

26/4/2017

RE: EXPERT BIRD GROUP – SYNOPSIS AND RECOMMENDATIONS FROM 21/4/2017 MEETING

The Expert Bird Group was formed in response to Recommendation 5 formulated with the support of all known NSW bird clubs during the morning session of the April 1st 2017 Parramatta meeting. Appendix B of the April 1st recommendations document details the business of the Expert Bird Group - www.finchsociety.org/NSW_Licensing_Bird_Group_Recommendations_April_2017.pdf

Representatives from OEH/NPWS and DPI were invited to join the group. Unfortunately, no suitable representative from either department was available to attend the first meeting on 21/4/17. We accept their apologies and acknowledge various offers of assistance moving forward.

Expert bird group members in attendance.

- Graeme Phipps - Currently runs the Captive Animal faculty at Richmond TAFE, Ex-curator at Taronga, current President ASNSW.
- Jeff Bray - Highly respected softbill breeder with a terrific private collection, enormous expertise and experience. Jeff runs a major softbill Facebook page with an enormous following nationally and internationally, author of numerous articles.
- Steve Sass - Life long aviculturist. Proprietor of <http://www.ontheperch.com.au/> and <http://www.envirokey.com.au/> Knows a thing or two about birds but also the various legislative bottlenecks between OEH/NPWS managed Acts and DPI managed Acts.
- Steve Hale - Lifelong softbill aviculturist with enormous experience keeping a wide range of species. Well respected and author of numerous husbandry articles. He knows how the softbill side of aviculture works.
- Dr Simon Griffith - runs the Griffith Ecology Lab <https://griffithecology.com/> based at Macquarie Uni. Vast avian scientific research experience including the scientific licence application process involving both OEH and DPI red tape. Involvement with private aviculture through STGF and also various other research projects.
- Sam Davis - I've kept birds all my life with a focus on finches and in recent years some softbill species. Vice President CCBFA, President Finch Society of Australia. Professionally, I was a High School DP and now consult to NSW High Schools - largely statistical analysis of their HSC results but have also authored a number of IT HSC textbooks. Various other project management roles to do with education in NSW.

The April 21st meeting was held at Macquarie University commencing at 10am. Our thanks to Simon Griffith for providing a venue at short notice. The meeting commenced with brief background information. We examined the following.

- A review of biodiversity in NSW, Final Report. 6. Managing wildlife interactions (p61-66). Particularly the intent of Recommendations 27 and 28. All review recommendations are to be implemented.
<http://www.environment.nsw.gov.au/resources/biodiversity/BiodivLawReview.pdf>
- An outline of the relevant *Biodiversity Conservation Act 2016* (BC Act) sections on Biodiversity Conservation Licences (Part 2 Division 3).

- Some discussion of other relevant Acts under the management of the Department of Primary Industry (DPI).
 - The *Protection of Cruelty to Animals Act 1979* (POCTA Act) under which our current Code of Practice sits - <http://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/welfare-of-birds/aw-code-4>
 - The Animal Research Act 1985 (AR Act). In practice, this Act ensures research is justified and humane. In practice the DPI registers Animal Care and Ethics Committees (ACECs) to do the approvals and monitoring for individual research projects. It would simplify matters if our projects do not trigger ACEC approval requirements.
 - Exhibited Animals Protection Act 1986. This Act regulates "animal display establishments" - zoos, wildlife parks, circuses, etc. It also regulates the movement of animals in and out of these establishments. This Act is of relevance as we try to free up the movement of birds (and new species) between zoos and private aviculture.

The agenda directly followed Appendix B of the April 1st recommendations document.

B.1 Review licence conditions.

We recommend edits to the existing General Conditions of a NSW Native Animal Licence (Appendix A) as follows. We look forward to reviewing the edited licence conditions again prior to implementation.

- Edit Sections 5, 6, 7, 14, 16 to reflect cessation of individual transaction records submitted to OEH and reflect single row per species annual returns.
- Delete Section 2. Legal acquisition is assured via Section 3.
- Reword Section 1 to permit longer term display in enclosures suitable for long term housing when managed under the auspices of an incorporated association whose objects include the welfare of the species on display. We will recommend a similar amendment to the DPI code.
- Delete Section 13. Appears redundant given Section 1.

