


TARFish

Tasmanian Association for Recreational Fishing Inc.

www.tarfish.org

*Looking after the
interests of recreational
marine fishers*



13th January 2010

Committee Secretary
Joint Standing Committee on Treaties
Department of House of Representatives
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Sirs/Madames

RE: Listing of Mako and Porbeagle Sharks as Migratory Species under EPBC Act

TARFish is the government recognised, independent peak body set up to look after the interests of recreational fishers in Tasmania and we are writing to you with regards to the proposed listing of Shortfin Mako, Longfin Mako and Porbeagle Sharks as Migratory Species under the EPBC Act.

We understand that at the ninth meeting of the Conference of the Parties to the Convention on Migratory Species (1-5 December 2008), the decision was made to list Shortfin Mako, Longfin Mako and Porbeagle sharks under Appendix II of the Bonn Convention. Appendix II highlights concerns about the species but it is our understanding that it was never intended to prevent sustainable fishing practices. Unfortunately the wording of Section 209 Paragraph 3 of Part 13, Division 2 of the Environment Protection and Biodiversity Conservation Act 1999 does not draw the distinction between Appendix I and Appendix II of the Bonn Convention:

We believe that this is an oversight in the Act and the unintentional consequence we are believe means that the federal government have little choice but to consider listing Makos as migratory species.

TARFish has been approached by our member organisations and individual recreational fishers concerned about what the listing will mean for their fishing activities. We believe, on examination of the relevant sections of the EPBC Act, that there are a range of options available to grant an approval, or exemption, to allow recreational fishing for Mako Sharks to continue.

We acknowledge Minister Garrett's media release of 18 December 2009 which recognises that recreational catch and release fishing will not be affected by this decision. This is a positive step and the Minister is thanked for this. We also note that Minister Garrett does not consider the population of Mako Sharks in Australia to be under threat which is consistent with known scientific knowledge. We still believe that there are a number of issues requiring urgent attention.

Mako Sharks are an important gamefish species to Australian recreational fishers. Most of the catch is released alive with many fishers participating in structured game fish tagging programs that collect scientific information on the distribution and survival of Mako and other shark species. This information has previously been provided to Minister Garrett's department and the recreational fishing sector is committed to ensuring the ongoing collection of scientific information on these species to inform management decisions. Existing Tasmanian state government regulations governing shark catches by recreational fishers are conservative and fully supported by the majority of Tasmania's recreational fishers.

Should this listing go ahead in January 2010, it will impose significant economic hardship on regional economies and charter operators who rely to any extent on Mako shark catches as they have had no opportunity to plan for this introduction. Fishing tournaments are planned for January and February and are at an advanced stage of planning. These tournaments generally encourage tag and release, although an occasional record fish might be weighed. The extremely short notice of a change of the magnitude proposed for Mako sharks in particular, seems grossly unfair.

TARFish ask that the federal government consider delaying the listing of Shortfin Mako for six to twelve months to allow all options to be explored. If this is not possible, we would then request an interim, temporary approval to allow the status quo to be maintained. At least some of the difficulties we are experiencing are due to delays in advising the recreational fishing sector of the consequences of listing these species under the EPBC.

We also note that Recommendation 17 of the Review of the EPBC Act, released publically on 21st December, recommends that Part 13 of the Act be redrafted to allow fishing to continue for Appendix II Migratory Species.

“Recommendation 17

The Review recommends that the provisions of Part 13 of the Act relating to migratory species listed on Appendix II of the Bonn Convention be reviewed and amended to allow the take of Appendix II migratory species, subject to management arrangements demonstrating that the take would not be detrimental to survival of the species.”

Any such amendments should ensure that the Act provides appropriate protection consistent with Australia's international obligations. A delay in listing would allow both the Department and the recreational fishing community to explore options that would allow a sustainable level of fishing to continue. TARFish strongly believes that existing fishing practices for Shortfin Mako sharks will be able to be shown to be sustainable.

If further changes to management are able to be demonstrated as biologically necessary, this is the type of matter towards which TARFish and the broader recreational fishing community are committed to working closely with DEWHA on. The recreational fishing sector already has plans for online reporting programs that could easily accommodate reporting of Mako shark captures. Community monitoring

programs such as the Great Australia Shark Watch, which are already collecting a wealth of data on Grey Nurse Sharks, could be expanded to include Makos.

We appeal to the Joint Standing Committee on Treaties to consider the options we have detailed above as we believe a precedent has been set by Minister Garrett's recent amendment to the EPBC Act with regards to the inconsistency between State/Territory and Commonwealth fisheries regulations identified in Ningaloo Marine Park which corrected what was quite clearly an oversight in the legislation.

We look forward to a positive response from the committee and please do not hesitate to contact me with any questions or clarification that may be required on this matter.

Regards

A handwritten signature in black ink, appearing to read 'Mark Nikolai', written in a cursive style.

Mark Nikolai
Chief Executive Officer