

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 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 111 amendments to Appendix III appearing in CITES Notification 2011/039.

The Instrument is considered to have minimal impact because the species being added to Appendix III are not believed to be imported into, or exported from Australia in significant quantities. 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.

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 22 December 2011.

The Instrument will commence on 22 December 2011.

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