

EXPLANATORY STATEMENT

Issued by the authority of the Minister for the Environment and Water

Environment Protection and Biodiversity Conservation Act 1999

*Environment Protection and Biodiversity Conservation (Stricter Domestic Measures—
Panthera Leo (African Lion)) Declaration 2025*

Legislative Authority

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 for the purposes of the Act. Parties to CITES 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 CITES, or the complete prohibition thereof (Article XIV, paragraph 1).

Section 303CB of the Act enables the Minister to, by legislative instrument, declare that the list referred to in section 303CA has effect as if it were modified as set out in the section 303CB declaration.

Subsection 33(3) of the *Acts Interpretation Act 1901* provides that where an Act confers a power to make a legislative instrument, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Purpose

The purpose of the *Environment Protection and Biodiversity Conservation (Stricter Domestic Measures—Panthera Leo (African Lion)) Declaration 2025* (the Declaration) is to modify the list of CITES species referred to in section 303CA to implement stricter domestic measures in relation to *Panthera leo* (African lion). The stricter domestic measure has the effect of banning the import of African lion items, including African lion hunting trophies.

The Declaration revokes and replaces the *List of CITES Species - Declaration of a stricter domestic measure in accordance with section 303CB* (2015 Declaration). This is because the 2015 Declaration is due to sunset on 1 April 2025, however it is still required and is still fit for purpose.

Background

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 Declaration introduces 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 paragraph 303CB(2)(a) of the Act).

Species included in Appendix I to CITES may only be traded if the specimen is not to be used for primarily commercial purposes, the specimen was legally obtained and if the import will be for purposes that are not detrimental to the survival of the species. Species included in Appendix II to CITES may be traded for commercial purposes if the specimen was legally obtained and the export will not be detrimental to the survival of the species.

The Declaration revokes and replaces the stricter domestic measure made under the 2015 Declaration, 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. The Declaration will maintain the stricter domestic measure to treat *Panthera leo* as though they are listed on Appendix I to CITES. 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 the most practicable means to effectively address this public concern.

The Declaration will maintain the status quo and continue to restrict trade in specimens of *Panthera leo*. Under subsection 303CC (4) and paragraph 303CD(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 (subsections 303CC(3) and 303CD(5) and paragraphs 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 (paragraphs 303FB(a), (b) and (d) of the Act).

Impact and Effect / Consultation

The Declaration revokes and replaces the 2015 Declaration without significant change. It is considered to only have a minor regulatory impact in its operation as it is considered to be minor and machinery in nature and does not alter existing arrangements. In preparation for the 2015 Declaration, the (then) Department of the Environment invited public comment and consulted broadly with Australian businesses, hunting industry representatives, environmental and animal welfare non-government organisations, African lion range states and other selected CITES Parties. The views expressed at that time are highly unlikely to have changed and there are no practical changes to the current regulatory regime, therefore it was considered unnecessary to undertake new consultation.

The Office of Impact Analysis has confirmed that a detailed impact analysis is not required as the Declaration simply remakes the 2015 Declaration (OIA24-08699).

Details

The Declaration is a legislative instrument for the purposes of the *Legislation Act 2003* (Legislation Act).

Details of the Declaration are set out in **Attachment A**.

Other

The Declaration is subject to the disallowance process under section 42 of the Legislation Act and the sunseting regime set out in Part 4 of Chapter 3 of the Legislation Act.

The Declaration is compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in **Attachment B**.

Details of the *Environment Protection and Biodiversity Conservation (Stricter Domestic Measures—Panthera Leo (African Lion)) Declaration 2025*

Section 1 – Name

This section specifies the name of the instrument as the *Environment Protection and Biodiversity Conservation (Stricter Domestic Measures—Panthera Leo (African Lion)) Declaration 2025* (the Declaration).

Section 2 – Commencement

This section provides that the Declaration commences on the day after registration on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the Declaration is made under subsection 303CB(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and subsection 33(3) of the *Acts Interpretation Act 1901*.

Section 4 – Definitions

This section defines terms “Act” and “CITES” used in the Declaration.

Section 5 – Modification of List of CITES Species

This section modifies the list of CITES species established under subsection 303CA(1) of the EPBC Act to include the species *Panthera Leo* (African lion) in Appendix I to CITES.

Section 6 – Repeal

This section provides that each instrument specified in a Schedule to the Declaration is repealed as set out in the applicable items in the Schedule concerned.

Schedule 1

Schedule 1 to the Declaration repeals the whole of the *List of CITES Species - Declaration of a stricter domestic measure in accordance with section 303CB*.

Statement of Compatibility with Human Rights

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

**Environment Protection and Biodiversity Conservation (Stricter Domestic Measures—
Panthera Leo (African Lion)) Declaration 2025**

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 Declaration

The purpose of this Declaration 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 African lions (*Panthera leo*) currently included in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), as if they were included in Appendix I to CITES.

The stricter domestic measure has the effect of banning the import of African lion items, including African lion hunting trophies.

The Declaration revokes and replaces the *List of CITES Species - Declaration of a stricter domestic measure in accordance with section 303CB* which is due to sunset on 1 April 2025.

Maintaining this stricter domestic measure is required to support Australia's strong commitment to ensure appropriate protection for African lions from the threat of 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.

**The Hon. Tanya Plibersek MP
Minister for the Environment and Water**