the Annotation, not only will an aquarium have to be suitably equipped to house and care for the specimen, but it will also have to be in the position to actively promote conversation of the specimen.

³ The proposal does refer to exports from Indonesia to public aquaria however it is understood that no animals have been exported for over 15years.

Under CITES, before any Appendix I or II specimen is exported (i.e. before a permit is granted) the Australian Government must be satisfied a non detriment finding has been made. This process has occurred in the case of *P. microdon*.

Further it is submitted that the Australian Government is in a strong position to assess the status of its own fisheries. In the Status Survey published by the IUCN in 2005 the authors note *Research on elasmobranchs within Australia ... is very strong, especially in relation to commercial fisheries. Research is not restricted to that related to fisheries assessment, but also includes substantial "pure" research at some of the universities in the region.*"

It should be noted that much of this research in Australia was made possible by CMAF. The letters annexed from University of Queensland, Jamie Semour of James Cook University, Sterling Peverill of DPI, the American Zoological Society and the report by McDavitt are testament to this.

McDavitt notes "*Lyle Squire, Jr. has always answered inquiries about sawfishes from scientists and other interested parties (myself included) generously and in a detailed manner. His passion for these animals is apparent.*"

In conclusion, Cairns Marine asks that the Joint Standing Committee on Treaties reject HSI's submission to recommend the uplisting of *Pristis Microdon* from Appendix I to Appendix II (without any annotation) to the 15th Meeting of the Conference of the parties (CoP15).

As the internationally renowned Dr Jamie Seymour notes, doing so will "*do more to harm the conservation of these species than HSI realizes.... It will be even harder than it presently is to raise the profile of the plight of these animals....If the committee is truly interested in the conservation of Australian Sawfish, they should leave at least one avenue (namely wild collection by qualified organisations) for researchers to access. My major concern with restricting the collection of these animals for the aquarium trade is that, with no live specimens present for people to see, this group will drop off the radar into obscurity*"

Contents

Section	Title
1	Relevant Legislation/International Listings <ul style="list-style-type: none"> • ECPB Act • IUCN • CITES A. Comparison of Appendix I and Appendix II listing and the effect of current annotation re <i>P. microdon</i> B. Compliance with current CITES listing/ annotation as well as other legislative requirements
2	Sawfish Stocks and Threats
3	Conservation benefit of Sawfish exports to Aquaria <ul style="list-style-type: none"> • Domestic benefit • Global Benefit
4	Background on CMAF <ul style="list-style-type: none"> • Historical Influences • Present day • Chronology of involvement with Sawfish • Costs associated with Sawfish field work • Costs associated with Sawfish husbandry • Cost recovery • Collaboration with HSI
5	Conclusion
Annexures A	Letters of Support <ul style="list-style-type: none"> • Tom Kashiwagi – University of Qld (6/6/08) • Prof. Shaun Collin, Dr Nathan Hart, Dr Stephen Kajura, Mag. Barbara Wueringer – University of Qld (6/6/08) • Richard Fitzpatrick – Australian Natural History Unit (5/6/08) • Sterling Peverell – QDPI&F (6/6/08) • Dr Jamie Seymour – James Cook University (6/6/08) • American Zoological Society (June 2008)
B	Non Detriment Finding
C	Ambassador Agreement
D	CITES listing of Sawfish Species & the Aquarium Trade – Matthew McDavitt (January 2007)
E	Sonya the Sawfish children's book cover

Submission to joint Standing committee

1. Relevant Legislation/International Listings

EPBC Act¹

Pristis microdon was listed as “vulnerable” on the EPBC Act in July 2000 (the date the Act commenced). Presumably the listing was carried over from the predecessor to the EPBC Act as there is no nomination to list the species, advice to the minister or approved Conservation Advice in relation to the species (as is the case with species listed since the Act commenced).

The *Conservation Overview and Action Plan for Australian Threatened and potentially threatened marine and Estuarine fishes*² notes at p96 that *Pristis clavata* was also nominated under the *Commonwealth Endangered Species Protection Act 1992* but that the nomination was not successful.

Some guidance on the listing of *Pristis microdon* under the EPBC Act may be obtained from the recent listing of *Pristis zijsron* in March 2008. The “*Approved Conservation Advice*” for this species lists the main potential threats as incidental capture as by catch and by product in gillnet and trawl fisheries, illegal capture for fins and rostra and habitat degradation through coastal development.

The Advice notes that whilst the species is currently known from Northern Australia waters from Broome in WA across Northern Australia to Cairns in Queensland, its numbers appear to have been depleted in South Eastern Queensland and into New South Wales (a reduction of approximately 30% of its range). It appears this was the reason it was judged to meet the “vulnerable” criteria under the EPBC Regulations.³

Species on the IUCN⁴ redlist are not automatically listed in Australia under the EPBC Act. The species must first be eligible for listing under the EPBC Act criteria (s179, Reg 7.01). Before a species is listed the Threatened Species Scientific Committee invites public and expert comment on nominations, and the committee’s advice is forwarded to the minister who then decides whether the species is eligible for listing.

Part 13A of the EPBC Act sets up a system for regulating the international movement of certain specimens including those listed on CITES. The Act makes it an offence to export a CITES specimen without a permit or unless an exemption applies.

The EPBC Act also requires DEW, the exporter and importer of a CITES listed species to enter into an ambassador agreement about the treatment and disposal of the animal and any progeny. The ambassador agreement goes **above and beyond** the requirements required to be met by an exporter, transporting a specimen listed on Appendix I of CITES. Some of these are discussed in greater detail below.

¹ Environment Protection and Biodiversity Conservation Act (Cth) 1999

² Pogonoski, Pollard and Paxton, NSW Fisheries Institute, February, 2002

³ Cairns Marine recognises that numbers of *P microdon* are also limited on the East Coast of Queensland and therefore does not collect them in that region.

