



Australian Government

Department of the Environment, Water, Heritage and the Arts

Stakeholders Meeting regarding the Exotic Bird Record Keeping Scheme Review and Consultants Report

Barton Room, The Brassey Hotel, Barton, ACT

Tuesday 19th May 2009

Meeting Summary

© Commonwealth of Australia 2009

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission from the Commonwealth.

Some views and opinions expressed in this publication are those of stakeholders and do not necessarily reflect those of the Australian Government or the Minister for the Environment, Heritage and the Arts.

While reasonable efforts have been made to ensure that the contents of this publication are factually correct, the Commonwealth does not accept responsibility for the accuracy or completeness of the contents, and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this publication.



A full list of attendees can be found in Attachment A.

The meeting was opened at 9.30am.

1. Welcome/Apologies

2. Agenda and meeting focus

The review of the Exotic Bird Record Keeping Scheme (EBRKS) following the independent consultant's evaluation report.

Proposed Outcomes of Meeting

The purpose of this meeting was for DEWHA to consult with stakeholders with regards to the EBRKS, and to review the findings of the evaluation report undertaken in relation to the EBRKS (not to develop recommendations at the meeting relating to the future of the EBRKS). In addition, DEWHA went through the focus questions seeking stakeholder comment.

DEWHA stated that it is in the process of seeking written submissions for the EBRKS review and together with the outcomes of the meeting, it would develop recommendations to be presented to the Minister relating to the future of the scheme.

History of previous stakeholder meetings

The history of consultation between DEWHA and exotic bird stakeholders was outlined:

- **2005** – Workshop to look at concerns relating to exotic birds and the reverse onus of proof. This led to discussions with regards to implementing an Exotic Bird Record Keeping Scheme.
- **2006** - Exotic Bird Advisory Group (EBAG) was established - 7 meetings were held over the next 12 months.
- **2007** – The EBRKS was established as a result of EBAG consultation. EBAG stipulated that an independent consultant review should be undertaken 12 months after establishment of the voluntary EBRKS.
- **Feb 2009** – The independent consultant submitted the draft evaluation report. DEWHA commented on this report and made comment for final draft.
- **April 2009** – Final evaluation report received from the consultant - report published on the DEWHA website for public comment.
- **May 2009** – Stakeholder meeting held in Canberra to discuss the findings of the consultancy.

3. Summary of EBRKS

A PowerPoint summary ([Attachment B](#)) of the current scheme was presented to the meeting by DEWHA. A second PowerPoint ([Attachment C](#)) by DEWHA summarised the consultant's report.

4. Exotic Birds Record Keeping Scheme Evaluation Consultancy

General comments on the focus of the consultant's report

- The report appeared to be a reflection of the 2005 workshop and did not present any new ideas.

- The focus of the consultant's report appeared to be on 'high interest' birds and the reduction in illegal activity.
- The Executive Summary reported that 'low interest' species were more of a threat to biodiversity and would be worthy of further investigation. This was considered to be a sweeping statement when only one species (the Indian Ring-necked Parrot) was highlighted as a concern in the body of the report out of the 128 'low interest' species.
- The motivations of bird keepers as presented in the report was viewed as biased – the report appeared to emphasise the profit aspect of bird keeping, which was not the main motivation for the vast majority of bird keepers.

Low sample size of respondents

- 31 bird keepers were interviewed for the consultant's report. It was felt that this was not an adequate representation of the bird keeping community, resulting in biased views. It was also noted that those interviewed were predominantly scheme participants.
- DEWHA acknowledged the disadvantage of the low sample size, and noted that this was due to difficulties contacting bird keepers and restricted finances.

Goals of the consultant's report

- It was raised that EBAG had achieved its goals of having the scheme reviewed 12 months after its inception.

Public consultation period

- Bird keepers felt the public consultation period was too short and recommended it be changed to 60 days. DEWHA stated that the short time-frame for public consultation were a direct result of the concurrent *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) review and also 2009/10 financial year budget forecasts.
- DEWHA stated that it is willing to provide extensions if necessary.

DEWHA's opinion on the future of EBRKS

- DEWHA currently has no opinion on the future of EBRKS
- DEWHA will develop recommendations once all consultation (states/territories, stakeholders and public consult period) has been completed.

