
The Parliament of the Commonwealth of Australia

Report 34

Two Treaties Tabled on 6 June 2000

Joint Standing Committee on Treaties

August 2000

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Membership of the Committee

Chair The Hon Andrew Thomson MP

Deputy Chair Senator Barney Cooney

Members The Hon Dick Adams MP Senator Andrew Bartlett
 The Hon Bruce Baird MP Senator Helen Coonan
 Kerry Bartlett MP Senator Joe Ludwig
 Anthony Byrne MP Senator Brett Mason
 Kay Elson MP Senator the Hon Chris Schacht
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Committee Secretariat

Secretary Grant Harrison

Inquiry Secretaries Robert Morris

Administrative Officer Lisa Kaida



Recommendations

Agreement with Spain on Remunerated Employment for Dependents of Personnel at Diplomatic and Consular Missions

The Committee supports the proposed *Agreement with Spain on Remunerated Employment for Dependents of Personnel at Diplomatic and Consular Missions*, and recommends that binding treaty action be taken. (paragraph 2.8)

Amendments to the Convention on International Trade of Endangered Species.

The Minister for the Environment and Heritage should provide the Joint Standing Committee on Treaties with copies of any proposed amendments to the *Convention on the International Trade in Endangered Species* and the *Convention on the Protection of Migratory Species of Wild Animals*, particularly proposed amendments submitted by the Australian Government, at the same time as they are lodged with the Convention secretariats and made available to Parties to the Conventions. (paragraph 3.34)

The Minister for Foreign Affairs, in conjunction with the Minister for the Environment and Heritage and other ministers as appropriate, should:

- identify the international agreements to which Australia is party that allow amendments agreed at a Conference of Parties, or by agreed by correspondence between Parties, to automatically enter into force and provide a list of these to the Committee;
- review whether it is appropriate for the Australian Government to continue to subscribe to such provisions, given the transparency objectives of the reformed treaty making process; and

- report back to the Treaties Committee within three months of this report being tabled on the results of this consideration (paragraph 3.38).

Introduction

Purpose of the report

- 1.1 This Report contains advice to Parliament on the review by the Joint Standing Committee on Treaties of the following, proposed treaty actions which were tabled on 6 June 2000.¹
- 1.2 In Chapter 2 we report on the proposed *Agreement with Spain on Remunerated Employment for Dependants of Personnel at Diplomatic and Consular Missions* and in Chapter 3 we report on amendments to the *Convention on International Trade in Endangered Species*.

Availability of documents

- 1.3 The advice in this Report refers to, and should be read in conjunction with, the National Interest Analyses (NIAs) prepared for these proposed treaty actions. Copies of the NIAs are at Appendix B. These analyses were prepared for each proposed treaty action by the Government agency responsible for the administration of Australia's responsibilities under that treaty. The NIAs were tabled in Parliament as aids to Parliamentarians when considering these proposed treaty actions.
- 1.4 Copies of each of the treaty actions and NIAs can also be obtained from the Australian Treaties Library maintained on the Internet by the Department of Foreign Affairs and Trade (DFAT). The Australian

¹ Senate Journal No. 118, 6 June 2000, p. 2748; House of Representatives, *Votes and Proceedings*, No 116, 6 June 2000, p. 1501

Treaties Library is accessible through our Internet site at www.aph.gov.au/house/committee/jsct.

Conduct of our review

- 1.5 Our review of each of treaties tabled on 6 June 2000 was advertised in the national press and on our web site. A total of 6 submissions were received in response to the invitation to comment in the advertisement. A list of those submissions is at Appendix C.²
- 1.6 For the proposed treaty actions reviewed in this report, we gathered evidence at a public hearing held on 19 June 2000. A list of witnesses who gave evidence at that hearing is at Appendix D.
- 1.7 A transcript of the evidence taken at the hearing can be obtained from the database maintained on the Internet by the Department of the Parliamentary Reporting Staff (www.aph.gov.au/hansard/joint/committee/comjoint.htm), or from the Committee Secretariat.
- 1.8 We always seek to consider and report on each proposed treaty action within 15 sitting days of it being tabled in Parliament. In this instance, the 15 sitting day period expired on 17 August 2000 and we presented our report on the first available sitting day after this date.

2 Our review of these proposed treaty actions was advertised in *The Weekend Australian* on 10/11 June 2000, p. 19

Agreement with Spain on remunerated employment for dependants of personnel at Diplomatic and Consular Missions

Proposed treaty action

- 2.1 *The Agreement between Australia and Spain on Remunerated Employment for Dependants of Diplomatic, Consular, Administrative and Technical Personnel at Diplomatic and Consular Missions, is designed to encourage each party to provide reciprocal employment opportunities for spouses and dependants of their foreign officials.*
- 2.2 *The absence of such employment can deter officials from applying for postings, thereby potentially reducing the quality of diplomatic representation.*
- 2.3 *Similar agreements have been established with 22 other countries and a further 14 are currently being negotiated. Most these agreements are of less than treaty status. In this case, Spain indicated a strong preference for a treaty to be concluded.¹*

Evidence presented

- 2.4 *We were advised that the provisions of the proposed Agreement with Spain are substantially the same as those contained in the other similar*

¹ NIA for the Agreement with Spain on remunerated employment for dependants of personnel at Diplomatic and Consular Mission, p. 1

arrangements that have been negotiated.² The main difference is that the categories of family members covered by the Agreement have been described more explicitly than typically occurs.³ The Agreement also specifies more clearly that there are some categories of employment where only citizens can be employed (for example, in jobs that required national security clearances), or where particular skills and certification are required (for example, to practice medicine).⁴

- 2.5 It became clear at our hearing, that the Agreement also allows dependants to establish businesses in the host country, as well as to seek employment. Witnesses from DFAT noted that any dependants seeking to establish a business would be expected to comply with the same rules and regulations as local business operators, notwithstanding the immunities available to foreign officials and their dependants.⁵
- 2.6 DFAT acknowledged that there is a risk that these provisions are open to abuse, but noted that as the Agreement is reciprocal, the numbers of people involved are quite small and host countries retain the capacity to waive any immunities, the risk is relatively minor and manageable.⁶

Conclusion and recommendation

- 2.7 We accept that it is in Australia's interest to establish this type of reciprocal arrangement. They help ensure the best possible diplomatic representation for Australia and demonstrate a commitment from the Government to helping its employees balance work and family responsibilities.

2 Simon Starr (DFAT), *Transcript of Evidence*, 19 June 2000, p. TR1

3 Under the Agreement dependant family members are listed as spouse, single dependent children under the age of 21 in the care of their parents, or under 23 when studying in higher education institutions, and single dependent children with a physical or mental handicap in the care of their parents. Simon Starr (DFAT), *Transcript of Evidence*, 19 June 2000, p. TR2

4 Simon Starr (DFAT), *Transcript of Evidence*, 19 June 2000, pp. TR3-4

5 Simon Starr (DFAT), *Transcript of Evidence*, 19 June 2000, p. TR3

6 Simon Starr (DFAT), *Transcript of Evidence*, 19 June 2000, p. TR4

Recommendation 1

- 2.8 **The Committee supports the proposed *Agreement with Spain on Remunerated Employment for Dependants of Personnel at Diplomatic and Consular Missions*, and recommends that binding treaty action be taken.**

Amendments to the Convention on International Trade in Endangered Species

Proposed treaty action

- 3.1 The *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES) is a multilateral treaty that regulates the international trade (export, transit and import) in endangered species of wild fauna and flora. Australia has been a party to CITES since 1976.¹
- 3.2 The Convention aims to conserve endangered and threatened species of terrestrial and marine animals and plants from over-exploitation by establishing strict rules for the trade in endangered species (as listed in Appendix I to the Convention) and by regulating and monitoring the trade in species which might become endangered (as listed in Appendix II to the Convention).
- 3.3 The amendments tabled in Parliament on 6 June 2000 describe various actions, including:
- the transfer of five species from Appendix II to Appendix I (the Australian population of dugong, two sub-species of parakeet, a species of fish and a tree species);

¹ Material in this section was drawn from the National Interest Analysis for the proposed *Amendments to the Convention on International Trade in Endangered Species* (CITES), (NIA for CITES), p. 1

- the transfer of five species from Appendix I to Appendix II (three plant species, the South African population of the African elephant and the Argentine population of a flightless bird);
 - the addition of seven species to Appendix II (bird, turtle and frog species, three species of plant and a species of wild sheep); and
 - the deletion of eleven species from Appendix II (nine plant species, the hyena and a toad species).
- 3.4 The Australian Government sponsored three of these actions: the proposal to 'up-list' the Australian population of dugong and the proposals to delete the Rainbow Plant and the Albany Pitcher Plant from Appendix II.
- 3.5 The Australian proposals, along with all the actions described above, were adopted by the Conference of Parties held in Nairobi, Kenya in April 2000.
- 3.6 In accordance with standard provisions in CITES, the amendments automatically came into force for Australia, and all other Parties that have not lodged a reservation, on 19 July 2000.

Committee concerns

- 3.7 The former Committee reviewed similar amendments to CITES in its *Tenth Report* (September 1997). In this case we accepted the reasons for the amendments and made only brief comment before supporting the treaty actions.
- 3.8 On this occasion, however, we have a number of concerns about the quality of the evidence submitted to us in support of the amendments and about the opportunity for Parliament and the Australian community to have any meaningful involvement in treaty amendments which have automatic effect.
- 3.9 These concerns arose mainly in the context of our consideration of the amendment which transferred the Australian population of dugong from Appendix II to Appendix I of CITES.

Concerns about the evidence presented

- 3.10 Little effort was made in either the NIA or in evidence presented to us by witnesses from Environment Australia to argue a case for any of the amendments. It was apparently assumed by the drafters of the NIA and by the witnesses appearing before us that, as the amendments had been

accepted by the Conference of Parties in Nairobi, there was no need to present to Parliament a full range of arguments in support of the amendments.