⁴ International Union for Conservation of Nature and Natural Resources

IUCN

The International Union for Conservation of Nature and Natural Resources (IUCN) includes all 7 species of Sawfish (family *Pristidae*) on the Red List of Threatened Species as critically endangered.

The IUCN's website explains however that their tables of endangered species includes "information on full species ONLY (i.e. not subspecies, varieties of geographically isolated subpopulations or stocks)."⁵

Family Pristidae includes 4 species which are found in Australia:

- a) *Pristis microdon* (Freshwater Sawfish)
- b) *Anoxypristis cuspidata* (Narrow sawfish)
- c) *Pristis zijsron* (Green sawfish)
- d) *Pristis clavata* (dwarf sawfish)

The IUCN Red List Categories and Criteria note that the

"Categories and Criteria were designed for global taxon assessments. However, many people are interested in applying them to subsets of global data, especially at regional, national or local levels. To do this it is important to refer to guidelines prepared by the IUCN/SSC Regional applications Working Group ... When applied at national or regional levels it must be recognised that a global category may not be the same as a national or regional category for a particular taxon..... [Taxa] classified as Vulnerable on the basis of their global declines in numbers or range might be Least Concern within a particular region where their populations are stable".⁶

This is the case with sawfish and the majority of sharks and Rays in Australia. Whilst all species of sawfish are listed by the IUCN as critically endangered throughout the world, only 2 species in Australia (*Pristis microdon* and *Pristis zijsron*) have the lesser classification of "vulnerable" under Australia's *Environment Protection and Biodiversity Conservation Act* (EPBC). The other 2 species found in Australia have no listing.

By way of example, the recommendation of the CITES secretariat for the inclusion of the family Pristidae in Appendix 1 of CITES⁷ states:

"Pristis pectinata and P. perotteti were once extremely abundant in West African countries, but the last known records of species in the family Pristidae from West African countries are from 1970 in Gambia, 1984 in Senegal, 1993 in Guinea and 2000 in Guinea-Bissau..... Recent visits to Mauritania and

⁵ 2007 IUCN Red List of Threatened Species. www.iucnredlist.org

⁶ IUCN (2001). IUCN Red List Categories and Criteria: Version 3.1. IUCN Species Survival Commission. IUCN, Gland, Switzerland and Cambridge, UK. Ii + 30 pp. at page 8.

⁷ CoP14 Prop. 17

Senegal in 2004 found no reports of any species in the family Pristidae in multiple visits to commercial fish markets....).”

The recommendations also states at p 2 that “*Many [sawfish] populations have been extirpated or nearly extirpated from large areas of their former ranges, with no or only very few observations recorded since the 1960’s*”

When the last sawfish ever recorded in West Africa was over 7 years ago, and other populations throughout the world are also in serious decline, it is easy to understand why the listing of sawfish as critically endangered by the IUCN is appropriate.

Fortunately, (and by way of contrast) sawfish populations in Australia are much more promising and sawfish stocks in Australia are detailed later in this submission.

CITES⁸

A. Comparison of Appendix I and Appendix II listing and the effect of current annotation re P. microdon

In June 2007 at the 14th Meeting of the Conference of the Parties (CoP14) all species of sawfish save for *Pristis microdon* were listed on Appendix I. *Pristis Microdon* were listed on Appendix II with an annotation to allow their export “*for the exclusive purpose of allowing international trade in live animals to appropriate and acceptable aquaria for primarily conservation purposes*”.

An Appendix I listing does not completely prohibit the export of species listed however it does require that an export permit be obtained before such animals are exported. In particular Article III(2) and (3) state:

2. *The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:*

(a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;

(b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;

(c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

(d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.

3. *The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export*

⁸ The Convention on International Trade in Endangered Species of Wild Fauna and Flora

Submission to Joint Standing Committee on Treaties

certificate. An import permit shall only be granted when the following conditions have been met:

(a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;

(b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

(c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.

An Appendix II listing (with no annotation) allows the trade in species included in accordance with Article IV. **The requirements for export are the same as those for specimens under Appendix II** however no import permit is required. Instead Article IV(3) requires a scientific authority in each party to monitor export permits and actual exports and if required, limit them to ensure the species is maintained at a level well above the level at which that species might become eligible for inclusion in Appendix I.

When an annotation is also included for animals listed under Appendix II, both the annotation and Article IV must be complied with- with the result that the annotation affords a higher level of protection than a straight listing on Appendix II.

The HSI fails to acknowledge this in their submission and holds the annotation up as a ‘watering down’ of conservation opportunity. They also fail to acknowledge that the effect of the annotation is that for all other purposes (save aquaria display) any P microdon specimen is treated as being listed on Appendix I.

As indicated above, animals on Appendix I may still be exported but this must occur in accordance with Article III of CITES. Article III(3)c requires that the import of the animals **in the recipient country** not be for a “primarily commercial purpose”. This term is not defined in the Convention however Resolution Conf 5.10 sets out the following general principles to be used in assessing whether the importation of a specimen would result in its use for “primarily commercial purpose”:

- 1. Trade in Appendix-I species must be subject to particularly strict regulation and authorized only in exceptional circumstances.*
- 2. An activity can generally be described as ‘commercial’ if its purpose is to obtain economic benefit, including profit (whether in cash or in kind) and is directed toward resale, exchange, provision of a service or other form of economic use or benefit.*
- 3. The term ‘commercial purposes’ should be defined by the country of import as broadly as possible so that any transaction which is not wholly ‘non-commercial’ will be regarded as ‘commercial’. In transposing this principle to the term ‘primarily commercial purposes’, it is agreed that all uses whose non-commercial aspects do not clearly predominate shall be considered to be primarily commercial in nature with the result that the importation of specimens of Appendix-I species should not be permitted. The burden of proof for showing that the intended use of specimens of Appendix-I species is clearly non-commercial shall rest with the person or entity seeking to import such specimens.*

4. Article III, paragraphs 3 (c) and 5 (c), of the Convention concern the intended use of the specimen of an Appendix-I species in the country of importation, not the nature of the transaction between the owner of the specimen in the country of export and the recipient in the country of import. It can be assumed that a commercial transaction underlies many of the transfers of specimens of Appendix-I species from the country of export to the country of import. This does not automatically mean, however, that the specimen is to be used for 'primarily commercial purposes'.