5. Consultant's Recommendations (presented in the order discussed)

(1.) A study should be commissioned to obtain baseline data on the full extent of exotic aviculture in Australia.

Comments

DEWHA's view

- DEWHA has attempted to establish data through the use of NEBRS and creation of the 2007 Inventory. The difficulties with obtaining accurate data exists as not all bird keepers register their birds, even under compulsory registration schemes.

Stakeholder's response to DEWHA's view

- There was general agreement that not all bird keepers participated in NEBRS despite the fact it was mandatory and carried penalties for non-registration.

- Whilst there is uncertainty regarding the data obtained by DEWHA from the forms that bird keepers complete (e.g. will birds be seized if paperwork has not been completed?), many aviculturalists will not participate in any scheme.
- A significant proportion of bird keepers are not members of clubs and hence very difficult to access.
- Many bird keepers who hold a species in low numbers are concerned that DEWHA will remove these species from the list. There is also concern that if they complete the necessary forms that they will be investigated.

All attendees agreed that this recommendation would not be achievable based on past experience.

(2.) *Establish a clear record/database of all the clubs, societies and other key stakeholder organisations to form part of the information base to establish the level of activity in the exotic aviculture industry.*

Comments

- Stakeholders suggested that DEWHA could send a full list of clubs/societies to each participant in EBRKS to see if they could add more.
- DEWHA noted that it would be difficult to maintain such a database on the basis that it is not mandatory that they be registered with DEWHA and DEWHA is not notified of any address or club changes.

All attendees agreed that it is important to maintain a database however, it may not remain accurate all of the time. Stakeholders agreed to update the list if it was circulated by DEWHA to them.

(3.) *Engage the states and territories collaboratively to undertake an assessment of the risks of exotic aviculture in Australia including the classification of birds as high or low interest, and a definitive list of the species currently present in Australia. Based on the identified risks, discuss with the states and territories how exotic aviculture may be effectively regulated.*

Comments

- In the current ‘cash climate’ some stakeholders felt it was unlikely that this recommendation would be applied, despite it being a ‘nice’ idea.

DEWHA’s relationship with the states/territories

- DEWHA stated that they do liaise with states/territories on bird issues regularly.
- DEWHA acknowledged that in the past that liaison with the states/territories may have been lacking.
- DEWHA cannot direct the states/territories to engage on aviculture issues, nor can DEWHA influence the manner in which the states/territories regulate exotic birds.

Stakeholder’s comments on state/territory approach to exotic bird regulation

- Many states/territories have been over enthusiastic in their approach to exotic bird regulation.
- The legislation and policies regarding exotic birds between the states/territories and the Commonwealth are very different and often confusing to bird keepers.

- Those in charge of making the decisions on exotic birds are not bird keepers and do not understand the real issues or real risks of exotic birds to the environment.
- There is a lack of expertise in those making the bans on exotic species.
- There is a low turn-over of staff in the states/territories. As such, if an individual state/territory member did not want a species in the country then nobody could have them (even if it was unreasonable to deny them).
- The states/territories have been putting too much weight on CLIMATCH risk assessments, which has many recognised flaws.
- States/territories should be taking the domestic history of a species into account as well as the risk assessments before they ban a species.
- The states/territories may not be interested in fully regulating exotic birds unless the Commonwealth funds them.
- Stakeholders agreed that states/territories and the Commonwealth should liaise about the different legislation and views to improve consistency.

Other agencies

- A review of Biosecurity Australia (BA) processes is currently being undertaken. DEWHA has encouraged the risk assessment for Psittacines to be completed, however this is not the responsibility of DEWHA.

There was general consensus that DEWHA should continue engaging with the states and territories with regards to exotic bird regulation however, past experience has shown that most states are not interested. There was consensus that there was little prospect of progress and no justification for re-evaluating risk of species or of re-assessing the categorisation of species as high or low risk.

(4.) Consider alternative measures to change the culture of bird keeping in Australia including a campaign to establish the keeping and use of individual specimen records (these records would not be returned to the department).

