

**National Interest Analysis [2017] ATNIA 7**

**with attachment on consultation**

**Amendments to Appendices I and II of the Convention on International Trade in  
Endangered Species of Wild Fauna and Flora**

**(Johannesburg, 4 October 2016)**

**[2017] ATNIF 7**

## NATIONAL INTEREST ANALYSIS: CATEGORY 1 TREATY

### SUMMARY PAGE

#### Amendments to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

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#### Nature and timing of proposed treaty action

1. The treaty action is the amendment of the species listed on Appendices I and II of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora 1976* (the Convention) that were adopted by the 17<sup>th</sup> Conference of the Parties (the 17<sup>th</sup> Conference), held from 24 September to 4 October 2016 in Johannesburg, South Africa. These amendments were made in accordance with paragraph 1 of Article XV of the Convention.
2. Under Article XV (1) (c) of the Convention, amendments to Appendices adopted at the Conference will automatically come into force 90 days after the Conference, that is, on 2 January 2017, except for Parties that lodge a reservation during that interval in accordance with Article XV (3). The Conference has agreed that implementation of amendments to the Appendices regarding one marine genus (comprising nine species) will have a delayed entry into force of 6 months (4 April 2017) and implementation of one marine species and one marine genus (comprising three marine species) will have a delayed entry into force of 12 months (4 October 2017).
3. At the time of writing, Indonesia has entered a reservation to the listing of rosewood (*Dalbergia* spp.) on Appendix II, India has entered a reservation to the listing of *Dalbergia latifolia* and *Dalbergia sissoo* on Appendix II, the Democratic Republic of the Congo has entered a reservation to the listing of the African grey parrot (*Psittacus erithacus*) on Appendix I, and Japan has entered reservations to the listing of the silky shark (*Carcharhinus falciformis*) and thresher sharks (*Alopias* spp.), pursuant to Article XV (3) of the Convention. Indonesia has advised that their reservation will only be in place until 4 July 2017.
4. The text of the treaty amendments was not circulated by the Secretariat of the Convention until 29 November 2016, which precluded tabling in 2016.

#### Overview and national interest summary

5. The Convention is a multilateral environmental agreement that regulates the international trade in wild fauna and flora via the listing of species in Appendices. The amendments to the Appendices made at the 17<sup>th</sup> Conference relate to species being listed on, or moved between Appendices I, II, and III. This includes deletion, addition or transfer of taxa from,

to or between the Appendices, and amendment to the annotations accompanying some already-listed taxa.

6. Regularly updating the list of species in Appendices I and II is critical to ensuring that the Convention can effectively regulate the international trade in species at risk from over-exploitation. This both facilitates legal trade in specimens where appropriate, and reduces burdensome regulation where it is not necessary.
7. 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. Undertaking the required regulatory action within the specified timeframes is required for Australia to meet its obligations as a Party to the Convention.

### **Reasons for Australia to take the proposed treaty action**

8. The Convention is a multilateral environmental agreement that entered into force on 1 July 1975 and for Australia on 27 October 1976. It arose from recognition that international cooperation is essential to protect and conserve fauna and flora species from over-exploitation due to international trade.
9. Participation in the Convention advances Australia's interests by promoting Australia as a leading environmental steward. It supports Australia's domestic and regional conservation and trade interests by protecting native species from detrimental trade and facilitates legitimate wildlife trade into and out of Australia. The Convention also provides a forum for international cooperation in order for Australia to enhance relationships with other Parties for the benefit of promoting effective regulation of international wildlife trade.