Resolution 5.10 also sets out examples outlining transactions in which the non-commercial aspects may or may not be predominant. The distinction is by no means clear cut.

Example (c) establishes that provision of a specimen on Appendix 1 to a government organisation or not for profit institution may be allowed if it was for educational, conservational or training purposes. It appears however that similar provision to an institution established with a view to profit may or may not be allowed in some cases- even though it would also be for educational, conservational, or training purposes. The test is what is the “predominant purpose” which involves a subjective determination by the management authority in the importing country.

There is no dispute that specimens listed on Appendix I may be provided to Aquaria when they are a non profit organisation. Resolution 5.10 makes it clear that it is the intended use of the specimen in the country of importation, not the country of export, that is relevant.

Even Aquaria run with a view to profit can import Appendix 1 species when the main purpose of the display of the animals is education and conservation, rather than commercial. The IUCN recognises the enormous role aquaria play in education and conservation and this is discussed in further detail below.

Some organisations (including HSI) however refuse to accept the conservation and education benefit provided by aquaria and argue that the predominant (or even sole) purpose of specimens displayed in aquaria (run with the view to profit) is commercial.

The distinction is technical, subjective and leads to uncertainty. The focus shifts to finance rather than conservation of the species.

Similar confusion can arise in relation to provision of a species to a captive breeding program run by a profitable institution.

The recommendation of the CITES secretariat for the inclusion of the family Pristidae in Appendix I of CITES⁹ states at p2:

“An Appendix I listing would have beneficial effects for wild populations of these animals by preventing the international trade in their two most valuable products; the rostra and fins, and preventing trade in live animals other than as permitted under Article III”.

As indicated above, the anomaly with Article III is that assessing whether or not a specimen is used for “primarily commercial purposes” as required under Article

⁹ CoP14 Prop. 17

III(3)c) requires a subjective decision by the country of import and can involve technical distinctions.

It was this technical distinction that prompted Australia to seek the annotation it did in relation to *Pristis microdon*. It should be noted that the USA (one of the initial proponents of the listing) supported Australia's annotation as did the well known and respected USA organisation the American Zoological Association (AZA).

McDavitt (referred to in the USA proposal) also recommended Cairns Marine be allowed to engage in limited trade in captive display animals (see report attached) even though he proposes sawfish be listed on Appendix 1 for all other purposes.

The wording of the annotation was done in consultation with several bodies including both the USA CITES delegation and HSI. In fact, the Australian HSI representative recommended changes to the wording of the annotation which were taken on board prior to the annotation being proposed. An amendment must be past by a 2/3 majority so it must have substantial support by member nations. The HSI submission suggests otherwise.

The only real difference the annotation presents to *Pristis microdon* listed on appendix II instead of appendix I from an aquarium perspective, is that instead of the importer establishing (under Article III(3) b and c) that:

- b) it is suitably equipped to house and care for the specimen and
 - c) the specimen is not to be used for primarily commercial purposes;
- the exporter must show that the specimen is being exported "for the exclusive purpose of allowing international trade in live animals to appropriate and acceptable aquaria for primarily conservation purposes".

The reference to "appropriate and acceptable aquaria" actually infers a higher standard than under Article III(3)(b). Not only will an aquarium have to be suitably equipped to house and care for the specimen but it will have to be in the position to actively promote conversation of the specimen.

It should be noted that under Article III (The Regulation of Trade in Specimens included in Appendix I) there is no requirement that the animals sent be used for conservation purposes – it is sufficient that the purpose is not commercial. Hence Resolution 5.10 gives the example [c] that a specimen listed on Appendix I could be provided to a not for profit organisations (eg customs) for training purposes (ie to train customs staff in effective CITES control). The current listing on Appendix II with the relevant notation would not allow this and accordingly gives greater protection than an Appendix I listing.

B. Compliance with current CITES listing/ annotation as well as other legislative requirements

Article IV of CITES (Regulation of Trade in Specimens included in Appendix II) requires that before an export permit is granted a Scientific Authority must be satisfied that:

Submission to Joint Standing Committee on Treaties

- a) export will not be detrimental to the survival of the species (i.e. there is a non detriment finding [NDF];
- b) the animal was not illegally caught; and
- c) the animal exported will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel (i.e. there safe transport of animal).

In the case P microdon the annotation additionally requires that export be “for the exclusive purpose of allowing international trade in live animals to appropriate and acceptable aquaria for primarily conservation purposes”.

NDF

- When Cairns Marine applied for a permit to export *Pristis microdon*, it was asked to provide evidence in the form of a non detriment finding (NDF) that export would not be detrimental to the survival of the species. Cairns Marine subsequently prepared an NDF and this document was published for public comment. Organisations such as HSI were consulted and their comments taken into account. DEW agreed with the NDF by Cairns Marine and a permit was subsequently issued.
- Independent to this, and prior to the CITES CoP 14, Dr Stevens from CSIRO also wrote an advice to DEW to the effect that 10 Juvenile P Microdon could be taken from Australian rivers annual without impacting on the sustainability of the population in the wild.

Animal not illegally caught

- Cairns Marine collects sawfish under a General Fisheries permit that specifically allows it to collect sawfish in Queensland.

Safe transport of animal

- As outlined above, the EPBC Act in Australia requires DEW, the exporter and importer of a CITES listed species to enter into an ambassador agreement about the treatment and disposal of the animal and any progeny. Paragraph 4.1 of the Ambassador agreement requires that animals must be transported in accordance with IATA¹⁰ or other recognised industry standards.