B.2 Make practical recommendations to implement the general principle that any species able to be sourced legally from any party (private or exhibitor) nationally is able to be acquired and added to the Licensed species list if not currently on the list.

We recommend the following:

- Abolish import licences. Under existing licence condition 3 (Appendix A) all acquisitions must be supported by documentary evidence regardless of source. We are unable identify any additional deterrence afforded by import licences.
- Abolish export licences. We are unable to identify how export licences deter illegal activities. Without sufficient compliance and enforcement resources and funding the import/export licence system may facilitate illegal transactions.
- For species legally available but not currently listed on NSW BC Act schedules a revised version of the draft risk assessment tool in Appendix B is completed by applicants to add new species to the schedule lists. This includes species legally sourced from interstate, from intrastate exhibitor licensees or via managed collection from the wild projects (refer B.5 and Appendix C).
- It is the intention of the Expert Bird Group to provide a revised version of the Appendix B draft risk assessment tool in due course.

B.3 Meshing of the exhibitor licence system under The Exhibited Animals Protection Act 1986 with the NPWS Licensed system to ensure movement of legally sourced individual birds and species can occur in both directions.

The above recommendations under B.2 apply equally to transactions with entities operating under *The Exhibited Animals Protection Act 1986*. Specifically, and in addition we recommend the following.

- Holders of animal display establishment licences under the *The Exhibited Animals Protection Act 1986* are no longer required to complete OEH import or export licences. Record keeping for all species (exotic and native) is already regulated under *The Exhibited Animals Protection Act 1986* and we are unable to identify reasons for duplication.
- Sharing of statistical data on captive native species held and species numbers between OEH/NPWS and DPI. We envisage an annual exchange of data to facilitate a true and accurate audit of species and species numbers state-wide. This statistical summary to be public so organisations and individuals can act on population trends. Avicultural societies and the zoo community already have structures in place to monitor captive populations sustainably – it is logical to combine this data with government sources.

B.4 Examine options for species and individual animals to enter the system via carers. A system for rehabilitated wild animals that are unsuited to release to enter the system rather than be euthanised. Consideration of educational links and resource sharing between carer and aviculture groups for the benefit of both groups.

We recommend a simple process is developed as follows.

- A simple form is designed that includes written approval by the carer and their governing carer organisation for each individual animal. The recipient keeper's details and acceptance is also required on the form. That is, both parties must be in agreement.
- All completed forms are held by the carer organisation with copies held by the recipient keeper as proof of acquisition.
- Keepers may include BC Act private licensees or holders of animal display establishment licences under *The Exhibited Animals Protection Act 1986*.
- Species not currently listed on BC Act schedules will require completion of the final version of the draft risk assessment tool detailed in Appendix B.

B.5 A practical recommendation for a take-from-wild process is developed. Possible aims include establishing a new species in captivity, re-establish species in captivity or work with threatened species or their analogues based on a thorough documented plan. Consider reporting processes and requirements including documentation such as diaries, captive management plans and husbandry manuals.

We recommend an additional licence class under the BC Act Part 2 Division 3 and subordinate regulations to implement this recommendation. The licence to be titled as follows.

MANAGED CITIZEN SCIENCE PROJECT REQUIRING
COLLECTION OF PROTECTED FAUNA FROM THE WILD IN NSW

Recommended guidelines and form to implement this licence class are included as Appendix C. The rationale for this process includes the following.

- Implementation of Recommendation 28 in *A review of biodiversity in NSW, Final Report* which is required by Government to be implemented and reads as follows.

Recommendation 28 – Improve the public's knowledge and understanding of wildlife conservation and management through community-oriented education programs about native plants and animals, the impacts of human-wildlife interactions, and the welfare needs of animals in captivity.

