

COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

**Amendment of List of CITES Species**

I, David Kemp, Minister for the Environment and Heritage, pursuant to paragraphs 303CA(9)(b) and (c) of the *Environment Protection and Biodiversity Conservation Act 1999*, hereby amend the list of CITES species established under subsection 303CA(1) of that Act, as set out in Schedule 1 to this instrument.

For the purposes of information, a consolidated list of CITES species, as amended by this instrument, is set out in Schedule 2.

This amendment will take effect on the date of publication in the Gazette, or on 13 February 2003, whichever is the later.

Dated this 5th day of February 2003

DAVID KEMP

Minister for the Environment and Heritage

## Schedule 1

### Add to Appendix II

#### Fauna

Class: Actinopterygii (Ray-finned fishes)				
<i>Taxon</i>	<i>Common Name</i>	<i>Appendix</i>	<i>Notation</i>	<i>First Listed</i>
Order: Syngnathiformes				
Family: Syngnathidae				
<i>Hippocampus</i> spp	seahorses	II	Enters into effect 18 months after the end of the 12 <sup>th</sup> CITES Conference of the Parties	15 May 04

Family: Cetorhinidae				
<i>Cetorhinus maximus</i>	Basking Shark	II		13 Feb 03
Order: Orectolobiformes				
Family: Rhincodontidae				
<i>Rhincodon typus</i>	Whale Shark	II		13 Feb 03

<i>Scaphiophryne gottlebei</i>	Gottlebes Frog	II		13 Feb 03
<i>Brookesia</i> spp	chameleons	II	All species in genus except those in App. I	13 Feb 03
<i>Annamemys annamensis</i>	Annam Pond Turtle	II		13 Feb 03
<i>Heosemys depressa</i>	turtle	II		13 Feb 03
<i>Heosemys grandis</i>	turtle	II		13 Feb 03
<i>Heosemys leytenis</i>	turtle	II		13 Feb 03
<i>Heosemys spinosa</i>	turtle	II		13 Feb 03
<i>Hieremys annandalii</i>	Yellow-headed Temple Turtle	II		13 Feb 03
<i>Kachuga</i> spp	Indian roofed turtle	II	Except species in App. I	13 Feb 03
<i>Leucocephalon yuwonoi</i>	Sulawesi Forest Turtle	II		13 Feb 03
<i>Mauremys mutica</i>	Yellow Pond Turtle	II		13 Feb 03
<i>Orlitia borneensis</i>	Malayan Giant Turtle	II		13 Feb 03
<i>Pyxidea mouhotii</i>	Keeled Box Turtle	II		13 Feb 03
<i>Siebenrockiella crassicollis</i>	Black Marsh Turtle	II		13 Feb 03
<i>Platysternon megacephalum</i>	Big-headed Turtle	II		13 Feb 03
<i>Chitra</i> spp	turtle	II		13 Feb 03
<i>Pelochelys</i> spp	giant softshell turtles	II		13 Feb 03
<i>Atrophaneura jophon</i>	Swallowtail Butterfly	II		13 Feb 03
<i>Atrophaneura pandiyana</i>	Swallowtail Butterfly	II		13 Feb 03

#### Flora

<i>Swietenia macrophylla</i>	Bigleaf Mahogany	II	Neotropical populations only. Enters into effect 12 months after the end of the 12 <sup>th</sup> CITES Conference of the Parties	15 Nov 03
<i>Beccariophoenix madagascariensis</i>	Manarano Palm	II		13 Feb 03
<i>Lemurophoenix halleuxii</i>	Red Lemur Palm	II		13 Feb 03
<i>Marojejya darianii</i>	Big Leaf Palm	II		13 Feb 03
<i>Ravenea rivularis</i>	Majestic Palm	II		13 Feb 03
<i>Ravenea louvelii</i>	Palm	II		13 Feb 03
<i>Satranala decussilvae</i>	Forest Bismarckia	II		13 Feb 03
<i>Voanioala gerardii</i>	Forest Coconut	II		13 Feb 03
<i>Guaiacum</i> spp	Lignum Vitae	II	Designates all parts and	13 Feb 03

<i>Taxon</i>	<i>Common Name</i>	<i>Appendix</i>	<i>Notation</i>	<i>First Listed</i>
			derivatives, except: a) seeds and pollen; b) seedling or tissue culture obtained in vitro, or solid or liquid media, transported in sterile containers; c) cut flowers of artificially propagated plants; and d) chemical derivatives and finished pharmaceutical products	