Appropriate and acceptable aquaria for primarily conservation purposes

Cairns Marine was exporting P Microdon well before sawfish were listed on CITES but has always done so in accordance with an ambassador agreement. The original ambassador agreement drafted in collaboration with DEW was based on an agreement used for the export of Koalas. Cairns Marine subsequently suggested additional

¹⁰ The International Air Transport Authority’s Regulations is the worldwide standard for transporting live animals by commercial airlines. The objective of the IATA Live Animals Regulations is to ensure all animals are transported safely and humanely by air. The IATA website provides specific references to CITES with latest scientific classification and country variations.

Submission to Joint Standing Committee on Treaties

requirements be included in the agreement which would aid in the research of sawfish. The current ambassador agreement required for the export of P microdon formalises practices already in place by CMAF when transporting animals. It includes conditions such as:

- Each sawfish must be micro chipped;
- Certain Data such as weight, length etc must be included in a logbook which is to accompany the animal prior to being exported;
- A DNA sample must be taken from each animal exported;
- Each sawfish must be injected with Oxy-tetracycline at specific dose rates before export and then repeated on an annual basis by the receiving country with the time and date of injection recorded in the log book;
- In the event of death DEW and the supplier must be immediately informed. Animal tissue, are to be made available for diagnostic or scientific purposes at the request of DEW.

The provision of this data back to Australia provides valuable information to DEW and other researchers about the species which would not otherwise be available if the animal was not exported. Indeed, if Cairns Marine stops the export of sawfish several research projects will be adversely affected as is outlined in the numerous letters of support attached from various research organisations and personnel.

The data provided by the export of sawfish aids also authorities in determining and improving conservation measures and the conservation benefits of sawfish exports to aquaria (both domestically and internationally) are discussed in greater detail below.

It should be noted that the content of ambassador agreements was discussed with the HSI representative at the CoP14 meeting (in detail) prior to the proposal and annotation being passed. It was discussed again with HSI prior to Cairns Marine's export permit being granted.

The ambassador agreement ensures that the aquarium where the specimen is going is appropriate and acceptable. For example, it is a condition of the agreement that the aquarium provide interpretative information on the species, its habitat and its natural behaviour to the public. Further, the aquarium must provide this information to DEW for approval prior to the animal being exported.

2. Sawfish Stocks and Threats

CoP14 Prop 17 notes “*The principal threats to the family Pristidae are fishing (formerly target, now mostly utilized incidental capture) in broad spectrum fisheries and habitat loss*” (p2).

The proposal by Kenya and the USA also notes (at p1) “*Sawfish fins are known to be valuable and to be traded internationally; there is also some trade in sawfish rostra and very limited trade in live specimens for aquaria*”. The proposal continues at p 6 “*Currently an Australian exporter is regularly selling a small number of sawfishes to public aquaria worldwide (McDavitt 2006). Export of these is strictly regulated by Australian Regulation..... According to McDavitt (2007) there seems to be global demand for less than 10 individual sawfish annually for aquaria*”.¹¹

The appendix II listing of *P. microdon* with the annotation as drafted, and the Appendix I listing of all other sawfish, effectively means that all species of sawfish will be treated as listed on Appendix I save for *P. microdon* specimens exported to appropriate and acceptable public aquaria for primarily conservation purposes.

Treating *P. Microdon* specimens (not being sent to aquaria) as if they were on Appendix I is important as it leaves no room for confusion as to whether a sawfish part (generally fins or rostra) belong to one species or another – effectively they are all treated the same so the listing is a huge step forward in the protection of sawfish generally. It should be noted the same confusion does not arise with whole specimens as it is easier to correctly identify the species.

CoP14 Prop 17 notes few quantitative population trends can be determined for most species because of lack of accurate records (p5). The proposal by Kenya and the USA note that “:*numerous surveys, field collections and landings data suggest that many sawfish populations have been extirpated or nearly extirpated from large areas of their former ranges, with very few sightings since the 1960s and 1970s.*” The proposal then goes on to give examples in Nicaragua, the Philippines and the US however no reference is made to the much stronger numbers in Australia.

A report published by CSIRO Marine Research also in 2005¹² refers to the regional threats for *P. microdon* outside Australia relating to habitat degradation and then comments “*Within Australia, sufficient controls on development and over fishing exists to hopefully prevent large scale catastrophic declines*” (S 1 para 32)

At S1 para 9 the CSIRO report notes “*Australian populations of *P. microdon* appear to be still relatively healthy (particularly in Western Australia) and are likely to comprise a high proportion of the global population... In view of the likely (generally) restricted movement of pristids, it is probable that the Australian population can be*

¹¹ The proposal does refer to exports from Indonesia to public aquaria however it is understood that no animals have been exported for over 15 years.

¹² “Conservation assessment of *Glyphis* sp A (spartooth shark), *Glyphis* sp C (Northern river shark). *Pristis microdon* (freshwater sawfish) and *Pristis zijsron* (green sawfish)” by Stevens, Pillans and Salini, June 2005

considered geographically separate...Fishing in other parts of their range is unlikely to impact on Australian populations.” (para 9).

The report also discusses the species in other countries and comments at para 13 “*[O]utside Australia their populations may now be severely fragmented. Populations within Australia particularly in Western Australia, appear to be still relatively healthy and may represent the last stronghold for the species.*”

More recent research conducted by Peverill and also the Murdoch University appear to indicate numbers in Queensland are also robust.

The CSIRO report refers to research by Compagno and Cook (1995) and notes that P., microdon may be less vulnerable than other “freshwater” species (para 31).