- Promote the sharing of husbandry knowledge and expertise between all captive animal stakeholders nationally and internationally including OEH/NPWS, display establishments and DPI.
- Encourage the maintenance of sustainable captive populations via managed documented processes.
- Utilise the vast network of avicultural societies to assist with threatened species recovery and conservation efforts.
- Aviculture is involved in threatened species efforts for many species, both native and exotic, and our expertise is keenly sought nationally and internationally. We would be happy to present practical examples.
- Contribute the vast knowledge, expertise and resources of private aviculturists to threatened species conservation efforts.
- Reduce the incentive for illegal take-from-the-wild through the provision of a legal managed process.

B.6 Consideration of a limited time amnesty process to allow and encourage recalcitrant keepers to enter the new system and start fresh. Amnesty to include individual animals and possibly species currently held but not in the system.

- It is considered valuable to start the new system with a true and accurate record of all captive species.
- We do not recommend a general amnesty at this time as the risk of unscrupulous activity during the amnesty period is not justified when weighed against the potential benefits.
- There are some individual animals that are known to have been ethically sourced from carers and other legal sources – we recommend individual one off exemptions in these cases.

The expert group reaffirms commitment to the continuation of the NAKCC or its equivalent as a conduit to licensing staff and NPWS in general. A meeting of the existing NAKCC committee prior to the finalisation of the BC Act regulations is recommended.

We look forward to continuing consultation on these matters as the BC Act regulations and subsequent implementation progresses.

Sincerely,



Samuel Davis

On behalf of the Expert Bird Group.

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Appendix A – Unedited, existing licence conditions

General conditions of a NSW Native Animal Keeper Licence

1. This licence authorises possession of protected native animals only at the nominated premises. Protected native animals (the subject of this licence) may be removed from the nominated premises without the Director General's prior consent only for the purposes of veterinary treatment; for disposal/sale; or for a period not exceeding 72 hours for the purpose of attendance at a meeting, or for participation in a competitive show (such meetings or competitive shows, must not include public display or exhibit that would be in conflict with the provisions of the *Exhibited Animals Protection Act, 1986*. In all other cases, the licensee shall forward in writing within 7 days to the Director General, notification of the address of the premises at which the protected native animals are to be removed and held and the purpose of the removal from the nominated premises named above.
2. The licensee shall acquire protected native animals (that may be held under this licence) only from a person who is the holder of a current licence issued by the Office of Environment and Heritage (OEH) that authorises possession and disposal of those protected native animals, or from an appropriately licensed person interstate via an interstate import licence issued by OEH, or in any other case, only with the prior written consent of the Director General.
3. Acquisition of all protected native animals must be supported by documentary evidence such as a signed and dated receipt, to verify its lawful acquisition. Such evidence must be made available for inspection by an officer of the OEH. It is the licensee's responsibility to verify the identity of the supplier and that the person holds a licence that permits possession and disposal of the protected native animals being acquired.
4. The licensee shall dispose of protected native animals (that may be held under this licence) only to a person who is the holder of a current licence issued by OEH that authorises the possession and acquisition of those protected native animals, or to an appropriately licensed person interstate via an export licence issued by OEH, or in any other case, only with the prior written consent of the Director General.
5. The licensee shall keep at the nominated premises, a true and accurate record in the native animal keeper record book supplied, for each of the holder's acquisitions (including protected native animals bred – see below) and disposals (including death and escape) of protected native animals. The record shall be completed in accordance with the instructions contained in the native animal keeper record book.
6. The record referred to in condition 5, shall be made in the native animal keeper record book immediately following each acquisition or disposal. In the case of protected native animals bred by the licensee, the record is to be completed within 7 days of birth or hatching for reptiles and mammals. For birds, the record shall be made within 7 days from fledgling. For amphibians, the record shall be made within 7 days of resorption of the tadpole's tail.
7. The record keeping period ends on 31 March each year. At this time each completed page of the native animal keeper record book referred to in condition 5 must be signed and dated by the licensee and shall be forwarded and received by the Director General each year by 30 April. A licensee who has held no protected native animals during the record keeping period shall forward a written statement to that effect to the Director General by 30 April. The licensee shall also present the record referred to in Condition 5 to the Director General or to an officer of OEH whenever required.
8. This licence does not authorise commercial trade in native animals or the activities described in the Act under the definition of 'fauna dealer'.

