

## **EXPLANATORY STATEMENT**

### *Environment Protection and Biodiversity Conservation Act 1999*

#### Amendment of the List of CITES Species in accordance with Section 303CA

Under Article XVI paragraph 1 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Parties may submit a population of a species under their jurisdiction for inclusion under Appendix III of CITES. As several CITES Notifications have been received adding species to Appendix III of CITES, 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 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. Subsection 303CA(9)(a) of the EPBC Act provide that the Minister may correct an inaccuracy or update the name of a species. These amendments may also be made by the Minister's Delegate.

The effect of this instrument is to amend the list of CITES species to incorporate the amendments to Appendix III appearing in CITES Notifications 2007/038 and 2007/040.

Under CITES, amendments to the Appendices enter into force for all Parties ninety days after the Notification amending the Appendix III listing is distributed to Parties. 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 enter into force for Australia upon the 12 February 2008.

The Department of the Environment, Water, Heritage and the Arts has not sought the views of State and Territory governments or stakeholders as it is considered the amendments will have minimal impact.

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