The report also notes that majority of catch data in relation to sawfish are not species specific although refers to “*detailed catch data available for a number of sawfish captured under an aquarium trade license, and some anecdotal information gathered from an ex operator.*” The report also refers to “*around 250 high detail records from QDPI observer studies in the N3 and N9 fisheries (Peverill, QDPIF, Northern Fisheries Centre, personal communication)*” (para 31)

In the Status Survey published by the IUCN in 2005 entitled “**Sharks, Rays and Chimaeras: The Status of the Chondrichthyan Fishes**”¹³ the authors note (at page 163) “*Research on elasmobranchs within Australia and New Zealand is very strong, especially in relation to commercial fisheries. Research is not restricted to that related to fisheries assessment, but also includes substantial “pure” research at some of the universities in the region.*”

¹³ Compiled and edited by Fowler, Cavanagh, Camhi, Burgess, Caillet, Fordham, Simpfendorfer and Musick

3. Conservation Benefits of Sawfish exports to Aquaria

CITES lists *Pristis microdon* on Appendix II “for the exclusive purpose of allowing international trade in live animals to appropriate and acceptable aquaria for primarily conservation purposes” (“The annotation”).

Before outlining the many conservation benefits of sawfish exports to Aquaria however, it should be noted that CITES does not require that the export of animals on Appendix I (in accordance with the Convention) provide a “conservation benefit” as inferred by HSI. CITES certainly does not require that the export of the animal provide a conservation benefit in the exporting country.

What CITES does require is that before a species listed on Appendix I is exported, the importing country must establish the import of the animal is not for a “primarily commercial purpose.”

It is the annotation that requires there be a conservation benefit. **Somewhat surprisingly, it appears it is this only requirement to show a “conservation benefit” that HSI is seeking to abolish.**

The HSI have stated that their view is that there is negligible return to conservation in Australia derived from the public display of sawfish in aquaria overseas. There are in fact two aspects of significant conservation benefit derived from the international trade in this species. One is Global and the other is domestic.

Domestic Benefit

Effective conservation management is reliant upon an intimate understanding of all parameters of an animal’s life history and biology. This is best achieved through scientific research.

As the only supplier of sawfish for public display, education and conservation, Cairns Marine is acutely aware of a responsibility to add value to collection through direct participation in, and facilitation of, research and extension to the community.

The table below lists Cairns Marine involvement with sawfish research and extension.

Collaboration	Description	Notes
Stirling Peverell – Fisheries biologist at QLD DPI&F	Sawfishes (Pristidae) in the Queensland Gulf of Carpentaria, Australia	Collected the following data:
	Accompany Cairns Marine on collection trips to the Gulf; and trained CM staff to conduct data gathering techniques, including	<ul style="list-style-type: none">▪ Chemical marking of vertebrae with tetracycline▪ Microchipping▪ Satellite tagging▪ Morphometric data

	tagging.	<ul style="list-style-type: none"> ▪ DNA sampling ▪ In kind contribution in excess of \$100,000 ongoing
	Development of a Gulf community natural resource monitoring program with sawfish as the initial focus	Activities include: <ul style="list-style-type: none"> ▪ Writing and delivering presentations to schools in remote indigenous communities ▪ Production and distribution of a children's book featuring a freshwater sawfish ▪ Engage land owners, commercial, recreational and indigenous fishers ▪ Writing and delivering presentations online to schools throughout Australia for MESA – Seaweed. ▪ In kind contribution in excess of \$50,000
	Accompany Cairns Marine on collection trips to the Gulf and Cape York Peninsula.	
Barbara Wueringer – PhD candidate at University of Queensland	The sensory biology and prey capture behaviour of sawfish, performed both in the field and the Cairns Marine holding and handling facility.	The following experiments: <ul style="list-style-type: none"> ▪ Behavioural experiments, low electric fields, prey preferences, combination of stimuli; ▪ Behavioural test of visual ability; and ▪ Examination of the pupillary response and determination of the visual field. ▪ In kind contribution of around \$100,000 ongoing
Florian Guthknecht	Documentary of Cairns Marine collections and research collaboration	More than four million viewers throughout Europe
Jana von Bergner – German magazine HÖRZU	Article for Germany's biggest TV magazine (linked to aforementioned documentary)	More than one million readers
Prof. Janine Caira – Parasitologist from University of Connecticut	Provision of parasitic samples.	<ul style="list-style-type: none"> ▪ Studying worms and parasites in shark and ray species ▪ Cairns Marine provided samples on
	Accompanied Cairns Marine on collection trips	

	to Weipa over several years	<p>an ongoing basis and contributed to a scientific paper on the subject</p> <ul style="list-style-type: none"> ▪ Identified several new species
Prof. Ian Wittington & Dr Leslie Chisholm – Parasitologist from Museum of South Australia	Provision of parasitic samples	<ul style="list-style-type: none"> ▪ Cairns Marine sent numerous samples for analysis several times ▪ Identified several new species
Matthew McDavitt	Collaboration in describing the trade in sawfish	Assisted American author to understand the trade in live sawfish for public display and education from an Australian perspective
School Group Visits from numerous schools in Far North Queensland	Ongoing facility tours	Cairns Marine regularly conducts free tours of the facility for school groups. The children are often asked to draw the thing that they remembered most of the visit. Overwhelmingly, they draw a sawfish.
American Elasmobranch Society	Sawfish Presentation in Manaus, Brazil	Director, Lyle V. Squire travelled to Brazil to present a sawfish paper at the AES conference.
Sawfish Central	<p>Program area of the Marine Animal Telemetry Fund.</p> <p>ReefChannels.com was established by Digital Dimensions in conjunction with Undersea Explorer and James Cook University. The entity is establishing a Deductible Gift Recipient fund within which Sawfish Central will be a program area.</p>	<p>Concept includes:</p> <ul style="list-style-type: none"> ▪ Source tax deductible donations to leverage grant funding for projects ▪ Use funds to undertake field research in the Gulf to establish sawfish population abundance and dynamics ▪ Create a revenue stream to the fund from the sale of books distributed to Cairns Marine’s public aquarium customers.

If Cairns Marine did not export sawfish, none of the above would be possible and all ongoing research projects in which Cairns Marine is currently involved, would be

jeopardised. This is made clear in the numerous letters from research organisations and personnel attached to this submission.

