

## **Explanatory Statement 11 of 2022**

### ***Environment Protection and Biodiversity Conservation Act 1999***

#### **Amendment to the list of CITES species for the purposes of the Act (13/6/2022)**

##### **Practical and legal effect**

1. The treaty action is the amendment of Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (the Convention). The Secretariat notified Parties on 15 March 2022 that France had requested the inclusion of the clipperton angelfish (*Holacanthus lambaughii*) in Appendix III of the Convention.
2. Under CITES, Parties may list species on CITES Appendix III that need the cooperation of other countries to prevent unsustainable or illegal exploitation. Listing on Appendix III requires other CITES Parties to assist in the regulation of international trade of those species. Unlike amendments to Appendices I and II, amendments to Appendix III can be made unilaterally and do not require agreement by the Conference of the Parties.
3. *Holacanthus lambaughii* does not occur in Australian waters, nor does Australia trade in specimens of this species. None of the angelfish species can be legally imported to Australia under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act). The Office of Best Practice Regulation have advised that these amendments will have minor regulatory impacts (ID 02107).

##### **Nature and timing of proposed treaty matter**

4. Under Article XVI, paragraph 1 of the Convention, a Party may at any time submit to the Secretariat a list of species identified as being subject to regulation within its jurisdiction for the purposes of Article II, paragraph 3 of the Convention. Each list so submitted 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 notification.
5. As the Secretariat notified Parties on 15 March 2022 (Notification to the Parties 2022/014), the amendments will automatically enter into force on 13 June 2022 for all States Parties that do not enter a reservation to them. Australia has not entered a reservation to the amendments and, as such, will be bound by them.

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

6. The treaty action is consistent with Australia's strong commitment to the Convention and to international cooperation for the protection and conservation of wildlife more generally.

## **Implementing Legislation**

7. 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.
8. Section 303CA provides that the Minister must, by legislative instrument, establish a list of species 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. The list will be updated to reflect the amendments.

Environment Protection Reform Division  
Department of Climate Change, Energy, the Environment and  
Water

Submitted to JSCOT  
November 2022



## NOTIFICATION TO THE PARTIES

No. 2022/014

Geneva, 15 March 2022

CONCERNING:

### Amendments to Appendix III

1. In accordance with the provisions of Article XVI, paragraph 1, of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, France has made a request to the Secretariat in relation to the inclusion of the following species in Appendix III:

#### **FAUNA**

#### **ACTINOPTERI**

#### **PERCIFORMES**

#### **Pomacanthidae**

*Holacanthus limbaughi*

2. In accordance with the provisions of Article XVI, paragraph 2, of the Convention, this amendment to Appendix III shall take effect 90 days after the date of this Notification, i.e. on 13 June 2022.
3. The revised edition of the CITES Appendices will be placed on the CITES website when it enters into effect.