3.11 This is a false assumption.

3.12 The fundamental purpose of the reformed treaty making process is to provide Parliament, and through it the Australian community, with sufficient information to allow a judgment to be made about whether the international obligations being assumed by the Government are in our national interest.

3.13 Neither the NIA nor the evidence given at our hearing presented a compelling case for these amendments.

3.14 In relation to the transfer of the Australian population of dugong to Appendix I, the NIA simply asserts that:

The additional protection provided by the Appendix I listing is deemed necessary.²

3.15 The fact that the Australian Government sponsored two other proposals (to delete the Rainbow Plant and the Albany Pitcher Plant from Appendix II) was not even mentioned in the NIA.

3.16 Some information in support of the 'up-listing' of dugong was provided at our hearing, although the case presented was no more than sketchy at best. The witnesses argued that the amendment was proposed in order to:

- harmonise the CITES listings for dugong (all populations other than the Australian population having been listed on Appendix I for some years); thereby
- helping other countries regulate more tightly the trade in non-Australian dugong (by minimising the scope for non-Australian dugong to be passed off as Australian dugong).³

3.17 In making these points, the witnesses also cited a resolution made by parties to the Convention that listing the same species on different appendices should be avoided.⁴

2 NIA for CITES, p. 2

3 Anthony Bigwood (Environment Australia), *Transcript of Evidence*, 19 June 2000, pp. TR5-6 and p. TR8

4 Anthony Bigwood (Environment Australia), *Transcript of Evidence*, 19 June 2000, p. TR8

- 3.18 While these are valid points, they do not amount to a compelling case. Moreover, these points were not enhanced by other evidence which indicated that:
- there is no international trade in Australian dugong; and
 - the Australian population of dugong is relatively healthy at around 85 000 individuals (and possibly many more).⁵
- 3.19 No information was provided at the hearing in support of the other Australian proposals.
- 3.20 It was not until after the hearing, while conducting our own research on the issue, that we became aware that the Australian Government's submissions to CITES in support of its proposals are available from the CITES internet site. These submissions present a far more substantial and comprehensive case in support of the proposals than was provided to us by Environment Australia. Copies of these submissions are reproduced at Appendix F to this report.
- 3.21 It is perplexing that Environment Australia neglected to provide us this type of information in either the NIA or in evidence at our hearing.
- 3.22 In view of this neglect, it is harder to feel confident about the way in which Environment Australia represents Australia's interests in international fora.

Concerns about automatic entry into force

- 3.23 The experience of considering these amendments to CITES has thrown into stark relief the problems associated with the Parliament's current method of considering treaty actions which automatically enter into force.
- 3.24 As indicated earlier, amendments adopted at a CITES Conference of Parties automatically enter into force for all parties 90 days after the conference, except for those who make a reservation within the 90 day period.⁶
- 3.25 The Convention also describes postal procedures to allow for the consideration of amendments between meetings of Conference of Parties. These procedures too contain automatic entry into force provisions.⁷
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5 Anthony Bigwood (Environment Australia), *Transcript of Evidence*, 19 June 2000, p. TR6, p. TR9

6 See Article XV (1) of CITES.

7 See Article XV (2) of CITES.

- 3.26 Similar automatic entry into force provisions are contained in the *Convention on the Conservation of Migratory Species of Wild Animals* (the Migratory Species Convention), amendments which we have reported on previously.⁸
- 3.27 In recognition of the fact that the automatic entry into force provisions often do not coincide with the Parliamentary sitting pattern, we have agreed to an arrangement with the Minister for the Environment and Heritage whereby he advises us of any amendments accepted at a Conference of Parties soon after the conference has concluded. This arrangement has generally worked well.
- 3.28 However, where there is some contention associated with a proposed amendment, or a high degree of public interest in an amendment, or, as in this case, concern about the reasons for an amendment, the arrangement does not work well.
- 3.29 Providing us with advice of amendments after they have been agreed by a Conference of Parties and often only shortly before they automatically come into force, makes a mockery of the reformed treaty making process.
- 3.30 The opportunities for Parliamentary and public consideration of proposed amendments would be enhanced considerably if the arrangements we have established with the Minister for the Environment and Heritage were amended to allow for earlier notification of proposed amendments.

Amending the administrative procedures

- 3.31 Instead of advising Parliament after amendments have been agreed by a Conference of Parties, the Minister should provide us with copies of any proposed amendments, particularly proposed amendments submitted by the Australian Government, at the same time as they are lodged with the CITES and Migratory Species Convention secretariats and made available to all Parties to the conventions.
- 3.32 We note that proposals to amend CITES and the Migratory Species Convention must be communicated to the respective secretariats 150 days before a Conference of Parties.⁹

8 See Article XI (5) of the Migratory Species Convention. For our comments on previous amendments to the Migratory Species Convention see *Amendments to the Bonn Convention*, 9th Report (August 1997) and *Report 30, Treaties tabled on 8 and 9 December 1999 and 15 February 2000* (April 2000). Automatic entry in force provisions are also contained in a number of other treaties including the *International Convention for the Regulation of Whaling*.

9 See Articles XV (1)(a) of CITES and Article XI (3) of the Migratory Species Convention.

- 3.33 Early notification of proposed amendments would allow Parliament and the community a more meaningful opportunity to comment than the current procedures allow. It would mean that amendments to environmental protection treaties would be exposed to the same sort of parliamentary and community consideration as is given to all other proposed treaty actions.

Recommendation 2

- 3.34 **The Minister for the Environment and Heritage should provide the Joint Standing Committee on Treaties with copies of any proposed amendments to the *Convention on the International Trade in Endangered Species* and the *Convention on the Protection of Migratory Species of Wild Animals*, particularly proposed amendments submitted by the Australian Government, at the same time as they are lodged with the Convention secretariats and made available to Parties to the Conventions.**
- 3.35 In addition, we believe there are grounds for the Government to review the scope and impact of the automatic entry into force provisions contained in the international agreements to which Australia is a party

Reviewing the impact of entry into force provisions

- 3.36 It ought to be of concern to the Government that automatic entry into force provisions, such as those contained in CITES and the Migratory Species Convention, operate in a manner that is plainly contrary to the intentions of the reformed treaty making process.
- 3.37 We accept that there may be good reasons for such provisions. Equally, however, there may be good reasons for Australia to advocate that a greater period of time be allowed to elapse before treaty amendments enter into force. Although these matters were beyond the scope of our current review, we believe they should be considered by the Government.

Recommendation 3

- 3.38 **The Minister for Foreign Affairs, in conjunction with the Minister for the Environment and Heritage and other ministers as appropriate, should:**

- **identify the international agreements to which Australia is party that allow amendments agreed at a Conference of Parties, or by agreed by correspondence between Parties, to automatically enter into force and provide a list of these to the Committee;**
- **review whether it is appropriate for the Australian Government to continue to subscribe to such provisions, given the transparency objectives of the reformed treaty making process; and**
- **report back to the Treaties Committee within three months of this report being tabled on the results of this consideration.**

Other issues raised in evidence

3.39 Two other matters were raised during our consideration of this treaty action: the nature and effectiveness of the dispute resolution mechanism provided for by CITES; and concerns about the extent to which government agencies consult with interested parties in developing proposed amendments.

Dispute resolution mechanism

3.40 Article XVIII describes the procedures to be followed should any dispute arise between two or more Parties to CITES in relation to the interpretation or application of the convention.

3.41 In the first instance, the Article requires the disputing parties to attempt to resolve their differences by negotiation. If the dispute cannot be resolved by negotiation, the procedures described in Article XVIII(2) are given effect:

If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.¹⁰ [underlining added]

3.42 As acknowledged by witnesses from the Attorney-General's Department, this mechanism does not compel Parties to settle their disputes. It is

¹⁰ Article XVIII (3) of CITES.

possible that one party to a dispute could act in a manner which prevented the dispute from ever being submitted to arbitration.¹¹

3.43 It was noted that there are various types of dispute resolution mechanisms contained in treaties – some more rigorous and demanding than others. For example, the Law of the Sea Convention contains compulsory dispute settlement procedures.¹²

3.44 In response to our questions on this matter, the Attorney-General's Department agreed to provide us with a report on the nature of the dispute resolution mechanisms in multilateral agreements. The first part of this report, concerning dispute resolution mechanisms in conservation and environmental treaties, was received on 21 July 2000.

3.45 The report categorises these mechanisms into four types. There are conventions which:

- provide for compulsory dispute settlement mechanisms;
- provide for compulsory dispute settlement mechanisms, but allow Parties to 'opt-out' of such mechanisms;
- allow parties to 'opt-in' to compulsory dispute settlement mechanisms; and
- contain non-compulsory dispute mechanisms or do not contain a provision on dispute settlement.¹³

3.46 A table analysing the dispute resolution mechanisms found in 23 conservation and environment conventions is reproduced at Appendix E.

3.47 The Department's report also notes that some conventions have developed other means of addressing non-compliance with international obligations. For example, the 10th CITES Conference of Parties (held in 1997) directed its Standing Committee to advise on countries which may be in breach of their obligations and directed that complying countries should refuse to conduct any trade in CITES species from these countries. This type of strategy has proved to be an effective means of encouraging Parties to take remedial action.¹⁴

3.48 We will consider what, if any, further action to take on this issue after we have received the second part of the report from the Attorney-General's

11 See the exchange between the Committee Chairman (Hon Andrew Thomson MP) and Mark Jennings (Attorney-General's Department), *Transcript of Evidence*, 19 June 2000, pp.TR10-TR11

12 Mark Jennings (Attorney-General's Department), *Transcript of Evidence*, 19 June 2000, p.TR11

13 Attorney-General's Department, *Submission No. 7*, p. 1

14 Attorney-General's Department, *Submission No. 7*, p. 1

Department (being prepared in conjunction with the Department of Foreign Affairs and Trade and covering non-conservation treaties).