It should be noted that there is currently no aquarium or organisation attempting to breed sawfish in Australia as they are limited in size and budget. The only aquariums doing so are large public aquariums overseas and these programs are in their infancy. Australian aquariums do not have the high attendance numbers that other public aquariums around the world enjoy. Consequently they do not have the level of funding required to implement breeding programs. Some privately owned aquariums in the United States enjoy enormous rates of visitation and their research programs are not reliant on government funding but provide high conservation benefit.

Global Conservation Benefit

The important role of education in aquariums can be summarised no better than through the words of the Senegalese ecologist and poet Baba Dioum (in Rodes and Odell, 1992):

“..public education is even more important than captive propagation in the conservation of a species, for in the end we will conserve only what we love. We will love only what we understand. We will understand only what we are taught...”

In the USA alone, over 146 million people visit zoos and aquariums annually, more than the culminated total audience attending sporting events.

In the Status Survey published by the IUCN in 2005 entitled “**Sharks, Rays and Chimaeras: The Status of the Chondrichthyan Fishes**” the authors¹⁴ note¹⁵:

“Public education is key to changing attitudes, engendering political will and securing resources to ensure that shark populations are conserved....Strong and sustained public support is essential to balance misconceptions and afford these traditionally low value species the top management priority warranted by their life history.... Raising awareness about the inherent vulnerability of elasmobranchs and the many threats facing them ... holds the key to reversing population depletion and ensuring sustainable use”

The document continues¹⁶

“Modern aquaria, with their large acrylic windows and tunnels, enable visitors to be completely “immersed” in the world of sharks and rays, providing an ideal environment for conservation education.... [A]aquaria educate the public about conservation imperatives throughout the marine environment.”

The document also notes¹⁷

¹⁴ Compiled and edited by Fowler, Cavanagh, Camhi, Burgess, Caillet, Fordham, Simpfendorfer and Musick

¹⁵ At page 35

¹⁶ At page 38

¹⁷ At page 39

[A] meeting dedicated to the husbandry or elasmobranchs was organised and supported by several aquaria and academic institutions. The ultimate objective of this 1st International Elasmobranch Husbandry Symposium... was to produce an elasmobranch husbandry manual, a sourcebook that will assist in the development of new exhibit, in training employees and as a general guide for the captive maintenance of this important taxonomic group...

Aquaria may also facilitate elasmobranch conservation by acting as a focus for marine research activities. Much of the knowledge we possess about elasmobranchs was built on the foundation of research performed within aquaria... Aquaria can still play a valuable role in this regard, especially in the fields of endocrinology, physiology and reproductive biology. Some aquaria have established research foundations solely for the support of such investigative efforts (e.g. Sea World Research and Rescue Foundation (SWRRFI) founded by Sea World Australia Ltd). Others have long term associations with research institutions (e.g. the National Aquarium in Baltimore and the Woods Hole Oceanographic Institution. USA, Waikiki Aquarium and the University of Hawaii...).

The caption beside a photograph of a Green Sawfish (*Pristis zijsron*) captured and transported to the USA by Cairns Marine, reads “*Elasmobranchs in aquaria are ambassadors for their wild conspecifics, helping to educate visitors of the importance of conservation*”.

Almost all action plans on the protection of species include raising awareness of the species. Aquaria are in a prime position to do this.

Chapter 30 of “**Elasmobranch Husbandry Manual: Captive Care of Sharks, Rays and their Relatives**” (referred to in the IUCN’s status survey mentioned above) also outlines the important role of aquariums in education and conservation in significant detail.

The benefits of captive display are also outlined in the report of Mathew McDavitt (attached). McDavitt’s summary states “*Captive maintenance of sawfishes can benefit sawfish conservation by promoting general awareness of their plight through: (1) sawfish educational programs, (2) scientific research on captive animals, and (3) captive breeding efforts.* [Cairns Marine adds a fourth dimension to the conservation benefit by providing data obtained over many years of collecting, studying and researching these animals.]

Whilst there are no known records of *P. microdon* being bred in captivity to date, other species of sawfish have given birth in captivity and McDavitt outlines the captive breeding potential of *P. microdon* in his report (attached).

Whilst the re-introduction of captive bred specimens may be a possibility in the future caution must be exercised in this regard. A Status Survey published by the IUCN¹⁸ notes at p 41

¹⁸ “**Sharks, Rays and Chimaeras: The Status of the Chondrichthyan Fishes**” 2005

“Extreme prudence is needed when considering elasmobranch reintroduction. There are valid concerns that reintroduction could potentially expose discrete wild elasmobranch populations to exotic parasites, “exotic” genetic material or resistant strains of pathogens..... The World Conservation Union has issued guidelines outlining appropriate procedures for reintroducing programmes (IUCN 1998).

The same report does recognise however the importance of captive breeding programs stating :

“An important benefit of captive breeding programmes is the collection of information about reproductive strategies, growth rates, maturity and other life history parameters. This information can be used by policy makers, with appropriate caution and scientific advice, to help formulate elasmobranch conservation management strategies.”

As outlined above, the global conservation benefit of exporting P microdon for display in aquaria is enormous. Accordingly it could be argued that Australia (as the last bastion for robust Sawfish populations), actually has an obligation to the rest of the world to facilitate display of these animals in Public Aquaria for the greater good of the family Pristidae. This is especially true in areas where sawfish are facing at best a tenuous existence due to habitat destruction and fragmentation and education and public awareness are crucial to ensuring the long term survivability of the species. The USA is a prime example of how sawfish ambassadors from Australia can greatly assist in the educational and public awareness process.

