

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

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

The 14th Conference of the Parties (CoP14) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (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 under Appendix III of CITES. Under Article XVI paragraph 3, Parties may also withdraw a population of a species under their jurisdiction included under Appendix III from inclusion under 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.

The list of CITES species, for the purposes of the EPBC Act is established under section 303CA. Under subsection 303CA(3) of the EPBC Act, the list must include all species from time to time included on the CITES Appendices. Subsections 303CA(9)(b) and (9)(c) of the EPBC Act provide that the Minister may amend the list to ensure that it remains consistent with CITES.

The effect of this instrument is to amend the list of CITES species to incorporate: the amendments to Appendix I and II made at the CoP14, held in The Hague, Netherlands from 3-15 June 2007; a clarification of an annotation to Appendix II appearing in Notification 2007/012; and amendments to Appendix III appearing in CITES Notifications 2007/007 and 2007/021.

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 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 would automatically enter into force for Australia on 13 September 2007.

The Commonwealth Minister for the Environment and Water Resources, the Hon Malcolm Turnbull MP, wrote to the Chair of the Joint Standing Committee on Treaties (JSCOT) on 10 April 2007 providing details of the proposed amendments to Appendices I and II. The CITES default mechanism for amendments to CITES Appendices means that they enter into force before being tabled in the Australian parliament.

Amendments to Appendix III enter into force for all Parties ninety 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 13 September 2007.

The Department of the Environment and Water Resources (DEW) 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 14th Conference of the Parties meeting.

A consolidated list including the current changes will be published on the DEW web site.

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

The instrument will commence on 13 September 2007.