Comments

Security of individual specimen records

- Bird keepers are concerned about the confidentiality of records which may put high interest species at risk of being stolen. Unless DEWHA demonstrates confidentiality, bird keepers may not feel confident about filling out records with personal details on them.
- Bird keepers do not generally like to provide personal details such as addresses and phone numbers. In some cases this prevents them from participating in the scheme.

Participation

- While the reverse onus of proof is in the current legislation, bird keepers may not be prepared to participate.

What birds would require individual specimen records?

- Many bird keepers are not willing to keep records for every species in their possession i.e. for short lived, prolific breeders, and those that are often kept in large numbers such as finches.
- Bird keepers may find these kinds of records useful for longer lived, rare and/or expensive birds.
- Many owners of rare birds keep these kind of records already (e.g. for conservation purposes in the case of an endangered species).

- The specimen records for longer lived birds would get too long and involve an extensive amount of paper. They might work for zoos or large businesses, but not for individuals.

Would these records prove the legality of the bird?

- As with the current scheme (EBRKS), it is difficult to prove beyond doubt that a bird is legal or illegal as many people have not maintained records.
- DEWHA stated that bird keepers can trace their birds back to NEBRS to help verify their origin, but this has not been defined or written in any legislation.
- Stakeholders noted that many birds cannot be traced back to NEBRS or legal importation.
- It should be publicised that bird keepers who do not keep records at all are more likely to be investigated.
- DEWHA would need to clearly and concisely define what constitutes a legal bird, as this is currently a grey area.
- Many bird keepers are waiting for an outcome of a court case to see what documents prove a bird is legal.

Cost of keeping individual specimen records

- A stakeholder estimated that such a scheme would cost around \$200,000 annually.
- Many stakeholders agreed that this option would be costly and in the current 'cash climate', it would be unlikely to be established.

All attendees agreed that DEWHA should not follow through with this recommendation as it was more designed for zoos.

(5.) Maintain the current scheme for high interest birds with improvements to be made to the forms.

Comments

EBRKS value in exotic bird regulation

- There is a huge benefit to DEWHA to continue the current scheme and keep receiving record returns (for compliance purposes).
- The scheme currently costs approx. \$100,000 annually to run (including cost of producing the record keeping booklets, advertisements, running the exotic bird 1800 hotline, administration costs). Meeting participants noted that this is relatively cheap for the government, but could be made more expensive if there was more participation. Participants were concerned that the cost could eventually be put back onto bird keepers.
- It was felt that the scheme had been worthwhile for recording rarer species but not for recording common species with regards to reducing illegal activities.
- Returns of Movement Transaction Records (MTRs) and Activity Records (ARs) are useful from a compliance perspective - even if they cannot be used in the present, they can be used in the future.
- Several stakeholders felt that since EBRKS was introduced, it appears smuggling incidences have reduced.
- MTRs make it harder for smugglers as there is a developing trend for prospective buyers of high interest birds not to buy an exotic bird without one. Furthermore, at the very least, the EBRKS is getting people to ask for receipts and other documentation when buying exotic birds due to peer pressure.
- Increased information is now being made available for high interest birds advertised on websites and in magazines.

- Illegal trade will never cease completely, however, EBRKS is making it more difficult to sell smuggled birds as buyers are asking more questions. It also appears that the price of smuggled birds is being forced down by buyers asking these questions, and that the black market is shrinking.
- The situation (illegal trade) is only being reduced, but record keeping is not preventing illegal trade.
- Collectively these observations indicate that the catch phrase 'Buyer Beware' seems to be having a positive impact.
- Overall, communication of the scheme has been good.
- There is uncertainty as to how long records need to be kept for. Participants noted that records would need to be kept for the life of the bird(s).

Potential improvements to EBRKS

- The scheme will not work properly from a compliance or participation perspective unless it is mandated (i.e. made compulsory).
- There should be a space on the ARs to record the MTR numbers (i.e. the ARs and MTRs should align with one another).
- Currently inter-state transactions are difficult to record on MTRs because you need the buyer and seller to sign the forms.
- Perhaps exotic birds should be treated similarly to native birds (for native birds you must keep records forever and send the books to the relevant state/territory department if you no longer keep native birds).
- The 'additional page' MTR forms are used incorrectly i.e. not in conjunction with the standard MTR form. There appears to be confusion on how to use this form.
- Details of the origin of the birds have not been recorded on many ARs – there needs to be more space to fill these in on the forms.
- If the scheme is continued, is it possible that electronic forms could be used as well as paper forms? This would reduce cost of the scheme and make it easier to participate.