### ***Amendment to the Appendices***

10. International trade of species of fauna and flora is regulated via the listing of species in three Appendices to the Convention. Species listed on Appendix I have the highest degree of protection and cannot be internationally traded, except under very specific and highly-regulated circumstances (Article II (1) and Article III of the Convention). Species listed on Appendix II are not necessarily threatened by extinction, but require international trade to be monitored to avoid overutilization. International trade in specimens of species listed on Appendix II must be accompanied by a valid permit from the exporting country (Article II (2) and Article IV of the Convention). An export permit can only be granted if the country of export has determined that export of the species will not be detrimental to the survival of that species (known as a non-detriment finding).
11. A Party may also unilaterally identify species or populations within its jurisdiction where the cooperation of other Parties is needed to assist in regulating international trade and to avoid undermining the domestic regulation (Article II (3) and Article V of the Convention). These species are included in Appendix III. A Party can request an Appendix III listing at any time. The Conference of the Parties does not make decisions on these listings, though it may determine that a species requires broader protection and move a species from Appendix III to Appendix I or Appendix II of the Convention.

12. Timely amendment of the Convention Appendices ensures that species are regulated appropriately according to current conservation requirements and trade pressures. This is crucial to the effective operation and implementation of the Convention.

#### *Amendments to species listings*

13. The 17<sup>th</sup> Conference reviewed 62 listing proposals, of which 51 were adopted. The details of these amendments to the Convention Appendices are set out in the text of the treaty action.
14. Australia is neither a range State for the majority of species covered by the 51 listing proposals (that is, they do not naturally occur in Australia) nor does Australia have an industry in the international trade of the majority of these species. As such, there will be no ramifications for Australia arising from the listing amendments for the majority of these species.
15. Australia implements the Convention via Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). For a specimen listed under the Convention to be eligible for export from Australia, it must come from a source approved under the EPBC Act. The export of the specimen must also have been determined to be non-detrimental to the survival of the species in the wild.
16. The amendments that are relevant to Australia include six terrestrial proposals and five marine proposals.
17. Terrestrial listings were adopted to transfer two endemic Australian species - the helmeted honeyeater and Norfolk Island boobook owl - from Appendix I to Appendix II; to transfer the Malaysian population of the saltwater crocodile from Appendix I to Appendix II; to transfer African rosewood (*Pterocarpus erinaceous*) from Appendix III to Appendix II; to include three species of bubinga (a type of hardwood of the *Guibourtia* genus) in Appendix II; and to include the *Dalbergia* rosewood genus in Appendix II. Australia is a range State for the helmeted honeyeater, the Norfolk Island boobook owl, the saltwater crocodile and one species of *Dalbergia*. Australia also imports and exports *Dalbergia* rosewood species, African rosewood and bubingas.
18. Marine listings were adopted to include the following taxa in Appendix II: the clarion angelfish, the silky shark, thresher sharks, nautilus and mobula rays. The silky and thresher sharks, nautilus and mobula rays have ranges that extend into Australian waters. Clarion angelfish do not occur naturally in Australia however the species is traded in the Australian aquarium industry.
19. *Lichenostomus melanops cassidix* (helmeted honeyeater): the treaty action is to transfer the species from Appendix I to Appendix II. The 25<sup>th</sup> meeting of the Animals Committee selected the listing status of the helmeted honeyeater to be reviewed. Three exports of the species have occurred from Australia since its listing in 1975, all for scientific purposes. There is no evidence that international trade is or may be a threat to the survival of this species. The species therefore does not meet the criteria for inclusion in Appendix I.