Consultation when developing proposed amendments

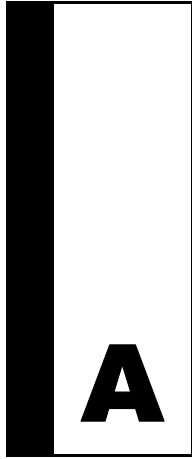
- 3.49 We received a submission from the Tuna Boat Owners Association of South Australia which, while supporting the CITES amendments tabled on 6 June 2000, expressed concern about some of the consultation and decision making processes used in the development of the amendments. The Association was also concerned about general environmental assessment procedures, especially the frequency with which assessments have been made in relation to the sustainability of southern bluefin tuna stocks.¹⁵
- 3.50 Since the Treaties Committee was first established in 1996, we have stressed constantly the importance we place on clear, open and effective consultation with interested parties in the development of treaty proposals. This means that interested parties should be involved in the development of treaty proposals from an early stage; be invited to comment on draft proposals; be informed of progress throughout the process of inter-country negotiation; and be advised directly of the results of those negotiations.
- 3.51 There is some evidence to indicate that the consultation procedures used by Environment Australia, the Australian Fisheries Management Authority, and Agriculture, Fisheries and Forestry Australia were deficient in this instance. Officials in these agencies should bear in mind that, as we have said on many occasions, consultation is the cornerstone of the reformed treaty making process.

ANDREW THOMSON MP

Committee Chairman

15 August 2000

15 Tuna Boat Owners Association of South Australia, *Submission No. 1*, pp. 1-4. A response to the various concerns expressed by the Association can be found in a submission we sought and received from Environment Australia (the relevant Government agency) – see Environment Australia, *Submission No. 6*, 13 July 2000, pp. 1-2



Appendix A - Extract from Resolution of Appointment

The Resolution of Appointment for the Joint Standing Committee on Treaties allows it to inquire into and report on:

- (a) matters arising from treaties and related National Interest Analyses and proposed treaty actions presented or deemed to be presented to the Parliament;
- (b) any question relating to a treaty or other international instrument, whether or not negotiated to completion, referred to the committee by:
 - (i) either House of the Parliament, or
 - (ii) a Minister; and
- (c) such other matters as may be referred to the committee by the Minister for Foreign Affairs and on such conditions as the Minister may prescribe.



Appendix B - National Interest Analyses

Agreement between the Government of Australia and the Kingdom of Spain on Remunerated Employment for Dependants of Diplomatic, Consular, Administrative and Technical Personnel of Diplomatic and Consular Missions, done at Madrid on 6 March 2000

NATIONAL INTEREST ANALYSIS

Date of Proposed Binding Treaty Action

The proposed Agreement between the Government of Australia and the Government of the Kingdom of Spain on Remunerated Employment for Dependants of Diplomatic, Consular, Administrative and Technical Personnel of Diplomatic and Consular Missions (the Agreement) was signed on 6 March 2000.

In accordance with Article 12 the Agreement shall enter into force on the date the parties notify each other that their respective constitutional and legal requirements for entry into force of the Agreement have been complied with.

It is proposed that Australia's note be lodged as soon as practicable after 17 August 2000.

Date of Tabling the Proposed Treaty Action

6 June 2000.

Reasons for Australia to take the Proposed Treaty Action

Under the Agreement dependants of Australian diplomatic and consular personnel stationed in Spain, and of Spanish diplomatic and consular personnel stationed in Australia, can engage in paid work for the duration of the diplomat or consular official's service in the receiving country.

In order to encourage other countries to provide employment opportunities to Australian dependants, the Australian Government typically offers reciprocal opportunities to dependants of foreign officials. Such reciprocal arrangements benefit Australia in encouraging high quality foreign representation in Australia. The lack of the opportunity for spouses and dependants of diplomatic, consular and similar officials to engage in remunerated employment is a significant disincentive for officers to apply for postings to particular countries. It is in Australia's interest to limit such disincentives to enable the Government to have the best possible representation overseas. There is also the interest of the Australian Government as an employer to assist its employees to balance work and family responsibilities.

Bilateral employment instruments are usually in the form of arrangements or memoranda of understanding ('MOUs'), both of which are instruments of less than treaty status. However, Spain has in this case indicated its strong preference for a treaty to be concluded

To date, Australia has three Agreements and 19 Arrangements concerning the employment of dependants of diplomatic and consular personnel and negotiations are underway for similar agreements or arrangements with another fourteen countries.

Obligations

Article 1 of the Agreement obliges Australia to allow dependants of diplomatic, consular, administrative and technical staff of the diplomatic Missions and Consular Posts of the Kingdom of Spain in Australia to engage in remunerated employment activities whilst in Australia. The Article also extends to Spanish nationals who are accredited to International Organisations with headquarters in Australia.

Article 2 of the Agreement defines a dependant as: a spouse; a single dependant child under the age of 21 in the care of their parents, or under the age of 23 if still studying in higher education institutions; and single dependant children with a physical or mental handicap, in the care of their parents.

In accordance with Article 5 Australian dependants are obliged to waive the immunity normally enjoyed under the Vienna Convention on Diplomatic Relations 1961 to be subject to civil prosecution and the execution of civil judgements in respect of matters arising out of their employment in Spain.

Article 6 of the Agreement provides that where Australian dependants enjoy immunity from criminal jurisdiction, immunity in respect of any act or omission arising from the employment shall be waived by Australia except in special instances when Australia would consider such a waiver contrary to its interests.

In accordance with Article 7 such dependants shall be subject to the applicable taxation and social security legislation relating to the exercise of the employment.

Dependants are not restricted in the nature or type of employment that can be undertaken. However, where special qualifications are required before a person

can engage in a profession or activity, the dependant must fulfil the requirements governing such professions or activities in Australia (Article 3) and furthermore, the Agreement does not imply the recognition of degrees, grades or studies between the two countries (Article 8).

The obligations contained in the Agreement are reciprocal, with Spain providing the same benefits to dependants of Australian officials.

Costs

There would be no direct costs to the Australian Government associated with implementation of the Agreement. The Agreement will apply to the spouses and dependants of a small number of officials in each country.

Future Protocols

The Agreement does not include provisions for negotiating future protocols.

Implementation

No new legislation is required to give effect to the Agreement in Australia.

Consultation

State and Territory Governments have been advised of this proposed action through the Commonwealth-State Standing Committee on Treaties' Schedule of Treaty Action. To date there has been no request for further information.

The Foreign Affairs and Trade staff association and the relevant unions for Australian Government employees posted overseas (Community and Public Sector Union, Media, Entertainment and Arts Alliance and the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union) have been notified of the Agreement.

Withdrawal or Denunciation

In accordance with Article 11, either Party may denounce the Agreement by giving six months notice in writing to the other Party.

Contact Details

Administrative and Domestic Law Section
International Organisations and Legal Division
Department of Foreign Affairs and Trade.

Amendments, done at Nairobi in April 2000, to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, of 3 March 1973

NATIONAL INTEREST ANALYSIS

Date of Binding Treaty Action

The amendments will automatically enter into force for Australia on 19 July 2000.

The treaty action concerns amendments to Appendices I and II of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES). The amendments were adopted at the eleventh meeting of the Conference of the Parties to CITES, held in Nairobi, Kenya between 10 to 20 April 2000.

With the exception of those Parties which make a reservation in accordance with paragraph 3 of Article XV of CITES, amendments to Appendices I and II will automatically enter into force for all Parties ninety days after the meeting of the Conference of the Parties at which they were adopted, in accordance with Article XV(1)(c). As Australia does not propose to lodge a reservation to the amendments, they will automatically enter into force for Australia on 19 July 2000.

The Commonwealth Minister for the Environment and Heritage has written to the Chair of the Joint Standing Committee on Treaties (JSCOT) providing details of the amendments, together with advice that, due to the CITES default mechanism that governs entry into force of amendments to the CITES Appendices, entry into force for Australia will occur on this occasion without the usual treaty tabling requirements having been met.

The attached list of amendments to Appendices I and II of CITES and amendments to their interpretative annotations was prepared by Biodiversity Group, Environment Australia, on the basis of its records of the eleventh meeting of the Conference of the Parties, held in Nairobi in April 2000. Formal records of the Conference and revised Appendices have not yet been published by the CITES Secretariat.

Date of Tabling of the Treaty Action

6 June 2000.

Reasons for Australia to take the Treaty Action

Background

CITES is a multilateral environmental convention that entered into force generally on 1 July 1975 and to which Australia has been a party to since 27 October 1976. It regulates international trade (export, transit and import) in specimens of wild

fauna and flora. It arose from recognition that international cooperation is essential to protect and conserve endangered and threatened species of terrestrial and marine animals, and plants from over-exploitation through international trade. CITES provides a mechanism for particularly strict regulation of trade in species threatened with extinction and listed in Appendix I, and for regulating and monitoring trade in other species that may be threatened with extinction unless trade in specimens of such species, listed in Appendix II, is not regulated. Appendix III includes all species which any Party identifies as being subject to regulation within its jurisdiction for the purposes of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade (Article II(3)).

Treaty Action

The treaty action involves the transfer of five taxa (or scientific groupings) from Appendix II to Appendix I, the transfer of five taxa from Appendix I to Appendix II, the addition of seven taxa to, and the deletion of eleven taxa from Appendix II, and three amendments to the interpretative annotations to the species listed in Appendices I and II of CITES. These are listed in the attachment. Appendix III is not affected.

The amendments are intended to ensure more effective global action to address the impacts of international trade on the conservation and sustainable use of the species listed.

