

SUMMARY RECORD

INDUSTRY WORKSHOP ON THE REGULATION OF EXOTIC BIRDS UNDER THE EPBC ACT

Kurrajong Hotel, Barton, ACT

Friday 9 December 2005

The Workshop was convened by the Australian Government Department of the Environment and Heritage (DEH) and brought together representatives of the exotic bird industry in Australia. The workshop was facilitated by Rob Brennan and recorded by an independent scribe from Effective People Pty Ltd.

WORKSHOP AGENDA

Welcome and introductions

Presentation: Overview of workshop and objectives, setting the scene (DEH)

Workshop: Meeting obligations under EPBC Act

Demonstrating legal possession of exotic birds:

- Record keeping
 - Links to NEBRS registration prior to 2002 when NEBRS disbanded
 - Links to import permits
 - statutory declarations
 - tracking templates
- Banding
- Micro-chipping
- DNA
- Other options

Presentations from the Australian Quarantine Inspection Service and Biosecurity Australia

Discussion on development of industry guidelines and long term regulation of exotic birds

DEH policy on handling of live seized specimens (DEH)

Discussion on implications of disposal policy for exotic birds

Workshop Close

LIST OF ATTENDEES

Name	Association/expertise
Barbara Devnie	Associated Birdkeepers of Australia (ex EBC member)
Peter Gowland	Aviculturist
Graeme Phipps	Expert (ex EBC member)
Stewart Williamson	Aviculture Federation of Australia
Chris Hibbard	ARAZPA
Peter Chapman	Aviculturist
Tim Killen	Aviculturist
Col Gunter	Aviculturist
William Schwarzenberg	Aviculturist
Damien Dunemann	Aviculturist
Brian Reichelt	Aviculture Federation of Australia
Ray Ackroyd	Aviculturist
Gary Brown	Aviculture Federation of Australia
John Ellis	Aviculture Federation of Australia
Mick Logan	Aviculture Federation of Australia
Ian Ward	Canary and Cage Bird Federation of Australia
Dr Sandy Hume	Veterinarian
Todd Osborne	Aviculturist
Glen Matheson	Aviculturist
Peter McInnes	RIRDC
Ross Hampton*	Chief of Staff from Minister Campbell's Office
Gerard Early	DEH
Jo Evans	DEH
Mark Flanigan	DEH
Neil Ellis	DEH
Marnie Rowe	DEH
Grant Pink	DEH

*Morning only

STATED OBJECTIVES OF THE WORKSHOP

The objectives of the workshop were to consider:

- How to demonstrate legal ownership, and
- Role of Commonwealth in enforcing legislation

LEGAL OWNERSHIP

1. PRESENT SITUATION

At present, the main features of the legal regime under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) are:

- All exotic birds are covered, unless there is an exemption under the EPBC Act,
- Reverse onus of proof falls with individuals to show that birds are legal (not illegal). This requires either an import permit or appropriate records of provenance of birds in possession.
- DEH enforces the legislation.

2. PREVIOUS SITUATION (until legislation enacted in 2002)

Prior to the introduction of the EPBC Act in 2002, the National Exotic Bird Registration Scheme (NEBRS) provided a central database to track ownership, possession and trading of exotic birds. NEBRS was disbanded after the introduction of the new Act.

3. CURRENT ISSUES

Many issues were raised by industry representatives during discussions about the present situation in industry. In general, industry representatives expressed satisfaction with the situation during the time that NEBRS operated, but considered that problems had emerged in the period since the demise of this scheme. Some of the issues raised included:

(i) Record keeping is now erratic in many parts of the industry. Reasons for this include;

lack of understanding of legal requirements by many industry companies and individuals,

a perceived lack of communication by Government to industry after demise of NEBRS,

individual neglect,

lack of communication within industry about situation post-NEBRS,

uncertainty of what constitutes correct records, and

issues relating to how far back records need to go to verify provenance.

(ii) Identification Issues

Some birds have been incorrectly identified - this situation has arisen since official listings are at a species level, while industry operates at sub species level.

(iii) Scale of Transition problem (2002 -2005)

Many owners were unaware of their responsibilities after the end of NEBRS, with the result that records were lost, destroyed or neglected.

During this period, there has also been a rapid increase in bird owners in recent years, due largely to an influx of investors, superannuants and hobbyists. This has exacerbated some of the problems resulting from incomplete records.

Industry identified that there is a gap in the record trail that makes complete identification difficult/impossible.

(iv) Role of Government

Many industry representatives considered that as the Commonwealth Government is required to enforce international and national legislation and should therefore be responsible for maintaining a central registry (similar to the NEBRS). On the other hand, DEH made it clear that a return to a centralised scheme like NEBRS was not envisaged.

It was industry's view that at a State Government level, there was little interest in either a centralised registration system or a role in enforcement.

(v) Communications

Some participants expressed a view that there was a lack of openness by government with industry.

During this plenary discussion, four main areas of interest were identified.

- Record keeping
- Registration schemes
- Identification of birds
- Industry coordination

Following further plenary discussions, as well as discussions in smaller groups, the main issues within these four areas were identified in greater detail. These issues included the following.