20. *Ninox novaeseelandiae undulata* (Norfolk Island boobook owl): the treaty action is to transfer the species from Appendix I to Appendix II. The 25<sup>th</sup> meeting of the Animals Committee selected the listing status of the Norfolk Island boobook owl to be reviewed. There has not been any trade in this species since its listing in 1977. The genetically pure form of *N. n. undulata* is now extinct. The population of boobook that currently occurs on Norfolk Island is likely to be a hybrid between *N. n. undulata* and the closely related subspecies *N. n. novaeseelandiae*. There is no evidence that international trade is or may be a threat to the survival of this species. The species therefore does not meet the criteria for inclusion in Appendix I.
21. *Alopias* spp. (thresher sharks): the treaty action is to add this genus into Appendix II with the annotation that the entry into effect will be delayed by 12 months. International trade in the fins of *Alopias superciliosus* has caused significant decline in populations of the species worldwide. *Alopias vulpinus* and *Alopias pelagicus* will be included in the listing, as their fins are virtually indistinguishable from the threatened *Alopias superciliosus*. All three species are present in Australian waters, and Australian commercial fisheries interact with thresher sharks. Once this listing is in force, any exported specimen must be accompanied by an export permit underpinned by a non-detriment finding. The estimated national harvest is very low, at around 13 000 kg per year. Advice from Australian fisheries management agencies suggests that a small quantity (1 000kg to 2 400kg per year) of thresher shark may be currently exported with other shark product from two New South Wales (NSW) fisheries. A small amount of thresher shark fin may be imported for shark fin soup.
22. *Carcharhinus falciformis* (silky shark): the treaty action is to add this species into Appendix II, with the annotation that the entry into effect will be delayed by 12 months. Significant decline of the species has occurred across its range due to over-exploitation in fisheries. The species is protected under the EPBC Act and is not exported from Australian commercial fisheries, although they may be caught and retained as bycatch in some fisheries. The inclusion in Appendix II will not have any impact on Australian industry.
23. *Mobula* spp. (mobula ray): the treaty action is to add this genus in Appendix II, with the annotation that the entry into effect will be delayed by six months. The species *Mobula tarapacana* and *Mobula japanica* qualify for inclusion due to unregulated and unsustainable take of the species. Other species in the genus, including *Mobula mobular*, *Mobula thurstoni*, *Mobula eregoodootenkee*, *Mobula kuhlii*, *Mobula hypostoma*, *Mobula rochebrunei*, and *Mobula munkiana* are also included in the listing as their dried gill plates are virtually indistinguishable from threatened species. *Mobula* spp. found in Australian waters are protected under the EPBC Act and are not exported from Australian commercial fisheries. The inclusion in Appendix II will not have any impact on Australian industry.
24. *Nautilidae* spp. (nautilus): the treaty action is to add the family *Nautilidae* (currently including *Allonautilus perforates*, *Allonautilus scrobiculatus*, *Nautilus belauensis*, *Nautilus macromphalus*, *Nautilus pompilius*, and *Nautilus repertus*) in Appendix II. Two of these species are native to Australia. Shell trade drives international demand for these species, which are traded as souvenirs, jewellery and home décor. There is also some demand for the species in aquaria trade. There is no current targeted commercial harvest of nautilus by Australian commercial fisheries. Fisheries bycatch and found beach-cast shells may occasionally be exported. It is likely that the majority of specimen shells and

decorative shells sold in Australia have been imported. The total volume of nautilus imports, exports and re-exports is unknown. To continue commercial or personal imports or re-exports of nautilus specimens, traders and individuals would generally need to apply for a permit from the Department of the Environment and Energy (the Department). Exports of native nautilus must be accompanied by an export permit underpinned by a non-detriment finding. Re-exports of non-native nautilus will require an export permit.