Populations of the five taxa transferred from Appendix II to Appendix I (the Australian population of dugong, two sub-species of parakeet, a fish and tree species) are continuing to decline. Australia submitted the proposal to transfer the Australian population of dugong to Appendix I. The additional protection provided by the Appendix I listings are deemed necessary.

The five taxa transferred from Appendix I to Appendix II (three plant species, the South African population of the African elephant and the Argentine population of a flightless bird species) are considered to have now recovered from past over-exploitation and to be no longer threatened with extinction. Population levels of these taxa, in specified parts of their range, are now considered to be sufficient to be able to support a strictly regulated level of international trade.

Those seven taxa added to Appendix II (bird, turtle and frog species, three species of plant and a species of wild sheep) are known to be traded in significant volumes and are considered to be inadequately protected at present. Regulation and monitoring of trade in these species and/or their parts and products is considered necessary in order to ensure that the conservation status of wild populations of these taxa is not further threatened.

The deletion of eleven taxa (nine plant taxa, the hyaena and a toad species) is largely a consequence of these species no longer being under threat from trade. For the plant taxa, there is now very limited trade in wild specimens and trade that does occur is limited to artificially propagated specimens. For the animal taxa, the hyaena's population is stable and is no longer under threat from trade, while

the toad species does not appear to be affected by trade, nor does there appear to be any conservation threat to the toad species.

Many of the species listed on the Appendices to CITES have interpretative annotations specifying the populations and/or parts or products derived from these taxa which are subject to the trade controls of CITES. The amendments made to annotations (relating to tree ferns, medicinal plants and the African elephant) more accurately define those products which are subject to trade controls.

Australia does not have significant trade in any of the taxa involved in these amendments and therefore the effect on Australia's trade interests will be minimal. The amendments are consistent with Australia's commitment to the conservation of species threatened with trade, and for these reasons, Australia does not propose to lodge a reservation under paragraph 3 of Article XV for any of the amendments.

Obligations

Background

The amendments to Appendices I and II will not add to the existing obligations that Australia already has as a result of becoming a Party to CITES, that is, prohibiting trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of CITES (Article II(4)). The amendments will, however, bring about a change to the list of species in the Appendices to CITES and to particular obligations which apply to the listed species.

CITES provides different degrees of regulation of trade depending on the Appendix listing of the species. Article I defines trade as export, re-export, import and introduction from the sea.

Appendix I

Article II(1) defines Appendix I as including all species threatened with extinction which are or may be affected by trade. Trade in Appendix I specimens, that is any trade in readily recognisable parts or derivations of these species, is therefore subject to particularly strict regulation in order not to further endanger their survival and must only be authorised in exceptional circumstances.

The export of any specimen of a species included in Appendix I requires an export permit. Article III(2) establishes four conditions that must be met before an export permit will be granted. First, a Scientific Authority of the State of export must advise that the export will not be detrimental to the survival of that species. Secondly, a Management Authority of the State of export must be satisfied that the specimen was not obtained illegally. Thirdly, where the specimen is a living specimen, the Management Authority must be satisfied that it will be appropriately protected during export. Finally, the Management Authority must be satisfied that an import permit has been granted for the specimen.

Article III(3) established three conditions that must be met before the Importing State can grant an import permit. First, a Scientific Authority of the State of import must advise that the purpose of the import is not detrimental to the survival of the

species involved. Secondly, where the specimen is a living specimen, the Scientific Authority must be satisfied that the proposed recipient is suitably equipped to house and care for the specimen. Thirdly, a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.

Appendix II

Article II(2) defines Appendix II as including all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilisation incompatible with their survival. Appendix II also regulates look-alike species which are controlled because of their similarity in appearance to other listed species.

The export of any specimen of a species included in Appendix II requires an export permit. Article IV(2) establishes three conditions that must be met before an export permit will be granted. First, a Scientific Authority of the State of export must advise that the export will not be detrimental to the survival of that species. Secondly, a Management Authority of the State of export must be satisfied that the specimen was not obtained illegally. Finally, where the specimen is a living specimen, the Management Authority must be satisfied that it will be appropriately protected during export.

Once granted, export permits must be used within six months (Article VI(2)). Each permit is required to contain the title of CITES, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.

Article VII establishes a number of exemptions related to the issuing of export permits. First, the transit or trans-shipment of specimens which remain in Customs control. Secondly, where a Management Authority of the State of export is satisfied that the specimen was acquired before the provisions of CITES applied to that specimen. Thirdly, where an animal species is bred in captivity or a plant species is artificially propagated, a certificate by the Management Authority to that effect shall be accepted in lieu of an export permit. Fourthly, the non-commercial loan, donation or exchange between scientists or scientific institutions. Finally, the movement of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition.

Article VIII requires Parties to continue to maintain records and submit periodic reports to the CITES Secretariat on trade in listed species, taking into account the change in listings brought about by the amendments.

Article IX requires each Party to establish one or more CITES Management Authorities competent to grant export and import permits on behalf of the Party, and one or more CITES Scientific Authorities. For Australia, these two authorities are separately established within Biodiversity Group, Environment Australia.

Costs

The treaty action is not expected to impose any additional costs to Australia in complying with its obligations under CITES, nor will there be any discernible effect on Australia's trade interests. Australia already has effective legislation and administrative arrangements in place to implement the provisions of CITES. The amendments to the Appendices will not require any new domestic agencies or management arrangements to be put in place.

Future Protocols, Annexes, other legally binding Instruments

CITES works on the assumption that Appendices I and II will be added to and amended as required to address the impacts of international trade on the conservation and sustainable use of the species listed. Moreover, it is also envisaged that listed species may be removed from the Appendices for the same reasons.

Appendices I and II form an integral part of CITES and are amended from time to time, in accordance with the provisions of Article XV of CITES, by two thirds majority of the Conference of the Parties or through a postal procedure between meetings. Article XVII of CITES makes provision for the Convention to be amended at an extraordinary meeting of the Conference of the Parties, convened at the written request of at least one-third of the Parties.

Any future amendments or additions, of this or any other kind, to the Appendices will constitute a separate treaty action and be subject to the usual domestic treaty making process including the tabling of a National Interest Analysis.

Implementation

The *Wildlife Protection (Regulation of Exports and Imports) Act 1982* enables Australia to give effect to its obligations arising out of amendments to the Appendices. Schedules 1 and 2 of the *Wildlife Protection (Regulation of Exports and Imports) Act* will be amended in accordance with the mechanism provided in Section 9 of the Act, to reflect the amendments to the CITES Appendices.

Consultation

Prior to the Nairobi meeting, the Minister for the Environment and Heritage wrote to his counterparts in the States and Territories seeking their views on the proposed amendments. Consultation also took place between Environment Australia, relevant State, Territory and Commonwealth Government agencies and non-government conservation organisations on the proposals to be considered. A favourable response was received from all jurisdictions, thus developing an Australian view on the proposals to amend the Appendices of CITES.

Representatives from the Australia and New Zealand Environment and Conservation Council (ANZECC) and the Northern Territory and Humane Society International (a non-government conservation organisation) participated as members of the Australian Delegation at the Conference, along with officers from the Department of Foreign Affairs and Trade and Environment Australia. Details

of the amendments adopted will be provided to the States and Territories through ANZECC at its next meeting.

Withdrawal or Denunciation

Australia may denounce CITES in accordance with Article XXIV by written notification to the Depository (Government of Switzerland) at any time. The denunciation shall take effect twelve months after the Depository has received the notification.

Contact Details

Wildlife Protection Section
Biodiversity Group

Environment Australia

This list was prepared by the Biodiversity Group, Environment Australia on the basis of its records of the eleventh Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Nairobi, April 2000). The CITES Secretariat has not yet published formal records of the Conference and revised Appendices.

Taxa transferred from Appendix II to Appendix I

Scientific Name	Common Name
<i>Dugong dugong</i>	Dugong (Australian population)
<i>Eunymphicus cornutus cornutus</i>	Horned parakeet
<i>Eunymphicus cornutus uveaensis</i>	Uvea parakeet
<i>Latimeria</i> spp. (2 species)	Coelacanths
<i>Araucaria araucana</i>	Monkey puzzle tree (Argentine population)

Taxa transferred from Appendix I to Appendix II

Scientific Name	Common Name
<i>Disocactus macdougallii</i>	Mcdougall's Cactus
<i>Dudleya stolonifera</i>	Laguna Beach Dudleya
<i>Dudleya traskiae</i>	Santa Barbara Island Dudleya
<i>Loxodonta africana</i>	African elephant (South African population)
<i>Pterocnemia pennata pennata</i>	Darwin's rhea (Argentine population)

Taxa added to Appendix II

Scientific Name	Common Name
<i>Garrulax canorus</i>	Melodius laughing thrush
<i>Cuora</i> spp.	Box turtles
<i>Mantella</i> spp. (16 species)	Malagasy poison frogs
<i>Panax ginseng</i>	Ginseng
<i>Cistanche deserticola</i>	Desertliving ginseng
<i>Adonis vernalis</i>	Herb of Lynches
<i>Ovis vignei</i>	Urial - wild sheep (populations not yet listed by CITES)

Taxa removed from Appendix II

Scientific Name	Common Name
<i>Ceropegia</i> spp. (approx 200 species)	Succulent ornamental plants
<i>Frerea indica</i>	Succulent plant
<i>Byblis</i> spp. (5 species)	Rainbow plant/ Southern byblis
<i>Cephalotus follicularis</i>	Pitcher plant
<i>Lewisia cotyledon</i>	Siskiyou Lewisia
<i>Lewisia maguirei</i>	Macguire's Bitter-root
<i>Lewisia serrata</i>	Saw-toothed Lewisia
<i>Darlingtonia californica</i>	California Pitcherplant
<i>Hyaena (Parahyaena) brunnea</i>	Hyaena
<i>Bufo retiformis</i>	Sonoran green toad
<i>Kalmia cuneata</i>	White wicky

Amendments to annotations

Many of the species listed on the Appendices to CITES have interpretative annotations, specifying the populations and/or parts or products derived from these taxa which are subject to the trade controls of the Convention. The following amendments to annotations were adopted:

Scientific Name	Common Name	Description
<i>Cyatheaceae</i> spp. <i>Dicksoniaceae</i> spp.	Tree ferns	Appendix II. (a) Change the current listings of <i>Cyatheaceae</i> spp. to <i>Cyathea</i> spp. (including <i>Alsophila</i> , <i>Nephelea</i> , <i>Sphaeropteris</i> , <i>Trichipteris</i>). (b) Change the current listing of <i>Dicksoniaceae</i> spp. to <i>Dicksonia</i> spp. (originating in the Americas only) and <i>Cibotium barometz</i> .
<i>Podophyllum hexandrum</i> <i>Rauvolfia serpentina</i> <i>Taxus wallichiana</i>	Plants	To harmonize exemptions related to medicinal products by combining the current annotation #2 for <i>Podophyllum hexandrum</i> and <i>Rauvolfia serpentina</i> with annotation #8 for <i>Taxus wallichiana</i> in the Interpretation of Appendices I and II.
<i>Loxodonta africana</i>	African elephant	Amendment of Annotation 604 concerning Appendix II populations of <i>Loxodonta africana</i> .



