EXPLANATORY STATEMENT

(Issued by the Authority of the Minister for Sustainability, Environment, Water, Population and Communities)

Environment Protection and Biodiversity Conservation Act 1999
Amendment to List of CITES Species

The Environment Protection and Biodiversity Conservation Act 1999 (the Act) provides for the protection of the environment, including wildlife that may be adversely affected by trade, and the implementation of Australia’s international environmental responsibilities.

Section 303CA of the Act provides for a list of CITES Species for the purposes of the Act (the List of CITES Species). Under subsection 303CA(3) of the 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). 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.

Under Article XVI paragraph 1 of CITES, Parties may include a population of a species under their jurisdiction in Appendix III of the CITES Appendices. As a CITES Notification of the Parties has been received to include species in Appendix III of CITES, it is necessary to amend the List of CITES Species under the Act. The purpose of this Instrument is to amend the List of CITES Species to incorporate the one amendment to Appendix III appearing in CITES Notification to the Parties 2012/002.

The Instrument is considered to have no impact because the species being added to Appendix III is a prohibited live import as it does not appear in the List of Specimens Suitable for Live Import under section 303EB of the Act. It is also not known to be imported or exported as a non-live specimen. Therefore, the Department of Sustainability, Environment, Water, Population and Communities has not sought the views of Commonwealth, State and Territory agencies nor consulted with stakeholders. The Office of Best Regulatory Practice, Department of Finance and Deregulation, have also advised that a Regulatory Impact Statement is not required for these amendments.

This legislative instrument does not engage any of the applicable rights or freedoms. This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

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

Under CITES, inclusions in Appendix III enter into force for all Parties 90 days after the Notification amending the Appendix III listing is distributed to Parties. As Australia does not propose to lodge a reservation to the amendments, the amendments would enter into force for Australia on 3 April 2012.

The Instrument will commence on 3 April 2012.

Authority: sections 303CA(9)(b) and (c) of the Environment Protection and Biodiversity Conservation Act 1999.