25. *Crocodylus porosus* (saltwater crocodile): the treaty action is to transfer the Malaysian population of this species from Appendix I to Appendix II, subject to an annotation outlining the types of Malaysian specimens that can be traded under the Appendix II listing. Australia is a range State for saltwater crocodiles. Australian populations are listed on Appendix II, and the Australian industry is well established. This listing will have no impact on Australian trade.
26. *Dalbergia* spp. (rosewoods): the treaty action is to add this genus into Appendix II (with the exception of species already included in Appendix I) subject to an annotation that clarifies which parts and derivatives of *Dalbergia* will be exempt from regulation. *Dalbergia* are a type of rosewood used in furniture, musical instruments and other high-end timber products. Only one species is native to Australia and that species is not commercially utilised. *Dalbergia* is imported to and exported from Australia both as raw timber and in finished products. Consultation with industry stakeholders indicates that items manufactured from *Dalbergia* are predominantly sourced from stockpiled or reclaimed timber, and as such will be considered 'pre-Convention'. To continue trading in these items, a pre-Convention certificate will be required. These are issued free of charge and would only be required for re-export from Australia. Import and export of non-pre-Convention *Dalbergia* will generally require a permit from the Department.
27. *Pterocarpus erinaceus* (African rosewood, kosso): the treaty action is to transfer this species from Appendix III to Appendix II. African rosewood is threatened due to unsustainable exploitation for use in high-end furniture production. The species has been listed on Appendix III by Senegal since March 2016, which means that international trade is already subject to permitting requirements. The change in listing to Appendix II changes the type of permits required and means that uniform requirements are now in place regardless of where the specimens are sourced. Manufactured products containing this species may imported and exported from Australia as 'rosewood', and the timber is used in a range of industries (particularly by musical instrument makers). To continue trading in this species, a permit from the Department will generally be required.
28. *Guibourtia tessmannii*, *Guibourtia pellegriniana* and *Guibourtia demeusei* (bubinga): the treaty action is to include these species, commonly referred to as bubinga, in Appendix II, subject to an annotation that clarifies which parts and derivatives will be exempt from regulation. Bubinga is prized for its aesthetic qualities, and the high value of the timber has resulted in unsustainable exploitation for international trade. Manufactured products containing these species are imported and exported from Australia, and the raw timber is imported for use by a range of industries (particularly by musical instrument makers). To continue trading in these species, a permit from the Department will generally be required.

29. *Holacanthus clarionensis* (clarion angelfish): the treaty action is to add this species to Appendix II. This species is popular in the international pet trade. It is not an Australian native species, however it is traded in the Australian aquarium industry, and there are captive bred populations in Australia. Imports and exports of this species may continue, provided relevant permits are obtained from the Department. To commercially export live specimens, they must be sourced from a captive breeding program approved by the Department.

#### *Amendments to annotations*

30. Many of the species listed in the Appendices to Convention have interpretive annotations specifying: the populations of the species that are subject to the trade controls specified in the Convention; and/or the parts or products derived from the species that are subject to the trade controls; and/or the circumstances under which trade is permitted. Amendments to the annotations made at the 17<sup>th</sup> Conference are set out in the text of the treaty action.

31. Amendments to annotations adopted at the Conference will not have a significant impact on Australia. Amendments to the annotation for *Bulnesia sarmientoi* (holy wood) further clarifies the parts and derivatives that are considered exempt from regulation under the Convention; the amendments to the annotation for *Vicugna vicugna* (a south American camelid related to the llama) clarify interpretation of the listing in order to strengthen the control and traceability of products in trade. The amendments adopted at the Conference will reduce the regulatory burden on importers for this species.

#### *Entry into force for Australia*

32. The amendments to Appendices I and II, including amendments to annotations, agreed at the 17<sup>th</sup> Conference are consistent with Australia's commitment to the conservation of species threatened by international trade. Australia has not lodged a reservation under paragraph 3 of Article XV for any of the amendments. Amendments will enter into force on 2 January 2017, with the exception of the Appendix II listing for mobula rays which is subject to a six month delayed entry and the Appendix II listings for thresher sharks and silky sharks which are subject to a 12 month delayed entry.

#### *Adoption of, or amendments to, Resolutions*

33. The 17<sup>th</sup> Conference also adopted and amended Resolutions for the better regulation of international trade in species, and parts and derivatives of species. Resolutions of the Conference are not mandatory but are intended to assist interpretation and implementation of the Convention. Section 303CN of the EPBC Act provides that the Minister may have regard to Resolutions in making decisions about listed specimens. In general, the Department may decide to amend the EPBC Act or its regulations to reflect particular Resolutions and amendments to Resolutions where doing so would provide clarity to Australian regulation of international trade in species, or parts and derivatives of species. It is highly unlikely that any such changes would significantly increase the regulatory burden on importers or exporters.

34. The 17<sup>th</sup> Conference adopted a non-binding amendment to a Resolution recommending that all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory

that is contributing to poaching or illegal trade take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency.