9. The licensee, if advertising the disposal or acquisition of protected native animals the subject of this licence, may only advertise such animals for disposal or acquisition in a publication of a society of keepers of animals authorised to be held under this licence of which the licensee is a member, or in a specialist publication, journal or internet site related to the keeping of the animal. In all cases the licensee shall state the following in such an advertisement when advertising the disposal or acquisition of protected native animals:

a) The holder's Native Animal Keeper Licence number;

b) That the protected native animals involved are only available for purchase or disposal to the holder of a current Native Animal Keeper Licence or other relevant licence authorising the possession or disposal of those protected native animals.

10. The licensee shall not dispose of a protected native animal within a period of 6 months from the date of its acquisition. This condition does not apply to protected native animals bred by the licensee.

11. As required under section 164 of the Act the licensee will permit the inspection by an authorised officer of the OEH of all protected native animals held and their holding facilities for the purpose of enforcing the provisions of the Act the regulations and the conditions of this licence.

12. The nominated premises must at all times comply with applicable statutory provisions and consents relating to occupational health and safety, building and health requirements.

13. No protected native animal held under this licence shall be placed on public display or be exhibited in any way (except as provided in condition 1 above), or be held in or on any commercial premises.

14. A licensee who acquires or disposes of a protected native species of Cockatoo listed under 'basic animals' in the *NSW Native Animal Keepers' Species List* or any species of animal listed under 'advanced animals' of the *NSW Native Animal Keepers' Species List* must notify the Director General in writing of the details of the transaction within 14 days of the transaction taking place and the total number of that species held after the transaction.

15. This condition relates to the possession and trade of broad headed snakes, *Hoplocephalus bungaroides*:

a) the licensee must notify the Director General in writing within 14 days of any disposal by any means including, but not limited to, death, export or escape and provide details of the disposal including a copy of the fauna record book page, name and licence number of the parties involved and the microchip number of the relevant broad headed snake;

b) the licensee must notify the Director General in writing within 14 days of any acquisition by any means including, but not limited to, purchase, import or breeding event and provide details of the acquisition including a copy of the fauna record book page, name and licence number of the parties involved and the microchip number of the relevant broad headed snake;

c) the licensee must provide details of microchip numbers to the other party when disposing of a broad headed snake;

d) where broad headed snakes are imported or bred, the licensee must make the relevant broad headed snake available to be microchipped and have a DNA sample taken from the broad headed snake (OEH will contact the licensee to make such arrangements for this requirement).

16. Where eggs, chicks, young adults of any protected native animal are removed from the nominated premises or are received at the nominated premises for incubation, hand-raising, a breeding loan or other purpose, such movement is to be recorded in the native animal keeper record book. Any such eggs, chicks or young that do not hatch or that die are to be recorded as

deaths. Eggs, chicks or young may only be transferred to or be held on premises that are registered under a current Native Animal Keeper Licence, authorising that class of animal.

17. If keeping birds, the licensee must comply with the *NSW Animal Welfare Code of Practice No 4 – Keeping and Trading of Birds*, published by the Department of Primary Industry, at all times. Emus can only be held in accordance with the conditions and instructions contained in the NSW OEH publication *NSW Native Animal Keepers' Species List*. Dangerous and venomous reptiles must only be held in accordance with conditions and instructions contained in this licence and in the OEH application form titled 'Advanced Class – Native Animal Keeper Licence'.

18. All protected native animals must be housed in escape-proof enclosures and in a manner so as not to be of any danger or nuisance to the public.

19. The Director General may cancel, suspend or refuse to renew this licence:

- a) on the grounds that the licensee has failed to comply with conditions of the licence;
- b) on the grounds that the licensee has failed to apply to renew the licence 2 months after the licence expired;
- c) on the grounds that the licensee has been convicted of an offence under the Act or regulations relating to fauna;
- d) on the grounds that the licensee has made a statement that the licensee knows, or ought reasonably to know, is false or misleading in, or in connection with, the application for the licence; or
- e) in any other case as may be determined by the Director General.

