

INTERNATIONAL WILDLIFE MOVEMENT

The EPBC Act regulates the export of Australian native species and the import of live plants and animals.

Many of the world's animal and plant species continue to be threatened in the wild by risks associated with wildlife trade. Australia recognises the inherent value of threatened and endangered species and the need to protect wildlife that may be adversely affected by trade.

WILDLIFE TRADE MANAGEMENT

Part 13A of the EPBC Act regulates the international movement of wildlife and wildlife products (animals and plants and their derived products) and provides the legal framework for implementing Australia's obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Part 13A regulates:

- the export of Australian native species other than those identified as exempt;
- the import of live plants and animals other than those identified as exempt; and
- the import and export of specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

TRADE IN CITES LISTED SPECIES

Part 13A of the EPBC Act gives effect to Australian implementation of CITES. The aim of CITES is to regulate international trade (import/export) so that it does not threaten the survival of wild animals and plants through over-exploitation or unsustainable harvesting. Under CITES, species are listed under three separate appendices based on their conservation status and the risk to those species from trade.

- CITES Appendix I – species threatened with extinction through trade;
- CITES Appendix II – species not immediately threatened but may become so unless trade is regulated; and
- CITES Appendix III – species protected in at least one country, and under this listing other CITES parties assist in controlling trade.

Import and/or export of CITES specimens generally requires a permit. CITES Appendices I, II and III provide the basis for determining the circumstances in which export or import can occur. Unless an exemption applies or a person holds a relevant CITES permit, it is an offence to import or export a CITES listed species.

IMPORT OR EXPORT REQUIREMENTS

APPENDIX I

CITES Appendix I contains species of animals and plants threatened with extinction, and includes (but is not limited to) great apes, lemurs, the giant panda, many South American monkeys, great whales, cheetah, leopards, tiger, elephants, rhinoceroses, lions many birds of prey, cranes, pheasants and parrots, all sea turtles, and some crocodiles and lizards, giant salamanders, mussels, and some orchids, cycads and cacti.

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The importation or exportation of these CITES specimens is usually prohibited. Permits are only granted to import or export specimens of species listed in Appendix I in very exceptional circumstances. This includes trade for non-commercial purposes such as conservation breeding, education, research or exhibition. Both an import and export permit is required.

While CITES promotes a consistent approach to the implementation of the Convention, it does not limit the right of Parties to adopt measures that are stricter for particular species than required under the Convention. Under the EPBC Act, Australia has adopted a range of domestic measures that impose additional requirements to this effect for a number of species including elephants and African lions. Trade in these specimens is only allowed in very limited circumstances.

Personal or commercial importations of Appendix I specimens is limited to 'pre-CITES' specimens (specimens harvested before the first date of CITES listing).

To import or export pre-CITES specimens, a pre-CITES certificate issued by the CITES Management Authority in the country of export is required. An import permit from Australia is not required.

APPENDIX II

CITES Appendix II contains species that, although not threatened with extinction now, might become so unless trade in the species is strictly controlled and monitored. Appendix II also includes some non-threatened species, in order to prevent threatened species from being traded under the guise of non-threatened species that are similar in appearance. These are referred to as 'look-alike species'.

The importation of Appendix II CITES specimens to Australia is prohibited unless the importer has a valid CITES import permit, and a valid export permit issued by the CITES Management Authority in the country of export.

The exportation of Appendix II CITES specimens from Australia is prohibited unless the exporter has a valid CITES export permit issued by Australia. To obtain an export permit, the permit applicant must demonstrate that the specimens were legally sourced. For commercial export of specimens harvested in Australia, the specimens must be derived from an approved source recognised under Part 13A of the EPBC Act, including:

- Wildlife Trade Management Plan (allows wild harvest managed under Australian state or territory legislation).
- Wildlife Trade Operation (allows wild harvest by businesses or individuals and commercial fishery operations).
- Captive Breeding Program (for captive bred animals).
- Artificial propagation program (for artificially propagated plants).
- Aquaculture Program (for aquacultured animal and plant specimens).

Some Appendix II CITES specimens carried as personal or household effects are exempt and do not require a permit for import or export. This permit exemption does not apply however to Appendix II CITES species listed as always requiring a permit for import under Australian stricter domestic measures.

APPENDIX III

CITES Appendix III includes species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade.

