

EXPLANATORY STATEMENT

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

Environment Protection and Biodiversity Conservation Act 1999

Amendment to the list of CITES species for the purposes of the Act

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 provides that the Minister must, by legislative instrument, establish a list of species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (the Convention) for the purposes of the Act. 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 the Convention. Subsections 303CA(9)(b) and (c) of the Act together 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 the Convention.

Under Article XVI, paragraph 1 of the Convention, Parties may at any time, submit to the Secretariat, a list of species which has been identified as being subject to regulation within its jurisdiction for the purposes of Article II, paragraph 3 of the Convention. Each list submitted under Article XVI, paragraph XVI of the Convention shall be communicated to the Parties as soon as possible after receiving it and the list shall take effect as part of the Appendix III 90 days after the date of communication.

The Convention's Notification to the Parties 2020/068 (dated 16 November 2020) advised that Japan and Sri Lanka requested the Secretariat to include in Appendix III species.

Japan requested that the following six species of geckos be included in Appendix III of CITES: *Goniurosaurus kuroiwae* (Kuroiwa's ground gecko), *Goniurosaurus orientalis* (Spotted ground gecko), *Goniurosaurus sengokui* (Sengoku's gecko), *Goniurosaurus splendens* (Banded ground gecko), *Goniurosaurus toyamai* (Iheja ground gecko), *Goniurosaurus yamashinae* (Yamashina's ground gecko) and one species of salamander, *Echinotriton andersoni* (Anderson's crocodile newt). Inclusion for these species excludes parts and derivatives, other than eggs.

Sri Lanka requested that the following seven species of iguanian lizards be included in Appendix III to CITES: *Calotes ceylonensis* (Painted-lipped lizard), *Calotes desilvai* (Morningside lizard), *Calotes liocephalus* (Spineless forest lizard), *Calotes liolepis* (Crestless lizard), *Calotes manamendrai* (Manamendra-Arachchi's whistling lizard), *Calotes nigrilabris* (Black-cheek lizard) and *Calotes pethiyagodai* (Pethiyagoda's crestless lizard).

Australia does not propose to enter a reservation to the amendments. The action is consistent with Australia's strong commitment to the Convention and to international cooperation for the protection and conservation of wildlife more generally. The Office of Best Practice Regulation have advised that these amendments will have minor regulatory impacts (ID 43342).

The purpose of this legislative instrument is to update the list of CITES species for the purposes of the Act to include the abovementioned amendments.

The updates to the list of CITES species is consistent with Australia's strong commitment to the Convention and to international cooperation for the protection and conservation of wildlife more generally. The amendments put into effect by this legislative instrument are considered to have no

impact for Australia. No consultation occurred because Australia is not a range state for any of the species covered by the listing request (that is, they do not occur naturally in Australia). Further, the species cannot be legally imported to Australia under the Act.

The update to the CITES list is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Section 42 of the *Legislation Act 2003* (disallowance of legislative instruments) does not apply (see *Legislation (Exemptions and Other Matters) Regulation 2015*, section 10, item 15).

The legislative instrument is to commence on 14 February 2021 to align with the Notification to the Parties 2020/068.

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