Should the records (MTRs and ARs) be returned to DEWHA?

- Scheme participants are more likely to fill out forms correctly and take record keeping more seriously if DEWHA requires returns and undertakes audits of submitted forms.
- DEWHA could use returned forms for compliance.
- MTR forms should not necessarily be returned, if DEWHA is receiving activity records (as long as MTR numbers and transaction details were recorded on ARs).

Participation in EBRKS

- Participation in the scheme is not high.
- Currently 409 individuals, 20 pet shops, 1 vet, 2 bird clubs and 18 breeders/zoos have registered for high interest packs under the EBRKS.
- Currently 307 individuals, 9 clubs and 14 breeders/suppliers/dealers have registered for the low interest packs under the EBRKS.
- DEWHA does not know how large the exotic bird sector is because, even under mandatory registration, not every exotic bird keeper participates. As such, DEWHA does not know what percentage of the Australian exotic bird keeping sector is presently participating in EBRKS.
- Stakeholders noted that participation in the scheme would be likely to increase with time. However, this growth in participation may not occur if DEWHA is not clear with what constitutes a legal bird.

- Pet shops do not seem to be communicating about, or participating in EBRKS. This may be because the scheme is not mandatory, and they already have a number of mandatory records to complete to meet state/territory requirements.
- Bird keepers are concerned that the scheme will end like NEBRS and are unsure of its future, so are not participating.

There was general consensus that the scheme was valuable and should be continued.

(6.) Cancel the record keeping scheme for low interest birds.

Comments

- Some stakeholders commented that there is no obvious point to the low interest part of the scheme.
- DEWHA stated that is difficult to maintain a scheme if bird keepers are not willing to participate.
- Some stakeholders suggested that the low interest part of the EBRKS should be maintained because it is voluntary; it encourages record keeping; it encourages buyers to question sellers and there are no returns to DEWHA - this makes it very low cost.
- The ‘reverse onus of proof’ under the EPBC Act currently applies to all birds, not just high interest.
- For mutations, there is value in keeping records for low interest species.
- Would not want mandatory record keeping for finches.

There was general consensus that record keeping for low interest species should remain optional as it was valuable for general record keeping, mutations and rare species.

(7.) Scrutinise the information on forms returned to the department under the current scheme to establish the range of species in trade, the number of transactions per species, and the numbers of bird keepers participating in the scheme. Actively verify the linkages between activity records and movement transaction records for possible compliance purposes.

Comments

Do forms need to be returned to DEWHA?

- It may be possible to look at the option of only returning ARs to DEWHA - this would then only require bird keepers to send in returns once a year.
- If DEWHA wants the forms completed accurately, bird keepers need to feel that ‘Big Brother’ is watching.
- Provided that records are submitted to DEWHA, they can be used to assist with compliance issues by providing the department with an indication of illegal trade that may be occurring.

Does DEWHA need to scrutinise forms?

- If bird keepers believe DEWHA is not scrutinising records, then word would get around quickly.
- Bird keepers should expect a call if they fill out any form incorrectly which gives the message that forms are being checked at least when first lodged
- May not be useful to ‘threaten’ people over incorrectly filled out forms as many bird keepers just can’t fill out forms, however it would be useful to ensure that the forms are easy to complete.
- DEWHA could undertake random audits of returned forms to ascertain who is doing the right or wrong thing.

- DEWHA undertakes investigations based on inconsistencies that are reported to the department or those that appear in forms returned to the department.

There was a general consensus that record forms should be returned to DEWHA and that random audits of records should be undertaken to assist with compliance.

(8.) Re-establish a representative body of exotic aviculture stakeholders, to provide input and advice to the department regarding the regulation of exotic aviculture.

Comments

Examples of other such representative bodies

- In some states/territories there is an advisory committee that meets to discuss issues with the government.