(i) Record keeping to establish ownership, identification and legality

It was generally agreed that the NEBRS list was the starting point. This position was supported by DEH and in letter from the previous Minister for the Environment (Kemp). Therefore, there was agreement that owners need an Import Permit or documentation back to the NEBRS list

Form of Documentation

At present, there is no standard form of record.

Overseas experience was considered to be useful - DEH circulated a proforma used in the UK and this was seen as a valuable starting point for further evaluation.

Further work is required to establish a standard for industry, possibly the development of a guideline including the use of Statutory Declarations.

Correct Identification

There was concern that some birds are incorrectly identified, especially at sub species level. This is a problem if an inspector detects a bird that is identified differently from that nominated on the record.

(ii) Registration Schemes

Under the existing legislative requirements (reverse onus of proof), there is NO necessity to have an industry-wide scheme like NEBRS - responsibility is solely with individuals.

Industry generally supports an industry wide data base that registers ownership and transactions. It considers, however, that such a scheme will work if operated by government. Factors which act against an industry-run scheme included the fragmented nature of the industry, personal rivalries, and the lack of funding.

The DEH emphasized that no new NEBRS scheme was to be operated by government, but the Department was happy to help industry establish its own scheme.

Possible new arrangements for an industry registration scheme included:

A scheme based on registration of owners/traders

all owners would be required to be registered and they would be responsible for tendering information to a central administration system

A scheme based on overseas experience

US system (based on registration of premises)

UK system

EU - an important meeting was held in November this year which might have useful outcomes relevant to Australia.

(iii) Identification of Birds

There was general agreement that there is no point in records unless there is a permanent, practical way to identify individual birds. This facilitates traceability of birds and traceability of owners.

There are a range of technical measures that can be utilised to assist in the permanent identification of exotic birds. These included:

(a) Rings

Little problem with safety of the bird - generally seen to work well.

(b) Injectable microchip

Procedures are getting better as avian anaesthesia is becoming more refined and is not as dangerous to birds.

(c) DNA

More complex and lacks cost effectiveness in some cases. Generally linked to enforcement procedures.

(iv) Industry Coordination and Advice

Issues raised in discussions included:

Industry is fragmented with many different perspectives, priorities and personalities.

Some support for the establishment of a Government-Industry Working Group to consider issues which are affecting the industry. Matters for consideration in this regard covered:

permanence of the body - commence as Ad Hoc and seek funding through RIRDC

agenda - records, registration schemes, identification mechanisms, enforcement practices, how to address the gap in the record trail,

membership - possibly DEH (2), brokers (1), aviculturalists (2), ARAZPA (1), Associations (1-2), RIRDC (1)

Industry agreed to call for nominations/expressions of interest for membership of such a body. In the first instance, it was likely that participation would be from within the ranks of those attending the Workshop, although anyone could be nominated.

GUIDELINES - HANDLING OF FORFEITED LIVE EXOTIC SPECIMENS

A Discussion Paper covering the handling of forfeited live exotic specimens seized for enforcement of Part13A of the EPBC Act was circulated to the workshop for preliminary comment. In general, the paper was well received by industry participants.

Specific comments covered several areas.

Policy Principles

The Paper contained six key policy principles as the proposed basis for future handling of live exotic specimens. As a very general indication of the level of support and relative priority for the principles, an informal vote of all participants was taken against each individual policy measure. Results were:

1. Australian biodiversity is protected (42 - out of a possible 44)
2. Conservation of endangered species through research, conservation breeding or education is maximised (40)
3. Illegal trade is not further stimulated (44)
4. Welfare of specimens is addressed (42)
5. Conservation benefits exceed costs of handling (20)
6. Consistency of treatment across all species seized for enforcement of Part 13A of the EPBC Act (26)

In the ensuing discussion on the approaches to handling live exotic specimens, several issues and/or positions were raised by participants (although there was not necessarily meeting-wide agreement):

Seizure 'in situ' was a very good approach that placed a strong emphasis on the welfare of the bird;

Euthanasia was not a preferred option for seized birds that were closed-run and domestic bred.

There could be benefits from selling seized birds back into the domestic market, rather than euthanasia (provided there was no disease or health issues);

In this case, smugglers would lose their birds but the breeding value would not be lost to local industry. On the other hand, this may not be a significant deterrent to illegal traders.

SUMMARY

Workshop participants agreed that a key objective was to support a policy environment and practical measures which led to a legitimate trade in exotic birds.

Workshop participants also resolved to take a positive approach to move forward and to address the issues that impede progress towards industry and government objectives.

In this regard, the group agreed on some shared principles and activities which would enhance the development of the industry, including environmental and conservation objectives. These shared principles included:

Support for a systematic and business-like approach to industry development, including matters relating to record keeping and registration schemes.

Recognition of the complexity of the exotic bird industry, both in terms of industry sub sectors and species variations.

Recognition of the Reverse Onus of Proof provisions of the EPBC Act.

Enforceability responsibilities of the Department of the Environment and Heritage.

Practical benefits of linking present enforcement arrangements and required documentation back to the NEBRS listings.

Practical benefits of utilising 'in situ' seizure practices when appropriate.

Requirement for openness in communications between industry and government.

Recognition of the benefits that flow from a combined effort by industry and government to address issues facing the industry.

Summary Record compiled by

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