

EXPLANATORY STATEMENT

(Issued by the Minister for the Environment)

Environment Protection and Biodiversity Conservation Act 1999

List of CITES Species

Declaration of a stricter domestic measure in accordance with section 303CB

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 the establishment of a list of Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) species. Under CITES (Article XIV, paragraph 1), Parties maintain the right to adopt stricter domestic measures regarding the conditions of trade, taking, possession or transport of specimens included in Appendices I, II and III of the Convention, or the complete prohibition thereof. Section 303CB of the Act enables the Minister to declare stricter domestic measures.

All species in the family Felidae, including the species *Panthera leo* (African lion), are currently included in Appendix II to CITES, except those in the domesticated form and those listed in Appendix I to CITES. The purpose of this instrument is to make a declaration to introduce a stricter domestic measure to treat *Panthera leo*, currently included in Appendix II to CITES, as if the species were included in Appendix I to CITES (consistent with section 303CB(2)(a) of the Act).

The introduction of this stricter domestic measure is required to address concerns of the Australian public about participation in the market for African lion specimens derived from inhumanely killed lions, specifically through canned hunting practices. This measure is consistent with the Objects of Part 13A of the Act (section 303BA(1)(e)), which includes the promotion of the humane treatment of wildlife. The measure is considered to be the most practicable means to effectively address this public concern.

This amendment will further restrict trade in specimens of *Panthera leo*. Under sections 303CC (4) and CD(6)(b) of the Act, Appendix I listed non-live specimens may only be imported or exported if a certificate has been issued to the effect that the specimen was acquired before the provisions of CITES applied to the specimen (i.e. before 1977 for *Panthera leo*). International movement of non-live specimens may also occur as part of a non-commercial exchange of scientific specimens between registered scientific institutions, or for research, educational or exhibition purposes (sections 303CC(3), 303CD(5) and 303FB(a), (b), (c) and (g) of the Act). Appendix I listed live specimens may only be moved internationally for research and education purposes, or as part of an approved cooperative conservation breeding program (sections 303FB (a), (b) and (d) of the Act).

This amendment will not affect Australian permits to trade African lion specimens granted prior to the declaration taking effect. Section 303CG(2A) provides that a permit enters into force on the date the permit is issued and ends not later than six months after that date.

The Department of the Environment has consulted with Australian businesses that have an interest in the international trade of lion specimens, hunting industry representatives, environment and animal welfare non-government organisations, African lion range states and other selected CITES Parties to determine any potential impacts that could result from the introduction of the stricter domestic measure. Public comment was also invited.

The Office of Best Practice Regulation, Department of Prime Minister and Cabinet, have advised that the regulatory burden of the measure is likely to be minor and that a Regulatory Impact Statement is therefore not required for this amendment. The direct impact of the measure on businesses is estimated to be less than \$500 000 per annum.

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

The Instrument will commence on 13 March 2015.

Authority: sections 303CB(1) of the *Environment Protection and Biodiversity Conservation Act 1999*.

**STATEMENT OF COMPATIBILITY FOR A BILL OR LEGISLATIVE INSTRUMENT THAT
DOES NOT RAISE ANY HUMAN RIGHTS ISSUES**

Statement of Compatibility with Human Rights

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

Amendment to List of CITES Species

Declaration of a stricter domestic measure

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 purpose of this Legislative Instrument is to declare a stricter domestic measure pursuant to subsection 303CB(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to treat *Panthera leo*, currently included in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), as if it were included in Appendix I to CITES. The introduction of this stricter domestic measure is required to address concerns of the Australian public about participation in the market for African lion specimens derived from inhumanely killed lions, specifically through canned hunting practices.

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.

Greg Hunt, Minister for the Environment