

EXPLANATORY STATEMENT

Select Legislative Instrument No. 73, 2014

(Issued by the Authority of the Minister for the Environment)

Environment Protection and Biodiversity Conservation Act 1999

Environment Protection and Biodiversity Conservation Amendment (Rhino Specimens) Regulation 2014

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) establishes a system for regulating the international movement of wildlife specimens (commonly referred to as ‘wildlife trade’).

Section 520(1) of the EPBC Act states that the Governor-General may make regulations prescribing all matters required or permitted under the Act or necessary or convenient for carrying out or giving effect to the Act.

The EPBC Act provides that a person does not require a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permit for an import of a CITES specimen that is, subject to the conditions of the EPBC Act and Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations), taken to be an import of a personal or household effect.

Regulation 9A.04 provides for a list of species that are specified. These specimens do not qualify for the personal or household effects exemption. Rhinoceroses are not currently specified in the Regulations and so rhinoceros specimens may be imported as personal and household effects without a CITES permit.

At the 16th meeting of the Conference of the Parties to CITES (Bangkok, Thailand, March 2013), CITES Parties adopted an amendment to *Resolution Conf. 13.7: Control of Trade in Personal and Household Effects* to exclude rhinoceros hunting trophies from qualifying for the personal and household effects exemption. This decision was based on: escalating levels of poaching to supply the black market; the possible use of the personal and household effects exemption to export or import unlawfully obtained rhinoceros horn (hunting trophies) without scrutiny; and estimations that rhinoceroses could be extinct within the next two decades if action was not taken. Rhinoceros hunting trophies are any part or derivative of a rhinoceros (including its horn) which are obtained by a hunter through hunting.

In line with CITES Resolution Conf. 13.7, the purpose of the proposed Regulation is to amend the EPBC Regulations to remove the CITES permit exemption for specimens which are, or are derived from, rhinoceroses and which are imported as personal and household effects (including in personal baggage).

The proposed Regulation would add the family Rhinocerotidae (rhinoceroses) to the list of specified species under Regulation 9A.04 of the EPBC Regulations.

The Department of the Environment did not seek the views of other stakeholders, as the amendments to the Regulations do not change domestic regulation of rhinoceros hunting

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trophy specimens. The Regulation amendments will only affect the few individuals who import rhinoceros hunting trophies as personal and household effects in accompanied baggage and which have lawfully been obtained from South Africa and Swaziland populations. The Office of Best Practice Regulation (OBPR), Department of Prime Minister and Cabinet have advised that the proposed changes appear to have no more than a minor regulatory impact on business, community organisations and individuals and a regulatory impact statement is not required.

The proposed Regulations would be a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The proposed Regulations would commence on the day after registration of the instrument.

Authority: Section 520(1) of the *Environment Protection and Biodiversity Conservation Act 1999*

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

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This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Legislative instrument amends the *Environment Protection and Biodiversity Conservation Regulations 2000* to remove the CITES permit exemption for specimens which are, or are derived from, rhinoceroses (*Rhinocerotidae* spp.) and which are imported as personal and household effects (including in personal baggage). The policy intent of these changes is to ensure consistency with *Resolution Conf. 13.7 (Rev. CoP16): Control of Trade in Personal and Household Effects* of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to prevent rhinoceros hunting trophies from being imported without CITES permits.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

The Hon Greg Hunt
Minister for the Environment