Transfer from Appendix I to Appendix II with Notations amended as appropriate

<i>Rhea pennata pennata</i> (also referenced as <i>Pterocnemia</i> )	Darwin's Rhea	II	Populations of Chile	1 Jul 75
<i>Vicugna vicugna</i>	Vicuña	II	Argentina: Population of the Province of Catamarca, for the exclusive purpose of allowing international trade in wool sheared from live animals, cloth derived manufactured products and other handicraft artifacts.	1 Jul 75
<i>Vicugna vicugna</i>	Vicuña	II	<b>Bolivia:</b> The whole Population of Bolivia. For the exclusive purpose of allowing international trade in products made from wool sheared, from live animals. The reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the 'Convenio para la Conservación y Manejo de la Vicuña' and the words 'VICUÑA – BOLIVIA'.	1 Jul 75
<i>Vicugna vicugna</i>	Vicuña	II	<b>Chile:</b> populations of Primera Región. For the exclusive purpose of allowing international trade in wool sheared from live vicunas, and in cloth and items made thereof, including luxury handicrafts and knitted articles. The reverse side of cloth must bear the logo adopted by the range states of the species which are signatories to the Convenio para la Conservación y Manejo de la Vicuña, and the selvages the words 'VICUÑA-CHILE'. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.	1 Jul 75

**Plants**

<i>Dudleya traskiae</i>	Santa Barbara Island Dudleya	II		29 Jul 83
<i>Aloe thorncroftii</i>	aloe	II		1 Jul 75

Add to Appendix I

**Fauna**

<i>Brookesia perarmata</i>	chameleon	I		13 Feb 03
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Transfer from Appendix II to Appendix I

**Fauna**

<i>Amazona ochrocephala auropalliata</i>	Yellow-napped Parrot	I		6 Jun 81
<i>Amazona ochrocephala belizensis</i>	Yellow-napped Parrot	I		6 Jun 81
<i>Amazona ochrocephala caribaea</i>	Yellow-napped Parrot	I		6 Jun 81
<i>Amazona ochrocephala oratrix</i>	Yellow-napped Parrot	I		6 Jun 81
<i>Amazona ochrocephala parvipes</i>	Yellow-napped Parrot	I		6 Jun 81
<i>Amazona ochrocephala tresmariae</i>	Yellow-napped Parrot	I		6 Jun 81

<i>Taxon</i>	<i>Common Name</i>	<i>Appendix</i>	<i>Notation</i>	<i>First Listed</i>
<i>Ara couloni</i>	Blue-headed Macaw	I		13 Feb 03
<i>Pyxis planicauda</i>	Flat-tailed spider Tortoise	I		1 July 75

### Flora

<i>Araucaria araucana</i>	Monkey-puzzle Tree	I		1 Jul 75
<i>Sclerocactus nyensis</i>	Tonapah fishhook Cactus	I		1 Jul 75
<i>Aerangis ellisii</i>	orchid	I		1 Jul 75

### Replace the existing Notations to the items below with the following Notations

### Fauna

Cetacea spp.	All whales, porpoises, and dolphins	II	All species in the Order Cetacea except those in App. I or with earlier listed date in App. II. A zero quota has been established for live specimens from the Black Sea population of <i>Tursiops truncatus</i> removed from the wild and traded for primarily commercial purposes.	28 Jun 79
<i>Loxodonta africana</i>	African Elephant	II	Includes only the	4 Feb 77
			Population of Botswana for the exclusive purpose of allowing: a) Trade in hunting trophies for non-commercial purposes; b) Trade in live animals for in-situ conservation programmes; c) Trade in hides; d) Trade in leather goods for non commercial purposes; e) Trade in registered raw ivory (whole tusks and pieces) subject to the following: i. Only registered government-owned stocks, originating in Botswana (excluding seized ivory and ivory of unknown origin); ii. Only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning domestic manufacturing and trade; iii. Not before May 2004, and in any event not before the Secretariat has verified the prospective importing countries, and MIKE has reported to the Secretariat on the baseline information (e.g. elephant population numbers, incidence of illegal killing); iv. A maximum amount of 20,000kg of ivory may be traded, and despatched in a single shipment under strict supervision of the Secretariat; v. The proceeds of the trade are used exclusively for elephant conservation and community conservation and development programs within or adjacent to the elephant range; vi. Only after the Standing Committee has agreed that the above conditions have been met. On a proposal from the Secretariat, the Standing	