The Director General may publish a list of native animal keeper licences which have been suspended, cancelled or have expired. This list will include the licence number [and may include details of animals which were authorised to be kept under the licence] but will not include other personal information about the licensee.

Appendix B – Unedited Draft Species Risk Assessment Tool

DRAFT FOR COMMENT – 27 FEBRUARY 2017

SPECIES RISK ASSESSMENT TOOL

Proposed change to species list for NSW animal keepers and dealers

Common Name		Species Code	
Scientific Name			
Current Class		Proposed Class	
Organisation			
Email			
Contact Person		Telephone	

HUMAN HEALTH & SAFETY RISKS

Potential injuries and/or diseases			
Likelihood		<i>HIGH</i> Frequent (more than 10 events p.a. in Australia) <i>MEDIUM</i> Occasional (1-10 events in Australia) <i>LOW</i> Not known to harm human safety and safety	
Consequence		<i>HIGH</i> Life threatening or fatal. <i>MEDIUM</i> Requires medical treatment. <i>LOW</i> No treatment or minor first aid only.	
Details & References			

RISK OF ESCAPED ANIMALS TO THE ENVIRONMENT AND THE ECONOMY

Potential impact of escaped animals			
Likelihood		<i>HIGH</i> Readily survive and reproduce in the wild. <i>MEDIUM</i> Might survive and reproduce in the wild <i>LOW</i> Would not survive and reproduce in the wild	
Consequence		<i>HIGH</i> Impacts may be significant and widespread. <i>MEDIUM</i> Impacts may be limited or controlled. <i>LOW</i> Little or no impact.	
Details & References			

DRAFT FOR COMMENT – 27 FEBRUARY 2017

RISK OF TAKE FROM THE WILD	
Estimated captive population in Australia	
Conservation status in the wild	
Impact on wild populations	<p><i>HIGH Adequate supply is not available from lawful sources interstate.</i></p> <p><i>LOW Adequate supply is available from lawful sources interstate</i></p>
Sources of lawful supply	

HUSBANDRY	
Dietary requirements	
Housing requirements	
Ease of breeding	
Other issues	
Keeper competency	<p><i>NONE Easy to keep and handle, no specific expertise required</i></p> <p><i>BASIC Safe to keep and handle, if guidance material available</i></p> <p><i>EXPERT Complex to keep and handle, high safety risks, training and/or experience required</i></p>
Sources of guidance material and training	

OTHER COMMENTS IN SUPPORT OF PROPOSED CHANGE

Appendix C

MANAGED CITIZEN SCIENCE PROJECT REQUIRING COLLECTION OF PROTECTED FAUNA FROM THE WILD IN NSW

Expert Bird Group Proposal for an additional licence class under the *Biodiversity Conservation Act 2016* Part 2 Division 3 and subordinate regulations.