Exotic Bird Advisory Group (EBAG)

- EBAG was established to advise the Commonwealth about exotic birds prior to the establishment of EBRKS.
- Originally EBAG received negative comments about how it was established and the members that were selected.
- It is unlikely that a group as small as EBAG would achieve consensus as an advisory body.

Would a new advisory body be useful?

- Advisory groups can help to resolve 'silly' problems (e.g. how it is illegal to leg-band birds in VIC).
- Such a representative body would be a useful link between aviculturalists and DEWHA.
- Advisory bodies are useful as a conduit for two way information i.e. to sort out issues/misconceptions from both sides and deal with worries of the industry. An advisory body enables a more constant evaluation of what is being done and how it is being done.
- The cost would be low for the outcomes that would be achieved.

How would such an advisory body work?

- Emails, mail and teleconferences could be used rather than face-to-face meetings as these could be cost effective ways to facilitate liaison between DEWHA and an advisory body of this nature. Face to face meetings could be held as deemed necessary, perhaps every 6 months.
- Suggested that a representative from every state/territory, as well as previous former EBAG members (to provide an historical perspective), should be included in any advisory body.
- Stakeholders commented that those present in this stakeholder meeting were a good representation as it consisted of representatives from every state/territory, a range of national bodies and the former EBAG members.
- DEWHA noted that a few more representatives (such as bigger commercial breeders) would need to be included in such an advisory body as they have a large stake in the exotic bird sector.

- It was asked if members of an advisory committee would be paid. DEWHA responded that there was a possibility they could be paid sitting fees but nothing more.

There was a general consensus that an advisory group would be a useful connection between DEWHA and aviculturalists. It was also agreed that those present at the meeting provided a good representative base, however, it would be necessary to include some other commercial breeder representatives.

5. Future options for the regulation of exotic birds in Australia

The floor was opened for stakeholders to bring up any future options or issues that needed to be resolved.

Should the EBRKS be mandated i.e. record keeping be made compulsory?

- DEWHA noted that a mandated scheme could be set out under regulations, where it would be an offence not to keep records (The National Finch and Softbill Association noted that this should just be for high interest species).
- Several stakeholders felt that if the scheme was not mandated it should be dissolved.
- Regardless of whether the scheme is made compulsory, remains voluntary or is disbanded, DEWHA could continue advertising how exotic bird keepers should keep records, and about what kinds of records they should keep.
- A mandated scheme would make illegal birds more difficult to sell.

Should the EBRKS be mandated as-is?

- Discussions would need to occur, perhaps by the proposed advisory group and DEWHA, before any scheme is mandated.
- As outlined previously, some changes to the forms are necessary (such as aligning the record numbers of MTRs and ARs).
- The definition of what constitutes a legal bird needs to be clarified and defined by DEWHA.
- The issue of ‘black hole’ birds (both those on and off the 2007 inventory) need to be resolved.
- If EBRKS was to be mandated it would need to be well communicated to aviculturalists.
- The current inventory should become the list of everything that is known to be in Australia and be put in the legislation – this would make it “black and white”.

Overseas models of exotic bird regulation

- DEWHA could take inspiration from overseas approaches to exotic bird regulation.
- Amnesties could be put in place similar to those in Germany.
- DEWHA could use the ‘black-and-white’ approach, used in the UK, where an exotic bird must have an individual ID or it is immediately illegal.

Legislation

- DEWHA and stakeholders agreed that the legislation requires a variety of enforcement options such as infringement notices, and/or cautions. Enforcement officers also need to exercise an appropriate level of judgement and discretion

when undertaking enforcement works however, this needs to be in accordance with the Australian Government Investigative Standards.

- The scheme should not only be made mandatory, but should be put into the legislation (i.e. put into the EPBC Act) so that it is difficult to remove. This would prevent the scheme from being disbanded similarly to what happened with NEBRS.
- Several stakeholders felt that the reverse onus of proof should be removed from the legislation.