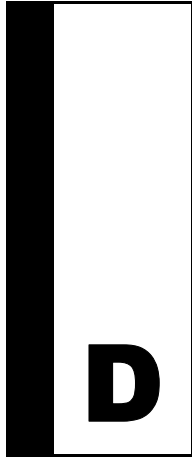
Appendix C - Submissions

Agreement with Spain on remunerated employment for dependants of personnel at Diplomatic and Consular Missions

Submission No.	Organisation/Individual
1	Ministry of Premier and Cabinet (WA)

Amendments to the Convention on International Trade of Endangered Species.

Submission No.	Organisation/Individual
1	Tuna Boat Owner's Association
2	Professor Helene Marsh
3	Verily Hunt-Shepherd
4	Dan Vanschayk
5A	Dr Joseph Blue
5B	Dr Joseph Blue
6	Environment Australia
7	Attorney-General's Department
8	Ministry of Premier and Cabinet (WA)



Appendix D - Witnesses at Public Hearing

Monday, 19 June 2000, Canberra

Department of Foreign Affairs and Trade

David Mason, Executive Director, Treaties Secretariat, Legal Branch

Attorney-General's Department

Mark Jennings, Principal Legal Officer, Office of International Law

Agreement with Spain on remunerated employment for dependants of personnel at Diplomatic and Consular Missions

Department of Foreign Affairs and Trade

Howard Wilson, Executive Officer, Protocol Branch

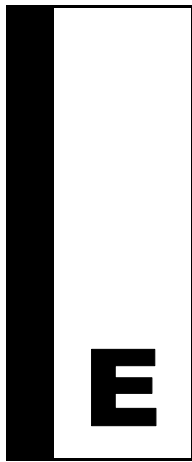
Simon Starr, Desk Officer, Administrative and Domestic Law Section, Legal Branch

Amendments to the Convention on International Trade in Endangered Species

Environment Australia

Anthony Bigwood, Director, Marine Species Section

Mick Trimmer, Director Wildlife Permits and Enforcement/Australian CITES Management Authority



Appendix E - Dispute settlement provisions in Conservation and Environmental Conventions¹

Conventions with compulsory dispute settlement mechanisms

Convention:	Dispute settlement mechanism:	Status
<p><i>International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention)</i></p> <p>London, Mexico City, Moscow, Washington, 29 December 1972</p>	<p>Art. XI provided for the Contracting Parties at their first consultative meeting to consider procedures for the settlement of disputes. Following consideration by the Contracting Parties, Art. XI was amended to provide that, if a dispute was not settled by negotiation or other means, it could be submitted with the agreement of all the parties to the ICJ or, at the request of one of the parties, to arbitration.</p>	<p>Entered into force generally on 30 August 1975, and for Australia on 20 September 1985.</p>
<p><i>International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)</i></p> <p>Convention: London, 2 November 1973</p> <p>Protocol: London, 17 February, 1978</p>	<p>Art. 10 provides that if parties to a dispute cannot settle it by negotiation, any party to the dispute may submit the dispute to arbitration.</p>	<p>Entered into force generally on 2 October 1983 and for Australia on 14 January 1988.</p>

¹ Source: Attorney-General's Department, *Submission No. 7 to CITES*, Attached tables.

<i>UN Convention on the Law of the Sea</i>	Part XV of the Convention establishes a comprehensive dispute settlement regime, including recourse to compulsory means for the settlement of disputes (see Art. 287).	Entered into force generally and for Australia on 16 November 1994.
(The Convention contains a range of provisions relating to the conservation of marine living resources and the protection of the marine environment.)		
Montego Bay, 10 December 1982		
<i>Protocol to the Antarctic Treaty on Environmental Protection</i>	Art. 18 provides for parties to a dispute to consult as to the means to be adopted for its settlement.	Entered into force generally and for Australia on 14 January 1998.
Madrid, 4 October 1991	Art. 19 provides that Parties may declare that they accept compulsory dispute settlement by recourse to the ICJ or arbitration, or both, in relation to disputes arising about certain articles. If a Party does not make a declaration it is deemed to have accepted arbitration. If Parties have not accepted the same mechanism (either the ICJ or arbitration), arbitration is the default procedure.	
	Art. 20 gives the parties to a dispute 12 months from the date of consultations under Art. 18 to resolve the dispute by the means chosen. If the dispute is not resolved within this period, any party can trigger the compulsory mechanisms.	
<i>International Tropical Timber Agreement</i>	Art 3 1 provides that complaints and disputes shall be referred to the International Tropical Timber Council for decision. The Council's decisions are final and binding.	Entered provisionally into force generally and for Australia on 1 January 1997.
Geneva, 26 January 1994		

Conventions which provide for compulsory dispute settlement mechanisms but allow Parties to "opt out of such mechanisms"

Convention:	Dispute settlement mechanism:	Status:
<i>Convention on Early Notification of a Nuclear Accident</i>	Art. 11 of the Convention provides for consultation between the parties to the dispute as to the means for its settlement. If the dispute is not settled within 1 year of the request for consultation, it may be submitted to arbitration or referred to the ICJ, at the request of one of the parties.	Entered into force generally on 27 October 1986, and for Australia on 23 October 1987
Vienna, 26 September 1986	When signing, ratifying, approving or acceding to the Convention, a Party may declare it is not bound by the provisions on compulsory settlement of disputes.	
<i>Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency</i>	Art. 13 of the Convention provides for consultation between the parties to the dispute as to the means for its settlement. If the dispute is not settled within 1 year of the request for consultation, it may be submitted to arbitration or referred to the ICJ, at the request of one of the parties.	Entered into force generally on 26 February 1987 and for Australia on 23 October 1987
Vienna, 26 September 1986	When signing, ratifying, approving or acceding to the Convention, a Party may declare it is not bound by the provisions on compulsory settlement of disputes.	

Conventions which allows Parties to "opt-in" to compulsory dispute settlement mechanisms

Convention:	Dispute settlement mechanism:	Status:
<i>Convention for the Protection of the Ozone Layer</i>	Art. 11 provides for negotiation to settle a dispute, then mediation with mutual consent.	Entered into force generally and for Australia on 22 September 1988
Vienna, 22 March 1985	A Party may also declare that it will accept arbitration or ICJ jurisdiction. If the parties to a dispute have not accepted the same means of compulsory settlement, or any means of compulsory settlement, then either party may request that the dispute be submitted to conciliation.	

<i>Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (SPREP)</i>	Art. 26 provides for the settlement of disputes through negotiation and other peaceful means. If the dispute is not settled by such means, the parties can by agreement submit it to arbitration under the conditions laid down in the Annex to the Convention.	Entered into force generally and for Australia on 22 August 1990.
Noumea, 24 November 1986	A Party may at any time declare that it recognises the application of arbitration as compulsory, in relation to any other Party accepting the same obligation.	
<i>Protocol on Substances that Deplete the Ozone Layer</i>	The dispute settlement mechanism contained in the Vienna Convention for the Protection of the Ozone Layer applies to the Montreal Protocol.	Entered into force generally on 1 January 1989 and for Australia on 17 August 1989.
Montreal, 16 September 1987		
<i>Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</i>	Art 20 provides for negotiation or other peaceful means of settlement. Parties to the dispute, by mutual consent, can submit the dispute to ICJ or arbitration under Annex VI of the Convention. Annex VI arbitration renders a final, binding decision.	Entered into force generally and for Australia on 5 May 1992.
Basel, 22 March 1989	A Party to the Convention may declare that it is prepared to accept ICJ jurisdiction or Annex VI arbitration, or both. This will be binding against other Parties accepting the same obligation.	
<i>UN Framework Convention on Climate Change</i>	Art 14 provides for disputes to be settled by negotiations or other peaceful means. If after 12 months following notification of dispute by one party to another the dispute is not settled, either party may submit the dispute to conciliation.	Entered into force generally and for Australia on 21 March 1994.
New York, 9 May 1992	A Party to the Convention may declare that it is prepared to accept ICJ jurisdiction and/or arbitration. This will be binding against other Parties accepting the same obligation.	
<i>UN Convention on Biological Diversity</i>	Art 27 provides for disputes to be settled by negotiations. If the dispute is not settled, any party may submit it to conciliation.	Entered into force generally and for Australia on 29 December 1993
Rio de Janeiro, 5 June 1992	A Party to the Convention may declare that it is prepared to accept ICJ jurisdiction and/or arbitration This will be binding against other Parties accepting the same	

	obligation.	
<i>Convention to Combat Desertification in those Countries experiencing Drought and for Desertification particularly in Africa</i>	Art. 28 provides for disputes to be settled by negotiations or other peaceful means. If within 12 months following notification of the dispute by one party to another the dispute is not settled, either party may submit the dispute to conciliation.	Entered into force generally on 26 December 1996 and will enter into force for Australia on 13 August 2000
Paris, 17 June 1994	A Party to the Convention may declare that it is prepared to accept ICJ jurisdiction and/or arbitration. This will be binding against other Parties accepting the same obligation.	
<i>Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)</i>	Art. 20 provides that disputes between the Parties should be settled if possible by negotiation. If this proves impossible, the Parties may agree to submit the dispute to arbitration or to the ICJ. A Party may, at the time of joining the Convention, declare that it recognises arbitration or submission to the ICJ as compulsory in any dispute with another Party which has accepted 1998, the same obligation	The Convention is not yet in force. Australia deposited its instrument of ratification on 17 August 1998
Waigani, 16 September 1995		