		<p>Committee can decide to cause this trade to partially or completely cease in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations.</p> <p>All specimens that are not allowed to be traded under the above provisions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.”</p>		
<b>Taxon</b>	<b>Common Name</b>	<b>Appendix</b>	<b>Notation</b>	<b>First Listed</b>
<i>Loxodonta africana</i>	African Elephant	II	Includes only the	4 Feb 77
		<p>Population of Namibia: For the exclusive purpose of allowing:</p> <p>a) Trade in hunting trophies for non-commercial purposes;</p> <p>b) Trade in live animals for in-situ conservation programmes;</p> <p>c) Trade in hides;</p> <p>d) Trade in leather goods for non commercial purposes;</p> <p>e) Trade in registered raw ivory (whole tusks and pieces) subject to the following:</p> <p>i. Only registered government-owned stocks, originating in Namibia (excluding seized ivory and ivory of unknown origin);</p> <p>ii. Only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning domestic manufacturing and trade;</p> <p>iii. Not before May 2004, and in any event not before the Secretariat has verified the prospective importing countries, and MIKE has reported to the Secretariat on the baseline information (e.g. elephant population numbers, incidence of illegal killing);</p> <p>iv. A maximum amount of 10,000kg of ivory may be traded, and despatched in a single shipment under strict supervision of the Secretariat;</p> <p>v. The proceeds of the trade are used exclusively for elephant conservation and community conservation and development programs within or adjacent to the elephant range;</p> <p>vi. Only after the Standing Committee has agreed that the above conditions have been met.</p> <p>On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to partially or completely cease in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations.</p> <p>All specimens that are not allowed to be traded under the above provisions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly</p>		
<i>Loxodonta africana</i>	African Elephant	II	Includes only the	4 Feb 77
		<p>population of South Africa. For the exclusive purpose of allowing:</p> <p>a) Trade in hunting trophies for non-commercial purposes;</p> <p>b) Trade in live animals for in-situ conservation programmes;</p>		

	<p>c) Trade in hides;  d) Trade in leather goods for non commercial purposes;  e) Trade in registered raw ivory (whole tusks and cut pieces of ivory that are both 20 cm or more in length and one kilogramme or more in weight) subject to the following:  i. Only registered government-owned stocks, originating in Kruger National Park (excluding seized ivory and ivory of unknown origin);  ii. Only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning domestic manufacturing and trade;  iii. Not before May 2004, and in any event not before the Secretariat has verified the prospective importing countries, and MIKE has reported to the Secretariat on the baseline information (e.g. elephant population numbers, incidence of illegal killing);  iv. A maximum amount of 30,000kg of ivory may be traded, and despatched in a single shipment under strict supervision of the Secretariat;  v. The proceeds of the trade are used exclusively for elephant conservation and community conservation and development programs within or adjacent to the elephant range;  vi. Only after the Standing Committee has agreed that the above conditions have been met.  On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to partially or completely cease in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations. All specimens that are not allowed to be traded under the above provisions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.”</p>
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Flora

<i>Taxon</i>	<i>Common Name</i>	<i>Appendix</i>	<i>Notation</i>	<i>First Listed</i>
Orchidaceae spp.	Orchids	II	Artificially propagated	1 Jul 75
		specimens of hybrids within the genus Phalaenopsis, are not subject to the provisions of the Convention when: a) specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes, or crates) containing 100 or more plants each; b) all plants within a container are of the same hybrid, with no mixing of different hybrids within a container; c) plants within a container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity in size and stage of growth, cleanliness, intact root systems, and general absence of damage or injury that could be attributable to plants originating in the wild; d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to roots, leaves, or other parts resulting from collection; and e) shipments are accompanied by documentation, such as		

<i>Taxon</i>	<i>Common Name</i>	<i>Appendix</i>	<i>Notation</i>	<i>First Listed</i>
			an invoice, which clearly states the number of plants and which of the six exempt genera are included in the shipment, and is signed by the shipper. Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.	

**Replace:**

<i>Vicugna vicugna</i>	Vicuna	I	Except Populations in App. I under conditions specified	1 Jul 75
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**With:**

<i>Vicugna vicugna</i>	Vicuna	I	Except Populations in App. II under conditions specified	1 Jul 75
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**Delete the following species:**

**Fauna**

<i>Cnemidophorus hyperythrus</i>	Orange-throated Whiptail Lizard, Orange-throated Racerunner	II		1 Jul 75
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**Flora**

<i>Lewisia maguirei</i>	Maguire's Lewisia	II		29 Jul 83
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**Add to Appendix III**

**Flora**

<i>Dipteryx panamensis</i>	Almendro	III	Costa Rica	13 Feb 03
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**Delete from Appendix III**

**Fauna**

<i>Agkistrodon bilineatus</i>	Cantil	III	Honduras	13 Apr 87
<i>Atropoides nummifer</i> (formerly included as <i>Bothrops nummifer</i> )	Jumping Pit Viper	III	Honduras	13 Apr 87
<i>Bothriechis schlegelii</i> (formerly included as <i>Bothrops schlegelii</i> )	Eyelash Palm Pit Viper, Lance Head	III	Honduras	13 Apr 87
<i>Bothrops asper</i>	Terciopelo	III	Honduras	13 Apr 87
<i>Porthidium nasutum</i> (formerly included as <i>Bothrops nasutus</i> )	Rainforest Hognosed Pit-Viper	III	Honduras	13 Apr 87
<i>Porthidium ophryomegas</i> (formerly included as <i>Bothrops ophryomegas</i> )	Slender Hognosed Pit-Viper	III	Honduras	13 Apr 87