

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

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

The List of CITES Species, for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), is established under subsection 303CA(1). Under subsection 303CA(3) of the EPBC 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).

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 including species in Appendix III of CITES, it is necessary to amend the List of CITES Species under the EPBC Act.

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.

The purpose of this instrument is to amend the List of CITES Species to incorporate the two amendments to Appendix III appearing in CITES Notification 2011/012.

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 27 April 2011.

The Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) has not sought the views of Commonwealth, State and Territory agencies or stakeholders as the proposed amendments are considered to have minimal impact. Neither of the species being added to Appendix III are believed to be imported into, or exported from, Australia in significant quantities.

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

The instrument will commence on 27 April 2011.