Conventions with non-compulsory dispute settlement mechanisms or which do not contain a provision on dispute settlement

Convention:	Dispute settlement mechanism:	Status:
<i>International Convention for the Regulation of Whaling</i>	The Convention does not contain a provision on dispute settlement.	Entered into force generally and for Australia on 10 November 1948.
Washington, 2 December 1946		
<i>The Antarctic Treaty</i> (The Treaty addresses, in part, matters affecting the Antarctic environment.)	Art. XI provides that in the event of a dispute, the parties are to consult on the means to be adopted for its resolution. If the dispute is not resolved, the parties may agree to refer it to the ICJ.	Entered into force generally and for Australia on 23 June 1961.

Washington, 1 December 1959	<i>Convention for the Protection of the World Cultural and Natural Heritage</i>	The Convention does not contain a provision on dispute settlement.	Entered into force generally and for Australia on 17 December 1975.
Paris, 23 November 1972	<i>Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)</i>	Art XVIII provides for negotiation to resolve a dispute; if this fails, the dispute can be submitted to arbitration by mutual consent of the parties for binding decision.	Entered into force generally on 1 July 1975 and for Australia on 27 October 1976.
Washington, 3 March 1973	<i>Convention on the Conservation of Migratory Species of Wild Animals</i>	Art XIII provides for negotiation to resolve disputes. If this fails, the dispute can be submitted to arbitration by mutual consent of the parties for binding decision.	Entered into force generally on 1 November 1983 and for Australia on 1 September 1991.
Bonn, 23 June 1979	<i>Convention on the Conservation of Antarctic Marine Living Resources</i>	Art XXV provides for consultation between parties to a dispute as to means for its settlement. The dispute can be submitted to the ICJ or arbitration, as provided for in the Annex to the Convention, with consent of all parties.	Entered into force generally and for Australia on 7 April 1982.
Canberra, 20 May 1980	<i>Convention on Nuclear Safety</i>	Art. 29 requires parties to a dispute to consult within the framework of a meeting of the Contracting Parties with a view to resolving the matter.	Entered into force generally on 24 October 1996 and for Australia on 24 March 1997.
Vienna, 20 September 1994			



Appendix F - Australia's proposed amendments to CITES

Uplisting of the Australian Dugong to Appendix I

A Proposal

Transfer of the Australian population of *Dugong dugon* (dugong) on Appendix I of the Convention.

The listing of the Australian population of *Dugong dugon* (dugong) on Appendix I is in accordance with the provisions of Resolution Conf. 9.24, Annex 3 that states that "wherever possible split listings (where different populations of a species are listed on different Appendices) should be avoided'.

The listing should be annotated to state that 'the Australian population is not endangered and is included on Appendix I to eliminate potential enforcement problems caused by split listing.'

B Proponent

Australia

C. Supporting Statement

1. Taxonomy

- | | | |
|-----|----------------------|---------------------|
| 1.1 | Class: | Mammalia |
| 1.2 | Order: | Sirenia |
| 1.3 | Family: | Dugongidae |
| 1.4 | Species: | <i>Dugong dugon</i> |
| 1.5 | Scientific Synonyms: | none |

1.6 Common Names:	English:	Dugong, Sea Cow
	French:	Dugong
	Spanish:	Dugong

2. Biological Parameters

2.1 Distribution

Dugongs were widely distributed in the tropical and sub-tropical protected coastal areas of the Indian Ocean and the southwest Pacific. The species range extends from east Africa and Madagascar east to the eastern coast of Australia and Vanuatu. The species has been exterminated or is now extremely rare, largely because of over-hunting, in much of its former range.

In Australia, dugongs occur from Shark Bay, Western Australia around the northern coastline to Moreton Bay Queensland (Figure 1 attached).

2.2 Habitat availability

Dugongs live in shallow protected coastal areas and feed on seagrass beds. Major concentrations of dugongs tend to occur in wide shallow bays, wide shallow mangrove channels and in the lee of large inshore islands. These areas are coincident with sizeable seagrass beds.

Seagrass ecosystems are sensitive to human impact. Seagrass beds may be destroyed directly by mining and trawling or lost through disturbances such as dredging, inland and coastal clearing, and land reclamation. In addition, episodic losses of hundreds of km² of seagrasses are associated with extreme weather events such as cyclones and floods. Recovery and recolonisation from large-scale losses may take a decade or more.

2.3 Population status

The dugong is listed by The World Conservation Union (IUCN) as vulnerable.

It has been estimated that there are 85,000 dugongs in Australian waters. This is likely to be an underestimate as not all of the dugong's range has been surveyed, and the correction factor used to allow for animals that are not observable due to water turbidity during surveys is conservative.

2.4 Population and geographic trends

In Australia, numbers in the southern Great Barrier Reef and in Hervey Bay have dropped by more than 50% over the past decade. However, in other areas, numbers are considered stable. For example, surveys in Shark Bay, Ningaloo Reef and Exmouth Gulf show that dugong populations appear to be stable and are amongst the highest densities known for the species.

2.5 Role of species in its ecosystem

Dugongs are herbivores and generally feed on seagrasses. Dugongs prefer seagrasses that are lower seral or 'pioneer' species, especially species of the genera *Halophila* and *Halodule*. Diet selection is correlated with the chemical and structural composition of seagrass. The most frequently selected species are lowest in fibre and highest in available nitrogen and digestibility.

2.6 Threats

The major identified sources of non-natural mortality in Australia are gill netting, traditional hunting by Aborigines and Torres Strait Islanders and loss of habitat through coastal development.

3. Utilisation and Trade

3.1 National utilisation

Some indigenous hunting of dugongs for food occurs. There is no legal commercial trade in dugongs either within or from Australia.

3.2 Legal international trade

Australia is not aware of any commercial trade in dugongs. Australia sought information from the other dugong range states with regard to trade in dugong products. The range states that responded were not aware of any trade in dugongs.

3.3 Illegal trade

Australia is not aware of any illegal trade in the species. There has been some anecdotal information on minor levels of illegal sale of dugong products as tourist products but this has not been confirmed.

3.4 Actual or potential trade impacts

Impact in Australia would be minimal, as the listing would not impact on the traditional use of dugongs by Aborigines or Torres Strait Islanders.

The listing of the Australian population of dugongs on Appendix I would mean that all dugongs are listed on Appendix I, eliminating the possibility of false permits being issued claiming an animal is from an Appendix II population, when the specimen is in fact from an Appendix I population.

3.5 Captive breeding or artificial propagation for commercial purposes

Australia is not aware of any captive breeding operations for the species.

4. Conservation and Management

4.1 Legal Status

The species is listed as protected in all those states of Australia where the species occurs. Commercial trade is prohibited. The traditional use of dugongs by Aboriginals or Torres Strait Islanders is permitted.

Internationally, the Australian population is included on Appendix II of CITES while all other populations are included on Appendix I. Australia is not aware of any range state that allows the commercial use of dugongs. Some range states allow the traditional use of dugongs by indigenous people.

4.2 Species management

Aerial surveys are conducted around Australia to monitor populations. Dugongs do not generally occur at high densities and are extremely difficult to census accurately or precisely. There are no current methods that allow reliable measurement of trends in numbers at a local scale. There is no information on dugong distribution and abundance from north of Exmouth Gulf through to the mouth of the Daly River.

To date, the approach to seagrass protection has largely been through establishment of marine parks and fishing industry closures to prevent structural damage to seagrass beds through trawling.

4.3 Control measures

The Australian population of dugongs is currently listed on Appendix II of CITES.

Dugongs are protected in Australia and commercial trade is banned.

5. Information on Similar Species

The Order Sirenia is comprised of the only completely aquatic herbivorous mammals. The Order includes four living species in two Families. Dugong dugon is the only species in the family Dugongidae the other three species are in the family Trichechidae and are:

West African manatee (*Trichechus senegalensis*), which is on Appendix II of CITES and occurs in freshwater, brackish and marine waters.

Caribbean, North American or West Indian manatee (*T. manatus*), which is on Appendix I of CITES and occurs in freshwater, brackish and marine waters

South American or Amazonian manatee (*T. inunguis*), which occurs only in freshwater and is on Appendix I of CITES.

6. Other Comments

In April 1999 the other dugong range states were consulted. Their views were sought on:

- Whether they were aware of trade in dugongs;
- Whether the split listing of dugongs, and especially the Australian population being on Appendix II, was causing them an enforcement concern; and
- Whether they would consequently be in favour of Australia up listing its population of dugongs in order to eliminate the split listing.

Responses were received from Brunei, Cambodia, China, Indonesia, Mozambique, Philippines, Singapore, Vanuatu, Yemen, and the Solomon Islands (Non-CITES). All advised they were not aware of any trade in the species. Indonesia stated that the split listing does sometimes create problems in enforcement. Mozambique advised that while the split listing had not caused any problems it may do so in the future. The remaining respondents advised they had not experienced any enforcement problems.