Importations of an Appendix III specimen to Australia from the listing country are treated like an Appendix II specimen, and will generally require both an export permit issued by the CITES Management Authority in the country of export, and an import permit issued by Australia. If the Appendix III specimen being imported comes from any other country (i.e. not the listing country), a CITES certificate of origin must be provided from the CITES Management Authority in the country of export. If it is entering Australia, an import permit is required.

ADDITIONAL REQUIREMENTS

Under the EPBC Act, the Minister may apply stricter domestic measures to CITES species through declarations made under the Act. Such declarations would result in particular species or products being regulated more strictly than provided by their CITES classification.

Further information about how species listed under CITES are protected by the EPBC Act is available on the [Department's website](#).

LIVE IMPORTS

The only species that can be imported live into Australia are those included on the list of specimens suitable for live import established under the Act. Any person can apply to the Minister to amend the Live Import List to include a new species. The purpose for applying to amend the list can be either commercial or non-commercial.

The Live Import List is divided into two parts with Part 1 identifying 'unregulated specimens' that can be imported without a permit under the Act and Part 2 listing 'allowable regulated specimens', for which a permit is required for importing the specimen into Australia. Part 1 of the Live Import List cannot include a CITES listed species. For CITES listed specimens that are included on Part 2 of the live import list, any restrictions or conditions applying to the live import of that specimen must also be complied with.

Further information on the listing process can be found on the [Department's website](#).

EXPORT OF AUSTRALIAN NATIVE SPECIES

Part 13A of the EPBC Act regulates the export of native specimens of wildlife and wildlife products (Australian native plants and animals and their derived products). Export of regulated native specimens requires a permit. There are varying criteria that must be met to obtain a permit depending on the purpose of the export. It is an offence to export a regulated native specimen without a permit unless a relevant exemption applies. Specimens are exempt from the export regulations if they are included on the List of Exempt Native Specimens. This list includes any conditions which need to be satisfied for a specimen to be exempt from export regulation. The exemption does not include live mammals, birds, reptiles or amphibians. Specimens not on this list are called 'regulated native specimens'.

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COMMERCIAL TRADE

The export of regulated native species for commercial trade requires that specimens originate from an approved commercial source program, or are exempt from the provisions of the EPBC Act. The export of live native mammals, birds, reptiles or amphibians for commercial purposes is prohibited.

Approved commercial sources recognised under Part 13A of the EPBC Act, include:

- Wildlife Trade Management Plan (allows wild harvest managed under Australian state or territory legislation).
- Wildlife Trade Operation (allows wild harvest by businesses or individuals and commercial fishery operations).
- Captive Breeding Program (for captive bred animals).
- Artificial Propagation Program (for artificially propagated plants).
- Aquaculture Program.

All commercial fisheries in Australia which export their product must be accredited as wildlife trade operations or declared exempt from the export provisions under Part 13A of the Act. In accrediting fisheries, an assessment of fisheries management arrangements is undertaken against the [Guidelines for the Ecologically Sustainable Management of Fisheries \(2nd edition\)](#).

NON-COMMERCIAL TRADE

The Act provides for the export or import of native wildlife for non-commercial purposes. Eligible non-commercial purposes include research, education, exhibition, conservation breeding or propagation, travelling exhibitions, household pets or personal items. Strict conditions must be met for the export or import to qualify as one of these eligible purposes.

ALIGNMENT WITH OTHER EPBC ACT REQUIREMENTS

Section 303GA of the Act aligns the timing of a permitting decision under Part 13A of the Act for an action that may also require:

- assessment and approval under Parts 8 and 9 of the Act;
- the strategic assessment of Commonwealth fisheries under Part 10 of the EPBC Act; or
- a species permit under Part 13 of the Act.

In cases where the Minister refuses to approve an action under Part 9 or to issue a species permit under Part 13, the Minister cannot then issue an export or import permit for the action under Part 13A.

OTHER AUSTRALIAN REGULATIONS

The regulation of international wildlife trade under Part 13A of the Act is in addition to any applicable controls under the *Quarantine Act 1908*. Approval from the Australian Government Department of Agriculture may be required to export or import a part, product or derivative of an animal or plant. Clearance must also be obtained from the Australian Border Force for the import of goods into, or export from, Australia. Wildlife specimens must be declared to Australian Border Force prior to entry into Australia. The role of the Commonwealth in managing



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wildlife trade is in addition to state and territory regulations and their respective animal licensing arrangements. For example, there are rules and regulations about keeping native wildlife as pets which may vary between states and territories.

The review acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

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