Definition of a legal bird

- As stated previously, DEWHA explained that they are unable to define a bird as legal or illegal¹ under the current legislation (EPBC Act).
- Currently there are too many ‘question marks’ regarding what records are required to prove that their bird is legal - many bird keepers are under the impression that no amount of records seems to be enough.
- If DEWHA does not define this point, many bird keepers will not be willing to complete and return records, even if the scheme is mandated, as they would be afraid their birds would be seized.
- The legislation should define what constitutes a legal bird.
- A points system i.e. 100 points was proposed by stakeholders. It could be similar to the way you use personal ID – this way people could figure out if they had enough proof to prove the legality of their bird.

Implementation of the mandate (if the scheme was to be made compulsory)

- The current scheme would become compulsory requiring mandatory record keeping of high interest species rather than these records just being recommended. Records would still be recommended for low interest species, but not mandatory.
- The current categorisation of high interest and low interest species should still remain.
- DEWHA would need to ‘draw a line in the sand’. Any birds present on the 2007 inventory would need to have records traced back to the start of the mandate, rather than back to importation (as it was identified that since the end of NEBRS many keepers have not kept records) listing where they got the birds. This would create a level playing field and would allow DEWHA to regulate compliance more easily. Bird keepers would be more likely to participate in this kind of situation because they would not need to fear that their birds would be taken away from them because they don’t have enough records.
- The gap between the end of NEBRS and the implementation of EBRKS is the cause of the ‘black hole’ birds (birds that are on the inventory but do not have records back to their legal importation). The only real solution is to legislate the record keeping scheme to prevent it from being easily disbanded in the future.
- DEWHA would need to be initially lenient i.e. any species that are on the inventory would only need a single receipt or name of the seller to start the program.
- All high interest birds should be individually identified in such a scheme – microchipping techniques are much better now than when NEBRS was around.
- DEWHA would need to address non-compliance on a case-by-case basis. For example, if someone was out of the country when the mandate was established.

¹ Ultimately only a court can make a legal ruling. However in many cases DEWHA will be able to determine whether a bird is considered legal or illegal, by taking into account relevant issues including the extent and reliability of documentation to support the lawful origin of the specimen.

- Many bird keepers would refuse to participate in a scheme (even a mandated one) unless it was legislated.
- There may need to be different requirements for different types of exotic birds e.g. it is much more difficult and less worthwhile to individually identify every finch in a collection because they are often short-lived, prolific breeders and kept in high numbers.
- Once the mandate begins, any exotic birds that do not have records tracing the bird back to the starting date of the mandate are illegal (as with the UK system).
- Birds would need to be individually identified for the scheme to be effective. The National Finch and Softbill Association noted that requiring individual identification should only ever be linked to high interest species. Again, some types of birds (e.g. low interest, short-live, prolific breeding species) may need to be exempt from this.
- To avoid another ‘black hole’ situation there would need to be continual monitoring and tracing of individual birds (rather than species of birds, as was used in NEBRS) to their owners.
- It was suggested that bird keepers be given 2 months, rather than the 6 months of NEBRS, to declare their individual birds. If they don’t have paperwork by then they would lose their birds.
- The time-frame within which bird keepers must obtain documentation for their individual identification was discussed. There was a general consensus that 21 days would be more suitable as it was within the incubation period of eggs and would help prevent smugglers utilising the mandate to legalize recently illegally imported exotic birds.
- A mandated scheme would need to demonstrate that there were consequences for no, or only part, participation. This could be in the form of, for example, random audits.

Communication of any compulsory record keeping scheme

- The only foreseeable disadvantage of a mandatory scheme, from stakeholders’ perspectives, was in making sure that everyone was aware of what was happening.
- If the scheme was made mandatory and the penalties for not complying were advertised by DEWHA, word-of-mouth would spread the news quickly among keepers of high interest species. Conversely, meeting participants noted that a large proportion of keepers of low interest species would still be unlikely to be aware.
- As is used in some states such as Victoria, DEWHA could publish information about the declaration period in a 4-6 line paid advertisement in major weekend papers around the country.
- DEWHA could continue to advertise in bird magazines and on their website.

Non participation in mandated schemes

- DEWHA noted that NEBRS was essentially an amnesty, but there was still not full participation. Participants commented that this was due to rumours that if they had CITES I birds, these would be taken off them.

