



**JOINT STANDING COMMITTEE ON TREATIES
(JSCOT)**

**Whole of Government response to JSCOT recommendations
relating to Report 93 'Review into Treaties tabled on 12
March and 14 May 2008'**

Whole of Government response to JSCOT recommendations

Recommendation 1)

The Committee recommends that the Australian Government monitor and assess the impact of trade in freshwater sawfish to determine whether the current listing, with annotation, on Appendix II of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* provides sufficient protection for the species.

Agreed in part.

Assessment occurs as part of the export approval process. The trade in *Pristis microdon* (freshwater sawfish) is small scale and is considered to be non-commercial (for exhibition in appropriate aquaria) for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The approval for export in this case is not the same as that which would be required if the trade was commercial. Any export of Australian native species does require an assessment that the impact of the harvest on the species is not detrimental to the survival of the species in the wild (a non-detriment finding), and that the specimens are legally collected. The collection of freshwater sawfish in Queensland is licensed by that state's Department of Primary Industries and Fisheries.

Each application for export is evaluated on a case-by-case basis and based on the best information available. To support future assessment decisions and management actions, the Government has funded a number of research projects to fill information gaps regarding population status and the impacts of threats on freshwater sawfish.

Recommendation 2)

The Committee recommends that the Australian Government review its existing policies on the composition of delegations to CITES negotiations with a view to minimising conflicts of interest, whether real or perceived.

Further, the Committee recommends that the Australian Government review the policy of allowing the participation in delegations of parties with a commercial or other direct interest in negotiations.

Not agreed.

The Government believes that the practice of inviting appropriately qualified non-government organisation representatives to meetings of the CITES Conference of Parties (CoPs) contributes significantly to open and transparent government.

Australian delegations to CITES Conference of the Parties often include representatives of non-government organisations and industry, all of whom usually have a direct interest in the subject matter of the negotiations. The Government's

additional formal process recognises that non-government representatives, including industry representatives, are able to provide valuable assistance and expertise to official Australian delegations with regard to issues on which they have specialist knowledge. Nevertheless, the Department of the Environment, Water, Heritage and the Arts will continue to require all non-Commonwealth Government representatives to sign an agreement that they will abide by the Government brief and act in accordance with the instructions of the head of delegation. In this way real or perceived potential conflicts of interest are fully taken into account and minimised as a possibility.

Recommendation 3)

The Committee recommends that the Australian Government undertake a consultative and publicly accessible process for the assessment of non-detriment findings and ambassador agreements, including providing the opportunity for public comment by interested stakeholders.

Agreed in part.

The Australian Government provides for public comment on most non-detriment findings. All applications for commercial harvesting of native species from the wild are subject to a public comment period. The Australian Government did seek public comment on the non-detriment finding and the ambassador agreements in the case of sawfish and will continue to seek comment on non-commercial transactions on a case by case basis.

Recommendation 4)

The Committee recommends that the Australian Government review its existing assessment process under the *Environment Protection and Biodiversity Conservation Act 1999* for CITES listed species to provide for a more formalised process of independent scientific verification of the claims made by proponents in non-detriment findings.

Not Agreed.

The Australian Government considers that the existing process for approvals under the EPBC Act, which includes provisions for public consultation, are appropriate and sufficient. The use of precautionary/restrictive measures and conditions such as the application of biological reference points, quotas, compliance and observer programs and spatial and temporal closures can assist in supporting decisions on non-detriment findings to ensure harvest of a species is sustainable.

In cases of high scientific uncertainty, the Australian Government regularly seeks independent scientific advice from relevant scientific experts. Mandating an additional formal process for the independent scientific review of all claims would result in significant additional costs and time delays. More importantly, this would not necessarily be balanced by improved scientific verification, particularly for species where the conservation status is well understood, or where limited expertise is available.