GUIDELINES AND POLICY

MANAGED CITIZEN SCIENCE PROJECT REQUIRING COLLECTION OF PROTECTED FAUNA FROM THE WILD IN NSW

1. Biodiversity Conservation Licences for the collection of protected fauna from the wild in NSW are made under the *Biodiversity Conservation Act 2016* Part 2 Division 3 and subordinate regulations.
2. This Policy adopts the ethic that limited collection from the wild is acceptable, and provides valuable opportunities for the broader public to interact with and develop an affinity for a diverse range of native wildlife. While the Policy directs that the removal of any wildlife is undertaken in an ecologically acceptable manner, it also recognises the broader conservation and public knowledge benefits that are acquired through having wildlife in captivity.
3. This Policy recognises that a secure established captive population of a species discourages illegal collection whilst providing valuable species knowledge to assist in the conservation of wild populations.
4. The general purpose of this class of licence includes, but is not limited to
 - establishing a species in captivity,
 - re-establishing a species in captivity,
 - refining or establishing husbandry guidelines for species such as a threatened species or their analogues, and/or
 - threatened species captive breeding as part of a threatened species recovery program.
5. Applicants may include specialist animal keeper societies and associations, private keepers and breeders, and wildlife exhibitors such as zoos and wildlife parks.
6. Scientific research purposes are outside the scope of this class of licence. This class of licence does not require approval under the *Animal Research Act 1985*, in particular, there is no requirement for Animal Care and Ethics Committee (ACEC) approval.
7. The welfare of animals collected from the wild is of paramount importance. The treatment of all animals must be in accordance with the provisions of the *Prevention of Cruelty to Animals Act 1979* including relevant code(s) of practice.
8. The Office of Environment and Heritage (OEH) promotes fair and reasonable access to wildlife. When assessing applications, the following parameters will be considered:
 - positive and negative impacts on wild populations,
 - purpose for taking an animal from the wild,
 - conservation status of species in the wild,
 - status of the species in captivity,
 - knowledge and experience of the applicant, and
 - standards of husbandry and appropriate facilities to be provided by the applicant.
9. During collection activities, personnel must carry a copy of the licence, which is to be produced on demand to authorised officers. Licence holders should be present or readily able to direct the actions of other nominated persons assisting in the collection of the animals.
10. Any animal collected from the wild pursuant to this licence shall not be traded without the prior consent of the Office of Environment and Heritage (OEH). Progeny of collected animals may be freely traded.
11. Review of unsuccessful licence applications, licence conditions or other issues relating to this class of licence is available via the Native Animal Keepers Consultative Committee (NAKCC).

APPLICATION FORM

MANAGED CITIZEN SCIENCE PROJECT REQUIRING COLLECTION OF PROTECTED FAUNA FROM THE WILD IN NSW

I hereby apply for a Biodiversity Conservation Licence under the *Biodiversity Conservation Act 2016* Part 2 Division 3 and subordinate regulations.

1. Applicant details

Organisation (if applicable)	
ABN or INC number (if applicable)	
Position in organisation (if applicable)	
Surname	
Given names	
Date of birth	
Postal address	
Phone number	Mobile number
Email address	

2. Species and purpose

Common name
Scientific name
Number of individual animals to be collected
Intended Project Duration (in years)

Statement of project purpose
Justify the need to collect from the wild

3. Collection of fauna

List proposed locations from where animals would be collected. Permission is required from land owners. Attach additional list if required.

Property address
Property title reference
Owner's name
Owner's phone number
Owner's mobile number
Owner's email address

Property address
Property title reference
Owner's name
Owner's phone number
Owner's mobile number
Owner's email address

Property address
Property title reference
Owner's name
Owner's phone number
Owner's mobile number
Owner's email address

Outline how the animals will be collected

Details of person(s) responsible for collecting animals. Attach additional list if required.

Surname
Given names
Mobile number
Vehicle make/model
Vehicle registration number
Statement of experience and/or qualifications

Surname
Given names
Mobile number
Vehicle make/model
Vehicle registration number
Statement of experience and/or qualifications

Surname
Given names
Mobile number
Vehicle make/model
Vehicle registration number
Statement of experience and/or qualifications

4. Captive management

Detail all proposed keepers who will house animals as part of this project. Attach additional list if required.

Surname
Given names
Address
Statement of experience and/or qualifications

Surname
Given names
Address
Statement of experience and/or qualifications

Surname
Given names
Address
Statement of experience and/or qualifications

Surname
Given names
Address
Statement of experience and/or qualifications

Describe the proposed captive management processes. Include housing, diet and other relevant management practices.

5. Reporting

Describe the records and reports proposed to be maintained and produced during this project. For example, project diaries, husbandry guidelines, articles, etc.

6. Referees and declaration

Please supply two persons who can testify that you or the organisation you represent is fit and proper with the relevant experience to manage the animals in this proposal.

Referee 1 – testify to fit and proper person or organisation

Surname
Given name
Contact phone number

Referee 2 – testify to relevant experience to manage the animals in this proposal

Surname
Given name
Contact phone number

Have you been convicted of any offences concerning native fauna? If yes, please supply details

I hereby state the above information to be correct. I will comply with all licence conditions.

Signature
Date