35. There is no intent to close Australia's domestic ivory market. Australia implements some of the strongest controls in the world for elephant ivory, including measures stricter than required by CITES. Imports and exports of ivory may only occur in very limited circumstances, such as for scientific research or education, or vintage ivory taken from an elephant that died before the listing of elephants under CITES in 1975. There is no evidence to suggest that Australia is a significant transit or destination country for illegal ivory and, due to our strict rules and strong border controls, our domestic markets are unlikely to be driving elephant poaching or international illegal trade.
36. The 17<sup>th</sup> Conference adopted amendments to Resolution Conf. 16.8 on *Frequent cross-border non-commercial movements of musical instruments*. This Resolution establishes specific criteria under which non-commercial cross-border movement of musical instruments derived from CITES species, including elephant ivory can occur through the issuance of a musical instruments passport. The amendments adopted at the 17<sup>th</sup> Conference are intended to facilitate cross-border movement of musical instruments, and encourage wider implementation of the Resolution among CITES Parties.
37. Australia is currently unable to implement Resolution Conf. 16.8 through existing provisions in the EPBC Act. The Department is currently exploring options for amending Part 13A of the EPBC Act to enable use of musical instruments certificates and thereby better support transboundary movements of instruments.

### **Obligations**

38. Australia is obliged to regulate international trade in species listed in the Appendices to the Convention. The only exception is if a reservation is taken out excluding Australia from international trade obligations for the particular plant or animal species for which the reservation applies. A reservation also excludes Australia from trading in that species with all other Convention Parties that implement the listing.
39. The amendments to Appendices I and II will not change the existing substantive obligations of Parties to the Convention. Australia will continue to be obliged to prohibit trade in the species included in Appendices I and II except in accordance with Article III and Article IV of the Convention respectively, and where personal and household effects exemptions under Article VII may apply. The amendments will change the composition of the list of species to which the Convention's export and import rules must be applied.
40. International movement in species listed on Appendix I is subject to particularly strict regulation to promote the survival of these species in the wild. International movement is possible only under limited circumstances and appropriate documentation must accompany the specimen.
41. International movement of species listed in Appendix II requires a determination by the country of export that the shipment will not be detrimental to the survival of the species in the wild. Regulation of Appendix II listed species is less restrictive than Appendix I,



although appropriate documentation is still required for international movement of specimens.

## **Implementation**

42. Australia implements the Convention via Part 13A of the EPBC Act. As required under sub-section 303CA (1) of the EPBC Act, a list of species in the Appendices to the Convention was established in 2002. This list must be updated to include all species from time to time included in the Convention Appendices (EPBC Act s-s 303CA (3) and 303CA (9)).
43. The instrument amending the list under Section 303CA has been registered on the Federal Register of Legislative Instruments. It is not a disallowable instrument (under Section 44 of the Legislative Instruments Act 2003).
44. For Australian wild harvest export fisheries, the Convention's requirement for a non-detriment finding is met through the assessment of fisheries for declaration as approved wildlife trade operations (Section 303FN of the EPBC Act).

## **Costs**

45. The treaty action is expected to impose minor additional regulatory costs on the Australian Government and Australian businesses, and have no significant effect on Australia's trade interests. Based on preliminary calculations, the annual regulatory burden to Australian business, including permit application and compliance costs, is estimated as \$30 431 per year. Australia currently has legislation and administrative arrangements in place to implement the provisions of the Convention.
46. The amendments to the Appendices will not require any new domestic regulatory arrangements to be developed, but will require trade in some species to meet stricter requirements.
47. Evidence indicates that the new listings of species on Appendix I to the Convention will not impact on Australian industry as there is unlikely to be existing import or export markets for these species.
48. Six of the new listings of species on Appendix II to the Convention may have an impact on Australian industry, namely thresher sharks, nautilus, clarion angelfish, African rosewood, bubinga and *Dalbergia* rosewood.
49. To continue international trade in these species, businesses will need to ensure the relevant CITES permits or certificates are obtained prior to any trade occurring. The import and export of species listed in Appendix II to the Convention generally requires a permit from the Department, at a cost of \$65 for a single use permit, or \$163 for a multiple consignment authority. Single use permits and multiple consignment authorities are valid for a period of six months. Pre-Convention certificates for export of items obtained before the listing of a species are available free of charge and are also valid for a period of six months.
50. For continued exports of thresher shark and nautilus sourced from Australian fisheries, the Australian Government will need to make a non-detriment finding before approving trade.