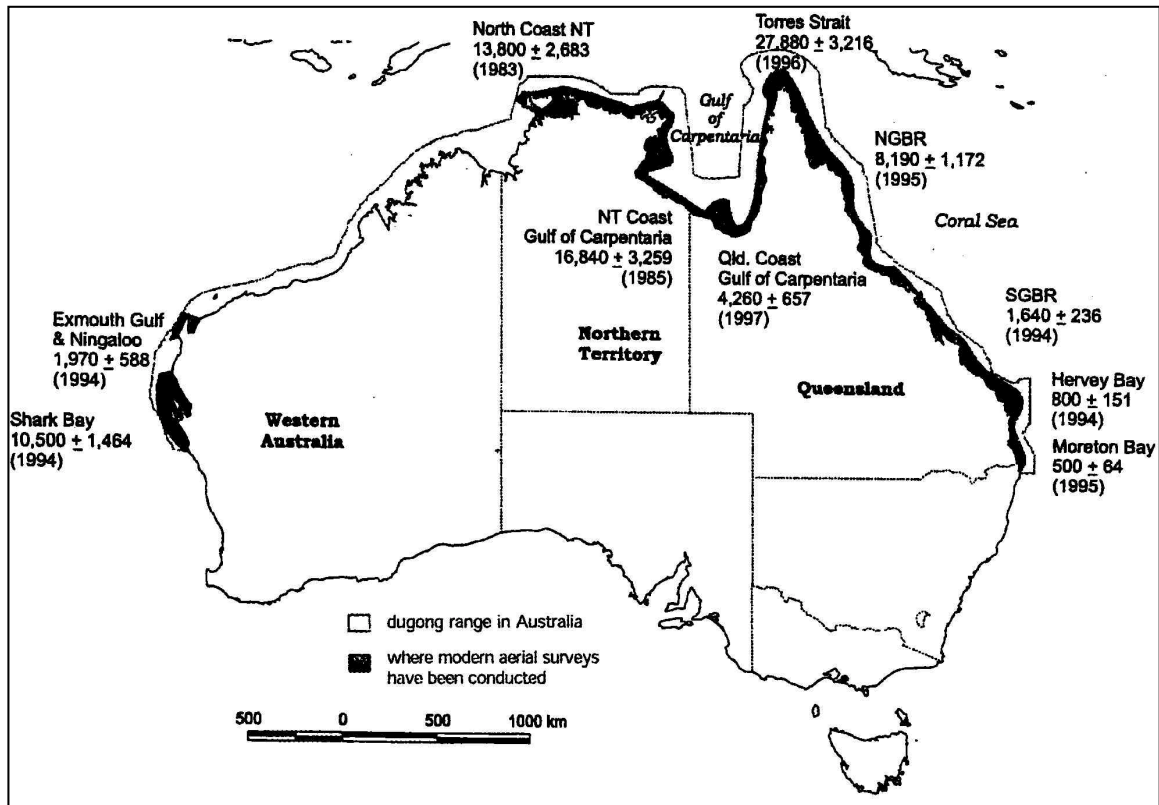
All ten countries supported moving Australian dugongs to Appendix I. Indonesia strongly supported the move and Mozambique stated they would 'appreciate' if the Australian population was uplisted to avoid future enforcement and smuggling problems.

7. References

Food and Agriculture Organization of the United Nations. CawFAO Fisheries Series No. 5, Volume 11 Mammals in the seas. Rome, 1979.

Marsh, H, Eros, C, Corkeron, P and Breen, (1999). The Dugong, Dugong dugon, in Australia: A Conservation Overview. A draft report to Environment Australia. Unpublished report.

Figure 1: The dugong's range in Australia with areas where modern surveys have been conducted showing the most recent estimates of dugong numbers in various parts of Australia.



Deletion of the Rainbow Plant from Appendix II

A. PROPOSAL

Deletion of all species of the genus *Byblis* from Appendix II.

B. PROPONENT

Australia

C. SUPPORTING STATEMENT

A small genus of carnivorous plants in the monotypic family Byblidaceae. At the time of entry into the CITES Appendices, the genus contained two described species. One was the wide-ranging *Byblis liniflora*, distributed across northern Australia, the southeastern corner of Irian Jaya, Indonesia and reported to occur in Papua New Guinea. The second species, *B. gigantea*, was highly restricted with a few small populations near Perth, Western Australia. This species was the basis for the CITES listing, with *B. liniflora* listed as a look-a-like taxon. Trade in the genus arises from the carnivorous plant trade. None of the species are of significant horticultural value outside this specialist interest group.

Following a recent revision of the genus for northern Australia (Lowrie & Conran, 1998), 5 taxa are now recognised for the region. Within Australia the genus is distributed across the national jurisdictions of Western Australia, Northern Territory and Queensland.

The genus *Byblis* has been identified by the CITES Plants Committee under the Ten Year Review as a candidate for deletion from Appendix II as there has been very limited trade in wild taken specimens since the taxa was listed and at least four (if not all) species of the genus are annual and easily propagated from seed. *Byblis* produces copious seed that can be easily germinated after 24 hour treatment with Gibberellic acid at 10 ml/l.

The proposed deletion received full endorsement of the 9th meeting of the CITES Plants Committee in Darwin, June 1999.

1. Taxonomy

- | | |
|--------------------|--|
| 1.1. Class | Magnoliatae |
| 1.2. Order | Rosales |
| 1.3 Family | Byblidaceae |
| 1.4. Genus/species | <i>Byblis aquatica</i> (Lowrie & Conran 1998),
<i>Byblis filifolia</i> (Planch. 1848), <i>Byblis gigantea</i> |

(Lindley 1839), *Byblis liniflora* (Salisb, 1808),
Byblis rorida (Lowrie & Conran 1998)

1.5. Scientific synonyms

For *B. filifolia*; *B. Liniflora* subsp
occidentalis

1.6. Common name

Rainbow plant, Southern Byblis

2. Biological data

2.1. Distribution

Byblis aquatica

Restricted to the Northern Territory and all known locations are from within a 40 km radius of Darwin (lat. 12°23'S, long. 130°50'11"). Principally from the locations of Palmerston, Howard Springs and Noonamah. This species has only recently been recognised and further locations would be expected as there is a larger area of suitable habitat.

Byblis filifolia

Widely distributed through the Kimberley region of Western Australia and extending into the Northern Territory. The distribution recorded by Lowrie & Conran (1998) shows some disjunctions. The taxonomic status of the species has only recently been clarified and further locations would be expected, as there is a larger area of suitable habitat.

Byblis gigantea

Occurs in the south west of Western Australia from latitude 29°15'S to 33°15'S (over approximately 450 km and extending approximately 50 km inland). There is a reported disjunction in the distribution of the species with a very restricted southern disjunct known from a few sites within the state capital city of Perth. Authors of a recent paper on the genus (Lowrie & Conran, 1998) are preparing to recognise 2 subspecies within *B. gigantea* supported by both morphological and distributional differences.

Byblis liniflora

Widespread throughout the northern regions of Western Australia, Northern Territory and Queensland. Also recorded from Indonesia in the province of Irian Jaya by Van Steenis (1971). The Indonesian occurrence is based on a single collection near Merauke with the specimen lodged at Leiden. No new additional records have been located in the Indonesian Herbarium at Bogor during a search in early 1998. Similarly, no records were located at the Papua New Guinea National Herbarium (O. Gideon, PNG Forest Research Institute, pers comm). The habitat and vegetation around Merauke is also found in Papua New Guinea and the species is likely to be confirmed in the Western Province with further survey work. Based on the published description by van Steenis, the taxon in Indonesia seems a reasonable match for *B. liniflora*. However, a recent examination of the

Leiden specimen has highlighted differences in the significant characters of calyx indumentum, seed size and seed ornamentation. Further taxonomic work is required.

Byblis rorida

Known from scattered locations throughout the Kimberley region of Western Australia.

2.2. Habitat

Byblis species occur in a variety of habitats, but generally in seasonally wet areas and on the margins of shallow freshwater or coastal wetlands, watercourses and seepage areas. Specimens occur on a variety of soil types from sandy to clayey sand, on skeletal soils and may occasionally be found on stony rises.

2.3 and 2.4. Population and population trends

No species within the genus is listed as threatened on the IUCN Red lists.

No *Byblis* species are included on the Australian *Endangered Species Protection Act* 1992, or on any national listing of threatened, rare or poorly known flora. Western Australian flora that is rare, threatened or otherwise in need of special protection may be 'declared to be rare' and is provided special protection status. Flora that is being considered for declaration as rare flora, or which is being monitored to ensure the species is not threatened, are listed as Priority Flora. No *Byblis* species is listed as either declared rare flora or Priority Flora in Western Australia. No *Byblis* species are in the categories of protected or specially protected in the Northern Territory.

Byblis liniflora is not listed as threatened or rare under Indonesian or Papua New Guinea legislation.

Byblis aquatica

Due to the recent discovery of the species the population and population trends are unknown. The proximity of known locations to the major urban centres of Darwin and Palmerston places many locations under threat of land clearance. The habitat is also a common source of sand quarries for the construction industry. The species has been recorded in one nature reserve.

Byblis filifolia

Due to the recent clarification of the taxonomic status of the species the population and population trends are unknown. The species is recorded from many isolated areas which are not prone to development or disturbance. The species is not considered to be under threat. The species has been recorded in two nature reserves.

Byblis gigantea

No population number and size estimates have been recorded for the species but overall it is regarded as being "common". Two sub-species are proposed: a 'northern' form and 'southern' form. The northern form is recorded from one nature reserve. The southern form, occurring near Perth is under more serious threat. There were until recently four populations but one is now a housing estate, and the others are in the University reserve, Perth airport and a small isolated site in the upper Canning River system. If the taxonomic delineation of sub-species is adopted then the taxon will be reviewed to determine whether the southern form should be placed on national or state conservation lists. There are some indications that *B. gigantea* may be a perennial unlike the other species within the genus.

