

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Amendment of the List of CITES Species in accordance with Section s303CA

The 13th Conference of the Parties (CoP13) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) agreed to a number of amendments to the CITES Appendices. It is necessary to amend the list of CITES species under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The list of CITES species for the purposes of the EPBC Act established under section 303CA. Under sub-section 303CA(3) of the EPBC Act, the list must include all species from time to time included on the CITES Appendices. Sub-sections 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 adopted at the CoP13 to CITES, held in Bangkok, Thailand from 2 – 14 October 2004.

Under CITES, amendments to the Appendices 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 12 January 2004

The then Commonwealth Minister for the Environment and Heritage, the Hon. Dr David Kemp MP, wrote to the Chair of the Joint Standing Committee on Treaties (JSCOT) on 1 June 2004 providing details of the proposed amendments to Appendixes 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.

The Department of the Environment and Heritage (DEH) sought the views of the relevant Commonwealth, State and Territory agencies, and relevant Non Government Organisations (NGOs) and industry groups, in relation to listing proposals to be considered at the 13th Conference of the Parties meeting in October 2004. Letters and comments were sought from a diverse range of stakeholders.

A consolidated list including the changes from CoP13 will be published on the DEH web site.