These assessments would be made by the Department (Australia's CITES Scientific Authority) in conjunction with the assessment of fisheries as approved sources of wildlife for export. It is anticipated that a non-detriment finding will be required for thresher shark. Industry and fisheries managers have advised that small volumes of thresher shark harvested in New South Wales fisheries are exported.

51. During processing, shark catch is not usually sorted by species. Shark intended for export will now require the identification and separation of thresher sharks. This may reduce the efficiency of catch processing for some fishing operations not already separating catch by species. The cost incurred by industry to introduce such measures will vary depending on the operation and cannot be readily quantified. Shipments of shark products including thresher sharks that have not been identified to species level, and that are not accompanied by relevant permits may be rejected by importing countries. Rejection of shipments could result in costs for the exporter.
52. It is unlikely that a non-detriment finding will be required for nautilus. Very little, if any nautilus harvested in Australia is exported. Nautilus are considered not to be currently harvested in Australia's commercial fisheries. Should commercial fisheries seek to export nautilus, a non-detriment finding will be required.
53. Management procedures to enable continuation of any export are to be implemented before the listing of thresher sharks takes effect on 4 October 2017.

### **Regulation Impact Statement**

54. The Office of Best Practice Regulation has been consulted regarding the listing of species that occur naturally in Australia and/or are subject to international commercial trade in Australia. These are: silky shark (*Carcharhinus falciformis*), all thresher sharks (*Alopias* spp.), all mobula rays (*Mobula* spp.), all species of nautilus (*Nautilidae* spp.), saltwater crocodile (*Crocodylus porosus*), all species of *Dalbergia* (a type of rosewood), *Pterocarpus erinaceus* (African rosewood), *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii* (bubingas) and clarion angelfish (*Holacanthus clarionensis*). The Office of Best Practice Regulation advised that a Regulation Impact Statement is not required.

### **Future treaty action**

55. Appendices I and II are amended from time to time in accordance with the provisions of Article XV of the Convention. Amendments may be adopted by a two-thirds majority of the Parties present and voting at a meeting of the Conference of the Parties, or through a postal procedure between meetings. Amendments to Appendices I and II then enter into force automatically 90 days following the meeting or the completion of the postal procedure for all Parties except those Parties that lodge a reservation.
56. Any future amendment to either Appendix I and II or the Convention more broadly would constitute a treaty action and be subject to Australia's domestic treaty making requirements, including tabling in Parliament and consideration by the Joint Standing Committee on Treaties (JSCOT).

57. The Convention itself (that is, other than the Appendices) can only be amended at an extraordinary meeting of the Conference of the Parties, pursuant to its Article XVII. Such amendments are to be adopted by a two-thirds majority of Parties present and voting and will enter into force for those Parties accepting it 60 days after two-thirds of the Parties have deposited an instrument of acceptance.
58. The Convention does not expressly provide for the negotiation of future related legally binding instruments such as protocols or annexes.
59. Regarding reservations, Parties may enter a reservation with respect to a particular amendment, in accordance with paragraph 3 of Article XV, during the 90-day period before the amendment enters into force. Until a reservation is withdrawn, the Party shall be treated as a State not a Party to the Convention with respect to trade in the species concerned. At the time of writing, Indonesia has entered a reservation to the listing of rosewood (*Dalbergia* spp.) on Appendix II, India has entered a reservation to the listing of *Dalbergia latifolia* and *Dalbergia sissoo* on Appendix II, the Democratic Republic of the Congo has entered a reservation to the listing of the African grey parrot (*Psittacus erithacus*) on Appendix I, and Japan has entered reservations to the listing of the silky shark (*Carcharhinus falciformis*) and thresher sharks (*Alopias* spp.). Indonesia has advised that their reservation will only be in place until 4 July 2017.

