EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Amendment of the List of CITES Species in accordance with section 303CA

The List of CITES Species, for the purposes of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), is established under subsection 303CA(1). Under subsection 303CA(3) of the EPBC Act, the list must include all species from time to time included in any of Appendices I, II and III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The 15th Conference of the Parties (CoP15) to the CITES agreed to a number of amendments to CITES Appendices I and II. It is necessary to amend the List of CITES Species under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Additionally, under Article XVI paragraph 1 of CITES, Parties may submit a population of a species under their jurisdiction for inclusion in Appendix III of CITES. Under Article XVI paragraph 3, Parties may also withdraw a population of a species under their jurisdiction included in Appendix III from inclusion in the CITES Appendices. As CITES Notifications have been received both adding and withdrawing species from Appendix III of CITES, it is necessary to amend the List of CITES Species under the EPBC Act.

Subsections 303CA(9)(b) and (9)(c) of the EPBC Act provide that the Minister may amend the list, as necessary, so that it includes all species required to be included in the list under subsection 303CA(3) and so that the notations in the list are consistent with CITES.

The purpose of this instrument is to amend the List of CITES Species to incorporate the amendments to Appendix I, II and III made at CoP15, held in Doha, Qatar from 13-25 March 2010 and to make corrections to annotations to two Appendix II listings following CoP14 amendments and one amendment to Appendix III appearing in CITES Notification 2008/027.

Under CITES, amendments to Appendices I and II enter into force for all Parties ninety days after the CoP at which they were adopted. The proposed amendments are consistent with Australia’s commitment to the conservation of species threatened with trade. As Australia does not propose to lodge a reservation to the amendments, the amendments will automatically enter into force for Australia on 23 June 2010.

The Minister for Environment Protection, Heritage and the Arts wrote to the Chair of the Joint Standing Committee on Treaties (JSCOT) on 11 June 2010 providing details of the proposed amendments to Appendices I and II.

Amendments to Appendix III enter into force for all Parties ninety days after the Notification amending the Appendix III listing is distributed to the Parties. As Australia does not propose to lodge a reservation to the amendments, the amendments would enter into force for Australia on 23 June 2010.

The Department of the Environment, Water, Heritage and the Arts (DEWHA) sought the views of the relevant Commonwealth, State and Territory agencies, relevant Non Government Organisations (NGOs) and industry groups and members of the public in relation to listing proposals considered at the 15th Conference of the Parties meeting.
The instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The instrument will commence on 23 June 2010.