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).

Under Article XVI paragraph 1 of CITES, Parties may withdraw a population of a species under their jurisdiction included in Appendix III from inclusion in the CITES Appendices. As a CITES Notification has been received withdrawing a 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 amendment to Appendix III appearing in CITES Notifications 2010/10.

Under CITES, withdrawals from Appendix III enter into force for all Parties thirty days after the Notification amending the Appendix III listing is distributed to Parties. Consequently the amendment will enter into force for Australia on 24 June 2010.

The Department of the Environment, Water, Heritage and the Arts (DEWHA) has not sought the views of Commonwealth, State and Territory agencies or stakeholders as the proposed amendment is considered to have minimal impact.

The instrument is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The instrument will commence on 24 June 2010.