#### **Withdrawal or denunciation**

60. Any Party may denounce the Convention by written notification to the Depositary Government (Government of Switzerland) at any time, in accordance with Article XXIV. The denunciation takes effect twelve months after the Depositary Government has received the notification.
61. Any denunciation by Australia would constitute a treaty action and would be subject to the domestic treaty making requirements.

#### **CONTACT DETAILS**

Wildlife Trade Regulation Section  
Wildlife, Heritage and Marine Division  
Department of the Environment and Energy

## ATTACHMENT ON CONSULTATION

### Amendments to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

(Johannesburg, 4 October 2016)

[2017] ATNIA 7

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#### CONSULTATION

##### Summary of outcomes

62. The Department consulted with state/territory governments, the Indigenous Advisory Council, the Office of the Threatened Species Commissioner, relevant industry bodies, non-government organisations (NGOs) and members of the public on proposed amendments to the Appendices of the Convention in advance of the 17<sup>th</sup> Conference. Numerous submissions and comments were received and considered.
63. Following consultation, the Department concluded that the species conservation benefits that would be gained as a result of changes to the Convention Appendices, agreed at the 17<sup>th</sup> Conference, outweigh the impacts on Australia. This is due to:
- relatively low levels of imports into, or exports from, Australia, of affected species;
  - for those species that are exported, the management agencies responsible believe that harvest regimes are sustainable, meaning non-detriment findings for continued export of species should be able to be made, potentially subject to management variations; and
  - no change in the ability to trade domestically in affected species.
64. The Department wrote to relevant government agencies to advise of the outcomes of the 17<sup>th</sup> Conference, highlighting aspects of particular relevance.

##### Consultation process

###### *Consultation on Australia's two species listing proposals*

65. From June 2016, the Department consulted with state/territory governments, the CITES Animals Committee, NGOs and researchers on the development of Australia's proposals to the 17<sup>th</sup> Conference to amend the Convention Appendices. Australia's proposals were to transfer two species of Australian endemic birds (the helmeted honeyeater *Lichenostomus melanops cassidix* and the Norfolk Island Boobook *Ninox novaeseelandiae undulata*) from CITES Appendix I to Appendix II.
66. Comments were received from the CITES Animals Committee and the Victorian Department of Environment, Land, Water and Planning in support of Australia's proposals. No other comments on Australia's proposals were received.

## *Consultation on the remainder of the species listing proposals*

### *Industry Groups*

67. From 27 June 2016, the Department consulted stakeholders in the following industries: commercial marine fishing industry, recreational fishing industry, auction house industry, cosmetic industry, fashion industry, the traditional Chinese medicine industry, timber industry, taxidermy industry, freight forwarders, crocodile industry, coral traders, hunting industry, pet industry and the Zoo and Aquarium Association. Communications advised of the 17<sup>th</sup> Conference and invited comments on the list of proposals for amendment to the Appendices. In total, approximately 150 industry representatives and individual traders were contacted directly.
68. Extensive consultation was also undertaken with traders of rosewood and nautilus following the listing of these species to ensure that the full implications of the listing were understood by industry. These stakeholders included rosewood traders, the musical instruments industry, timber manufacturers, and nautilus traders.
69. Formal responses from industry representatives identified that proposals of greatest interest to Australian industry were those relevant to reptile species used in the fashion trade, the inclusion of thresher sharks on Appendix II, and the inclusion of rosewoods on Appendix II. Relevant industries did not express significant concern about the proposals adopted at the Conference. The antique industry was consulted in relation to the closure of domestic ivory markets in Australia. The industry expressed significant concern about the impact on businesses should Australia choose to support proposals to prevent trade in antique ivory specimens.
70. Comments were taken into account in the Department's preparation of Australia's positions, and considered in the context of broader scientific evidence on the conservation status of species.