4. Background on Cairns Marine

HSI have stated that the annotation for the *Pristis microdon* was primarily motivated for the export and facilitated financial return back to Cairns Marine and further suggests that it is “bogus” to consider export of this species is done ‘primarily for conservation purposes’

HSI have made no attempt to investigate or acknowledge the past decade of conservation advocacy and significant financial contributions Cairns Marine has invested into the long term survival of Australian Pristid populations. The HSI view makes no attempt to objectively consider the annotation or potential benefits this opportunity provides to not only Australian Pristids but also to Pristids Globally. Instead, HSI has preferred to adopt a philosophical opposition to a small component of what has been an outstanding and successful achievement to have all Pristids listed on CITES in a way that addresses key threats with the exception of Habitat degradation and modification.

A. Historical Influences

Cairns Marine is a family company that has operated for 14 years. It has a long generational history and association with conservation through education and awareness via the medium of Public Aquarium display. Vic Oke began the Cairns Oceanarium during the Sixties, an aquarium ahead of its time displaying a range of local native marine life in naturalistic exhibits. Vic was the first person in the world to raise an orphaned Dugong and was heavily involved with ground breaking research at the time of this species. It was during this time that the family’s first connection with Sawfish was established after Vic and his son Geoff rescued a 5.3 meter *Pristis microdon* from a governmental shark net program. The massive animal was introduced into the Aquarium and this was the first attempt to successfully keep a large individual of this species in an aquarium. Vic’s daughter Bev married diver and aquarium hand Lyle Squire (Snr) and they both went on to work for the Queensland Department of Fisheries Research for 15 years prior to becoming directors along with their two sons Lyle Jnr. and Cadel Squire of Cairns Marine Aquarium Fish in 1994.

The values and core beliefs of Cairns Marine are inherent in every aspect of the business. The legacy and respect for the marine environment that Vic instilled into his grandsons is deeply ingrained. So too is the culture of facilitating and working with researchers. This was enhanced through Lyle’s and Bev’s professional connections with Fisheries research.

B. Present Day

Cairns Marine is presently a multi-million dollar company employing over 30 people. Cairns Marine supplies a broad range of fish, sharks, rays, invertebrates and corals to Public Aquaria and wholesalers all over the world. Domestically Cairns Marine also supplies Aquarium shops throughout Australia. Sawfish represent a miniscule component within the overall Cairns Marine turn-over.

The philosophy behind the business has been to use it as a vehicle to provide an opportunity to work with and develop a greater knowledge about fascinating creatures of which little is often known, and ultimately be able to share this with the rest of the world. This is done with a belief in conservation through education and that the best tools to achieve this, is to provide access for the public of the world to living ambassadors.

C. Chronology of involvement with Sawfish

Lyle Squire Jnr. embarked upon attempting to better understand sawfish in 1998. This quickly became a passion bordering on obsession. After some years of limited achievement, it was determined that to be successful in finding, collecting and caring for sawfish, Cairns Marine would require a substantial investment of time, resources and infrastructure. This commitment was made in 2000 with Cairns Marine investing in a customised vehicle and trailer with specialised holding containers. There was also a significant investment in actual collection equipment and in field holding apparatus. This was done with little expectation to achieve full cost recovery, but was in-line with Cairns Marine philosophies and Lyle's personal passion for an animal recognised as in serious decline internationally.

With the aid of customised equipment, Cairns Marine spent around 150 days in the field during 2001 and 2002. It was only through this period that a better understanding of all species of Australian *Pristids* with emphasis on *Pristis microdon*, started to emerge. It was also through this period that Cairns Marine began supplying genetic samples, morphometrics and other information to researcher Stirling Peverell of QDPI&F. CM was concerned that the limited funding budget for his research would not yield the necessary results if assistance was not provided.

It quickly became apparent that some of the knowledge and skills developed in that relatively short time by Cairns Marine eclipsed that contained in published literature or held by many experts. Upon this realisation and awareness, Cairns Marine then made a firm commitment to contribute to the gathering of research material pertaining sawfish and importantly to **SHARE** information openly and freely. This is a point captured and re-iterated in nearly all of the attached letters of support.

In addition, Cairns Marine made an additional commitment to actively pursue Scientists and researchers that may be able to use Samples, data and information that may be collected by Cairns Marine. This was an important development from an Industry based organisation that was both unprecedented and unsolicited. This was at a time when Sawfish were not really on the radar of most agencies, managers, NGO's and a lot of Scientists, in Australia. For these reasons it is quite common to see reference to Lyle Squire Jnr. throughout scientific papers produced around the world on Sawfish.

In 2003, Lyle was one of 9 people to present at the Sawfish Symposium held as part of the American Elasmobranch Societies conference in Manaus, Brazil. The paper was entitled: *A window of insight into Australian sawfishes through collection and husbandry for public aquaria.*

Prior to the presentation of the paper, it was believed that *Pristis microdon* only inhabited fresh waters in Australia and did not grow greater than two metres. Lyle provided evidence that the species grow in excess of 5.2 metres and can be found in salt water. His hypothesis was that the species lives at sea and returns to freshwater to breed and for protection against predation when they are young. It is now generally accepted that this is the case and has been verified by Peverell's work.

Lyle also presented information gleaned through husbandry such as preferred temperature parameters, captive growth rates and field observations to assist researchers to better locate and capture Sawfish. Many of the aspects contained within Lyle's paper was directed at addressing key life history misconceptions that were inhibiting potential management of this species back in Australia.

The purpose of this self-funded exercise was to provide information gleaned through the years of field work that were not acknowledged in the literature, but more importantly to offer to the world's leading sawfish researchers, unprecedented FREE access to animals, samples and data collection. Cairns Marine made a commitment at that forum to the world's experts, to be part of the solution rather than part of the problem and additionally detailed a firm resolution to support research into this species through Cairns Marine's self-funding ability to provide animals to Public Aquaria. To this day many of the relationships and collaborations forged at that meeting with researchers around the world, still prevails.