Byblis liniflora

A common species not considered to be declining. The species has been recorded in a number of nature reserves.

Byblis ronda

Trends unknown but recorded as locally common and due to isolated nature of much of the distribution not considered under threat.

3. Trade data**3.1. National utilisation**

Byblis plants are commonly grown by insectivorous plant growers and plants are available commercially in specialist Australian plant nurseries.

Small quantities of seed are harvested from State lands each year under State permits. A typical years collection was 1997 when 120 grams of *B. gigantea* was collected.

3.2. Legal international trade

Total exports of *Byblis gigantea*, *Byblis* species (suspected of also being *gigantea*) and *Byblis* hybrids live plants from Australia*. (Source: Environment Australia)

Year	Quantity	Destination
1994	nil	
1995	9	JP,SG
1996	nil	
1997	10	GB, us, unknown
1998	Unknown (2 exports)	unknown

*All specimens were artificially propagated.

There is no recorded trade from either Papua New Guinea or Indonesia.

3.3. Illegal trade

There is a diversity of opinion on the extent of illegal trade. It has been argued that the ease of propagation means there is little advantage in wild collection. However, all species are reportedly being sought by collectors internationally and there are unsubstantiated reports of international collectors (particularly from Europe) engaging in illegal wild collecting of both seed and plants/cuttings in Australia. The recent recognition of new taxa will create a demand from enthusiasts.

3.4. Potential trade threats

3.4.1. Live specimens

All records indicate that the limited international trade in this taxa is confined to artificially propagated live whole plants. Most of the propagators and exporters of this species are located on the eastern seaboard of Australia, well away from the natural range of the taxa.

3.4.2. Parts and derivatives

There is no known trade in parts or derivatives. The export of seeds of the taxa is not regulated under Australian law at present.

4. Protection status

4. 1. National

Byblis is subject to export control under the *Wildlife Protection (Regulation of Exports and imports) Act 1982*. Export permits are required for all specimens, whether artificially propagated or harvested from the wild. This situation will not change if this proposal is adopted.

Under Western Australian law (*Wildlife Conservation Act 1950*) all native flora is protected, and a licence is required to take (harvest or remove any parts) from Crown land. A licence is also required to sell any native plants taken from private land. Trade in native flora is thus regulated and monitored in the State. Licences to take native flora from Crown land specifically prohibit the removal of whole plants, and the harvesting of plants in such a manner that might jeopardise the survival of the plant. Should the southern form of *B. gigantea* be classified as declared rare or priority flora in Western Australia it would be prohibited from harvesting on crown land without specific approval.

4.2. International

Currently listed on CITES Appendix II.

4.3. Additional protection needs

None required, since the taxon is adequately protected in its area of endemism.

Since the international trade in this taxa is based on cultivated material and native populations are secure and adequately protected, the removal of this taxon from listing on CITES Appendix II is recommended.

5. Information on similar species

Not applicable

6. Comments from other countries of origin

Indonesia has advised the Secretariat that they have no objection to the deletion of *Byblis* from Appendix II. Indonesia further commented on the draft proposal confirming support for the delisting and confirming that no trade had been recorded from (sic) that country.

Papua New Guinea has advised the Secretariat that they support the proposal to delete the taxa from Appendix II.

7. Additional remarks

8. References

Erickson, R. (1968). *Plants of Prey in Australia*. Lamb Paterson, Perth.

Lowrie, A. & Conran, J.G. (1998) A taxonomic revision of the genus *Byblis* (Byblidaceae) in northern Australia. *Nuytsia* 12:59-74.

Van Steenis, C.G.G.J. (1971) Byblidaceae. In *Flora Malesiana* 7:135-137.

Deletion of the Pitcher Plant from Appendix II

A. PROPOSAL

Deletion of *Cephalotus follicularis* from Appendix II.

B. PROPONENT

Commonwealth of Australia (Environment Australia)

C. SUPPORTING STATEMENT

The monotypic genus *Cephalotus* is an insectivorous plant endemic to south-western Australia. It occurs on wetland margins throughout the southwest corner of Western Australia. This portion of Western Australia has a high rainfall and as a result there are extensive areas of suitable habitat, especially on the south coastal plain. Within its range are large areas of government owned forests, National Parks and other reserves where the species is common and is likely to occur in vast numbers.

The species is easily propagated from small segments of rhizomes and, as a result, it is commonly traded and is widely cultivated. Morphological variation in wild populations is not evident. As the species is easily propagated, it is unlikely that cultivated stocks are derived from wild collections.

Cephalotus follicularis has been identified by the CITES Plants Committee under the Ten Year Review as a candidate for deletion from Appendix II as there has been no recorded trade in wild taken specimens since the species was listed. The proposal received full endorsement of the 5th meeting of the CITES Plants Committee in Mexico, May 1994.

1. Taxonomy

1.1. Class	Magnoliatae
1.2 Order	Rosales
1.3. Family	Cephalotaceae
1.4. Genus/species	<i>Cephalotus Follicularis</i> Labillardiere 1806
1.5. Common name	Western Australian pitcher plant, Albany pitcher plant

2. Biological data

2.1. Distribution

The area of distribution ranges over 400 km from NW to SE and corresponds with the meso-mediterranean climate of the extreme southwestern part of Australia.

Collection records at the Western Australian Herbarium, Perth, show that the species occurs from near Yallingup (latitude 33°39'S, longitude 115°02'E), in an arc and within 50 km of the coast, to Cheyne Beach (latitude 34°53'S, longitude 118°24'E). It is likely that the Yallingup location is an outlier (Willis 1969) and that the main distribution of *Cephalotus* is from Augusta, (latitude 34°20'S, longitude 115°09'E), 60 km south of Yallingup, to Cheyne Beach (latitude 34°53'S, longitude 118°24'E), (Western Australian Herbarium, Perth).

Because Labillardiere described *Cephalotus*, and as he only visited the south coast near present day Esperance, far to the east of the known distribution of the species, it has been erroneously assumed that Esperance was the provenance of the Type. Erickson (1968) reasons that Labillardiere obtained his collection from a French botanist who had been to the Albany region where *Cephalotus* grows and that the species does not occur near Esperance.

2.2. Population

No population number and size estimates have been recorded because it is believed that there are many hundreds of populations and the species is a small plant which grows in dense shrub thickets (Western Australian Herbarium, Perth).

Populations estimated to be many thousands of individuals have been observed following fire where shrub and sedge cover has been burnt. Elsewhere, the species is very frequently encountered in its habitat.

2.3. Habitat

Cephalotus only occurs on the margins of freshwater wetlands, roadside ditches and slow-moving streams where water flow is perennial or almost so. It occurs on peaty soil or white sand (Lullfitz 1966). These habitats are particularly common throughout the range of the species and a significant portion of these are in government owned forests, National Parks or other conservation reserves.

Wetlands on private lands have been declining in extent and number in the area of distribution, largely because of clearing and cattle grazing. As a result there has been a loss of *Cephalotus* populations in these locations. This is particularly the case near the town of Albany due to urban expansion. There is no information on what proportion of the original south western population has been lost but over 70% of the area of occurrence is estimated to be in protected conservation areas (Western Australian Herbarium, Perth).

3. Trade data

3.1. National utilisation

Cephalotus plants are commonly grown by insectivorous plant growers and plants are available commercially in specialist Australian plant nurseries. One wholesale plant dealer in Western Australia produces up to 10,000 plants per annum from artificially propagated material (Western Australian Herbarium, Perth).

3.2. Legal international trade

Total exports of *C. follicularis*, live plants from Australia* (Source: Environment Australia)

Year	Quantity	Year	Quantity
1985	50	1991	50
1986	312	1992	104
1987	290	1993	1069
1988	450	1994	146
1989	1094	1995	260
1990	3	1996	505

*All specimens were artificially propagated.

3.3. Illegal trade

None known.

3.4. Potential trade threats

3.4.1. Live specimens

All records indicate that the limited international trade in this species is confined to artificially propagated live whole plants. Most of the propagators and exporters of this species are located on the eastern seaboard of Australia, well away from the natural range of the species. There is no evidence to suggest that wild illegally harvested specimens are being traded either within Australia or internationally. The ease by which this species can be propagated makes wild harvest unnecessary.

3.4.2. Parts and derivatives

There is no known trade in parts or derivatives.

4. Protection status

4.1. National

Cephalotus is subject to export control under the *Wildlife Protection (Regulation of Exports and Imports) Act 1982*. Export permits are required for all specimens, whether artificially propagated or harvested from the wild. This situation will not change if this proposal is adopted.

Any wild harvests would be subject to Western Australia's Flora protection laws administered by the State Department of Conservation and Land Management. All flora in Western Australia is protected under State legislation. A licence is needed to collect *Cephalotus* plants from government lands. No permit to collect *Cephalotus* plants from the wild has been issued during the past ten years.

4.2. International

Currently listed on CITES Appendix II.

4.3. Additional protection needs

None required, since the taxon is adequately protected in its area of endemism.

Since the international trade in this taxon is based on cultivated material and native populations are secure and adequately protected, the removal of this taxon from listing on CITES Appendix II is recommended.

5. Information on similar species

Not applicable

6. Comments from country of origin

Not applicable; endemic to Western Australia.

7. Additional remarks

8. References

Erickson, R. (1968). *Plants of Prey in Australia*. Lamb Paterson, Perth.

Lullfitz, F. (1966). The West Australian Pitcher Plant (*Cephalotus follicularis*). *Australian Plants* 4:34-35.

Willis, J. H. (1965). Historical Notes on the W.A. pitcher plant *Cephalottis follicularis*. *Western Australian Naturalist* 10, 1: 1-7.