### *Non-government organisations*

71. A teleconference was held on 26 May 2016 between the Department and representatives from non-government organisations, including representatives from Global Eye, Humane Society International, International Fund for Animal Welfare, TRAFFIC and the World Wildlife Fund. Face-to-face meetings were also held with Creative Conservation Solutions and Global Eye on 29 June 2016 and 23 May 2016, respectively. A subsequent teleconference focussing on the marine listings was held on 4 August 2016 between the Department and representatives from TRAFFIC, Humane Society International and Project AWARE.
72. From 27 June 2016, the Department consulted non-government representatives advising of the 17<sup>th</sup> Conference and invited comments on the species proposals and agenda items. A full list of NGOs contacted is provided below.
73. Written comments were received from the following 23 non-government representatives: the African Elephant Coalition, the Australian Rhino Project, Creative Conservation Solutions, the David Sheppard Wildlife Foundation, the Environmental Investigation

Agency, For the Love of Wildlife, Four Paws, the Humane Society International, the International Council for Game and Wildlife (CIC), the International Fund for Animal Welfare, the International Union for Conservation of Nature, IWMC World Conservation Trust, Painted Dog Conservation, Project AWARE, Pro Wildlife, Safari Club International Downunder, the Species Survival Network, TRAFFIC, Wild and Free SA, World Animal Protection, World Conservation Society, World Parrot Trust, and the World Wildlife Fund.

74. Comments were taken into account in the Department's preparation of Australia's positions, and considered in the context of broader scientific evidence on the conservation status of species.

#### *Public Consultation*

75. The Department invited public comment on proposals to be considered at the 17<sup>th</sup> Conference via the Department's website on 27 June 2016.

76. Comments were received and were considered against scientific evidence about the conservation status of the species during the Department's preparations. 12 submissions were received in total, and include comments from non-government organisations that were not approached directly.

#### *Australian delegation*

The Australian delegation to the 17<sup>th</sup> Conference comprised officers from the Department and Pretoria-based officers from the Department of Foreign Affairs and Trade. Additional members participating as advisers to the delegation included the Convention's Plants Committee Representative for Oceania and two representatives from the Taronga Conservation Society Australia.

### **LIST OF STATE/TERRITORY AGENCIES CONSULTED**

#### *Australian Capital Territory*

Environment and Planning Directorate

#### *New South Wales*

Department of Primary Industries

Office of Environment and Heritage

#### *Northern Territory*

Department of Land and Resource Management

Department of Primary Industries and Fisheries

#### *Queensland*

Department of Agriculture and Fisheries

Department of Environment and Heritage Protection

***South Australia***

Department of Environment, Water and Natural Resources

Department of Primary Industries and Regions SA

***Tasmania***

Department of Primary Industries, Parks, Water and Environment

***Victoria***

Department of Economic Development, Jobs, Transport and Resources

Department of Environment, Land, Water and Planning

***Western Australia***

Department of Environment Regulation

Department of Fisheries

Department of Parks and Wildlife

**LIST OF NON-GOVERNMENT ORGANISATIONS CONSULTED**

African Elephant Coalition

Australian Conservation Foundation

Australian Marine Conservation Society

Australian Rhino Project

Birdlife Australia

Creative Conservation Solutions

David Sheppard Wildlife Foundation

Environmental Investigation Agency

For the Love of Wildlife

Four Paws

Friends of the Earth (Australia)

Global Eye

Humane Society International

International Council for Game and Wildlife

International Fund for Animal Welfare

International Union for Conservation of Nature  
IWMC World Conservation Trust  
Painted Dog Conservation  
PEW Charitable Trusts  
Project AWARE  
Pro Wildlife  
Professional Safari Hunters' Association of Australia  
RSPCA  
Safari Club International Downunder  
SAVE African Rhino Foundation  
Sea Sheppard  
Species Survival Network  
Sporting Shooters Association of Australia  
TRAFFIC  
Wild and Free SA  
Wildlife Management International  
World Animal Protection  
World Conservation Society  
World Parrot Trust  
World Wildlife Fund