

EXPLANATORY STATEMENT

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

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 species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) for the purposes of the Act (the list). 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 CITES. Subsections 303CA (9)(b) and (9)(c) of the 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 XV, paragraph 1 of CITES, Parties may propose amendments to Appendix I or Appendix II at a meeting of the Conference of the Parties (the Conference) to CITES. At the 16th meeting of the Conference (Bangkok, 3-14 March 2013), Parties resolved to list five shark species (great hammerhead shark (*Sphyrna mokarran*), smooth hammerhead shark (*Sphyrna zygaena*), scalloped hammerhead shark (*Sphyrna lewini*), porbeagle shark (*Lamna nasus*) and oceanic whitetip shark (*Carcharhinus longimanus*)) and manta rays (*Manta* spp.) on Appendix II of CITES, with a delayed date of implementation of 14 September 2014.

As Australia does not propose to lodge a reservation to the amendments, the Appendix II amendments will enter into force for Australia on 14 September 2014. As a consequence, it is necessary to amend the list of CITES species under the Act. The purpose of this Instrument is to effect this amendment. The action is consistent with Australia's commitment to CITES and to international cooperation for the protection and conservation of wildlife more generally.

Exporters and importers of the shark species will be affected to the extent that they will require CITES permits at a current cost of \$156 for multiple consignments over a six-month period (or \$313 for perishable goods or items obtained on the high seas), or \$63 for a single consignment. Shipments without appropriate permits risk rejection by importing countries. There is no commercial take of manta rays in Australian fisheries.

The Office of Best Practice Regulation, Department of Finance and Deregulation, have advised that they consider the proposed amendment of the list CITES species to be machinery-of-government in nature and that a Regulatory Impact Statement is not required. The Joint Standing Committee on Treaties (JSCOT) also considered and supported the amendments through a National Interest Analysis tabled in Parliament on 14 May 2013.

The Department of the Environment has worked with state and territory and Commonwealth fisheries management agencies to ensure a smooth transition to the new requirements. Potential importers and exporters, including processors, have also been notified of the new permit requirements.

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

The Instrument will commence on 14 September 2014.

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