Suggestions for resolving the current issues regarding the list of species on the 2007 Exotic Bird Inventory

Comments

Origins of the 2007 inventory

- The current inventory (2007) is the result of birds registered under NEBRS, and the consultation period before EBRKS was established.
- Despite consultation with the states/territories prior to establishment of the EBRKS, some birds appear on past state/territory lists that are not on the Commonwealth inventory of exotic birds known to be in Australia.
- Examples of state/territory listed birds that are not on inventory are Brown-throated Conures.
- Stakeholders were in consensus that all state/territory listed birds should be included in the Commonwealth inventory.

Taking birds off the inventory

- DEWHA noted that they do not foresee removing any species from the list.

'Black hole' species

- DEWHA has not acted quickly enough in dealing with 'black hole' species.
- The more time DEWHA takes to make a decision, the more breeding occurs and the wider the distribution of such a species across Australia.
- Some 'black hole' species are so common now that people are freely advertising them online, in magazines and at bird shows (the primary example here is the Brown-throated Conure).

The inventory itself needs to be regulated

- Generally aviculturalists are dissatisfied with the current lack of defined processes for adding birds to the inventory.
- DEWHA has demonstrated no clear timeframe for making decisions on 'black hole' species such as the Brown-throated Conures.
- DEWHA commented that they would only consider adding a species to the inventory if documentation was brought to them demonstrating legitimate origins of the species prior to NEBRS.
- DEWHA stated that bird keepers and states/territories had plenty of time during NEBRS to register their species.
- DEWHA also emphasised that bird keepers can still come forward to show documentation that species were here before NEBRS and apply to have those species added to the list.
- Stakeholders retorted that it is not clear what documentation can prove a species was present in the country i.e. no amount of paperwork seems to be enough. This prevents people from submitting information, even if they have evidence to show a species should be on the inventory – they are scared their birds will be seized.
- Stakeholders commented that bird keepers feel it is unfair that their paperwork must be submitted within a particular timeframe but DEWHA does not have similar requirements to respond to queries.
- Stakeholders suggested that as previously discussed, an advisory body could help to decide whether any species should be added to the inventory or not.
- DEWHA commented that a balance is required. Any proposed additions would need to be fully assessed on a case-by-case basis to prevent 'wish list' birds being added to the inventory.

- DEWHA emphasised the “buyer beware” message for bird keepers buying or selling species not currently on the inventory list.
- It was proposed that the Commonwealth inventory needed to be subject to a clearly defined, step-by-step process for addition or removal or change of class of species within a definitive timeline. This would prevent future significant delays between proposal submission and a result.

What happens with the Exotic Bird Record Keeping Scheme (EBRKS) until the review is complete and a decision is made by the Minister on the future of the scheme?

Comments

- DEWHA stressed that until a decision is made by the Minister on the future of the scheme, it will continue as it has done to date.
- DEWHA is committed to updating the stakeholder meeting representatives on the outcomes of the consultation period.
- DEWHA is committed to spreading the message ‘Buyer Beware’, and encouraging exotic bird keepers to keep records for their birds. As long as the ‘reverse onus of proof’ is present in the EPBC Act, it is the responsibility of exotic bird keepers to keep records that prove legal origins of their exotic birds.

6. Other Business

- DEWHA will advise participants when the EPBC Act review interim report is seeking public submissions.

Overall Summary of Main Points:

- ✓ DEWHA should keep the Exotic Bird Record Keeping Scheme for high interest species and either regulate it or make participation in the scheme mandatory.
- ✓ If EBRKS is made mandatory for high interest species there needs to be a clear starting point (i.e. ‘a line drawn in the sand’).
- ✓ Records should continue to be sent to DEWHA for compliance.
- ✓ DEWHA should keep the Exotic Bird Record Keeping Scheme for low interest species voluntary to encourage record keeping amongst aviculturalists.
- ✓ A process with a time-frame for applying to add birds to the 2007 inventory of exotic birds known to be in Australia needs to be established.
- ✓ DEWHA’s intentions for collecting records from aviculturalists need to be made clear
- ✓ The states/territories and Commonwealth need to consult to attempt to resolve major differences in approaches in dealing with exotic birds to make it a more consistent process across Australia.
- ✓ There needs to be a conduit for dialogue (such as an advisory body) between DEWHA and the exotic bird sector.