In the following years, as more field work was completed and new information gathered, Lyle Squire Jnr. presented several informative powerpoint presentations to staff of the now DEWHA. These presentations contained video and high resolution images to better inform staff about Sawfish, the aquarium trade (with special emphasis on life history) and associated conservation issues witnessed in the field. This was prior to any issue being raised about the potential exports of Sawfish and was simply part of Cairns Marine's ongoing commitment to share information and raise the profile of sawfish whenever possible. This was not a solicitation or lobbying as suggested by HSI but was a direct result of Lyle Squire's passion for these animals.

Due to the excellent survivability of Sawfish in Public Aquaria, demand for them has always been limited. There are a limited number of Aquariums large enough and with the facilities to provide for, a species that attains great size in relatively short periods of time. In the year preceding the last CITES conference, there were no Sawfish of any species exported from Australia.

D. Costs associated with Sawfish field work.

There was a commitment made in 2000 by Cairns Marine to invest in a customised vehicle and trailer with specialised holding containers. There was also a significant investment in actual collection equipment and in field holding apparatus. At the time the cost of that investment in equipment eclipsed a quarter of a million dollars.

Today, typical Sawfish expeditions involves the deployment of Equipment in excess of \$350 000.00 and a team of up to 6 people for a week at a time into remote and inhospitable field locations. The majority of this equipment is sawfish specific and

not used for other collections. Accessing Sawfish is one of the most expensive operations Cairns Marine undertakes.

The benefits to researchers able participate in these expeditions without cost and derive samples and data is obvious. It is unlikely that this would easily be replicated through a research grant given the lack of funds available. For this reason Cairns Marine always attempts where possible do additional time above what is required for Cairns Marine to capture additional animals for tag and release. In the most recent collection trip Cairns Marine participated in the tag and release of 18 *Pristis microdon* in a four day period.

E . Costs associated with Sawfish husbandry.

The holding at Cairns Marine is state of the art and a range of professional staff including Marine Biologists and Aquaculture technicians oversee the husbandry of the animals. The holding period for Sawfish prior to transport to a Public aquarium can take several months depending on the individual. The animals are acclimated to captive care and readily adapt.

Due to the intensive nature of the systems and staff required to keep Sawfish, the cost of this husbandry is considerable. The infrastructure directly and indirectly utilised to hold and care for these animals on the ground is in excess of 1.5 million dollars

F. Cost Recovery

It is one thing to cover costs to effect collections but it is another to run at a significant loss. Cairns Marine is not financial enough to achieve the work it conducts with Sawfish without some form of cost-recovery through the sale of a limited number of juvenile animals to public aquaria. In the past there has been a range of ways organisations attempt to hide this either via sideline consultancy charges or the like.

Cairns Marine makes no apologies for attempts to recover costs associated with the incredibly expensive process of accessing Sawfish and providing a hub for sawfish research. Cairns Marine does so proudly with a firm belief in the valuable contribution the associated benefits of a limited export trade in Sawfish provides to the global conservation of this family.

The Cairns Marine approach and philosophy to this issue is not that dissimilar to that taken by some NGO's in Africa and other parts of the world where a species effectively pays its own way in relation to research and conservation through limited controlled and sustainable exploitation. In addition to this, Cairns Marine is currently embarking on the process of establishing a not-for profit trust fund to channel a portion of the money derived from the sale of sawfish directly into research opportunities and equipment. As a registered tax deductible gift recipient , this trust will be able to leverage additional funds from public aquaria and other philanthropic sources. This is an exciting development that will provide valuable and urgently needed funds directly into sawfish research.

Despite the need for cost recovery, this did not stop Cairns Marine from donating a *Pristis microdon* several years ago to the Reef HQ at Townsville where it still currently resides. This was in recognition that such an acquisition was not possible due to the restricted budget that the aquarium operates on. Cairns Marine acknowledged the importance of positioning a sawfish in the only marine aquarium capable of the necessary care for this species in Northern Australia.

Cairns Marine considered that it was important to afford an opportunity for people within the home range of this threatened species to have access to a living example. It is through this access that the aquarium is then able to forge an emotional connection between the visitor and the Sawfish. The connection is critical in the process of engendering empathy and paving the way for understanding through education. In a region where there is a chance people can make a difference to the future of Sawfish populations, it is vital to get the message out that these animals are globally in real trouble and if we don't look after them here, they will disappear.

G. Collaboration with HSI

HSI in recent times have made little or no attempt to engage Industry constructively to facilitate their objectives. Most modern Industries in today's society are well aware of the associated benefits of dialogue with NGO groups to achieve positive outcomes. Cairns Marine has always maintained this philosophy and readily participates in the engagement process.

In the Hague during the CoP 14, Lyle Squire Jnr. extended the invitation to the HSI representative on the delegation to work collaboratively with Cairns Marine to develop what they (HSI) would consider appropriate interpretive signage and extension material for Public Aquaria receiving and displaying Sawfish. This offer of collaboration and engagement on CM's part has never been realised with HSI preferring to pursue the complete cessation of any Sawfish exports along with associated research and benefits. Cairns Marine finds this approach to be antiquated and very disappointing. The result has been the consumption of much time and effort by all parties involved that could have otherwise been applied to pro-active activities to enhance existing frameworks and facilitate more comprehensive conservation outcomes.

Despite the past difficulties, Cairns Marine still welcomes opportunity to work with HSI to develop appropriate interpretive material for Public Aquaria.

5. Conclusion

In conclusion, Cairns Marine asks that the Joint Standing Committee on Treaties reject HSI's submission to recommend the uplisting of *Pristis Microdon* from Appendix I to Appendix II (without any annotation) to the 15th Meeting of the Conference of the parties (CoP15).

As the internationally renowned Dr Jamie Seymour notes, doing so will “do more to harm the conservation of these species than HSI realizes.... It will be even harder than it presently is to raise the profile of the plight of these animals....If the committee is truly interested in the conservation of Australian Sawfish, they should leave at least one avenue (namely wild collection by qualified organisations) for researchers to access. My major concern with restricting the collection of these animals for the aquarium trade is that, with no live specimens present for people to see, this group will drop off the radar into obscurity”