



NATIONAL FINCH AND SOFTBILL ASSOCIATION Inc.

Secretary
National Finch and Softbill Association
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Secretariat
Independent review of the EPBC Act 1999
GPO Box 787
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Australia

Dear Dr Hawke

Thank you for the opportunity to provide comment on the review of the *Environment Protection and Biodiversity Conservation Act 1999*. This is an important piece of federal legislation which provides protection and conservation of Australia's landscapes and biodiversity. As such, the legislation has relevance to those members of the public who keep wildlife privately, such as aviculturists.

The National Finch and Softbill Association Inc was formed in 2006 as a national body representing the interests of aviculturists who focus specifically on the care and breeding of native and exotic finches and softbills. Our members are drawn from all Australian states and some 44 specialist clubs and societies covering some 8000 dedicated aviculturists. We also have working agreements with other national bodies.

NFSA has specific objectives relevant to the aims of the EPBC Act including:

- promoting the conservation of finch and softbill species both in the wild and in captivity through the support, development and implementation of research and restoration projects, and the establishment of co-operative captive breeding programs for targeted species;
- assisting and advising all governments and their agencies on any matters relating to finches and softbills;
- strongly and publicly opposing the trapping of wild finches and softbills and the smuggling of finches and softbills and their eggs.
- improving the image of aviculture as a legitimate and respected leisure activity within the Australian community.

NFSA is supportive of the need to conserve Australia's unique biodiversity and hence we contribute actively to finch conservation activities. We also note however, the strong social, therapeutic and educational benefits of importance of hobbies such as aviculture and the structured community groups (clubs and societies) which support these interests. Our desire is to see a balance in the EPBC legislation that recognises the legitimate interests of dedicated aviculturists and the need for measures to protect and enhance Australia's unique biodiversity. In our view the passion and dedication of the bulk of aviculturists serves only to draw them closer to our wildlife heritage.

Our Comments

Objects of the Act

We are broadly supportive of the objects of the Act and the guiding principles by which the Act will be reviewed. In particular we acknowledge the need to:

(a) promote the sustainability of Australia's economic development to enhance individual and community well-being while protecting biological diversity and maintaining essential ecological processes and systems;

We highlight the critical need economic development in Australia to be environmentally sustainable. We are very familiar with the declines of many woodland birds and of some finch species (eg. Gouldian finch, black-throated finch) which are threatened by modified land management and land development. NFSA actively and financially supported both the Save the Gouldian Fund (<http://www.savethegouldian.org/>) and the Black-throated finch recovery program (<http://www.environment.gov.au/biodiversity/threatened/publications/p-cincta.html>).

As noted above we believe the various hobbies which involve the keeping of native and exotic wildlife, such as aviculture, represent an important element of Australia's social wellbeing. At the same time it is critical that these hobbies do not compromise our biodiversity – clearly a regulatory balance is required here. The act currently provides reasonable coverage of the issues, but we expand below on some areas where clarity and consistency could be improved.

(b) ...work in partnership with the states and territories within an effective federal arrangement;

We believe there is considerable scope to provide more consistent regulations across State and Federal jurisdictions with regard to the keeping of wildlife. These are highlighted later.

(d)... reduce and simplify the regulatory burden on people, businesses and organisations, while maintaining appropriate and efficient environmental standards;

We strongly support appropriate environmental standards, but more consistency is needed in how the keeping of native and exotic wildlife, particularly birds, is handled across the Commonwealth and State jurisdictions. We discuss this issue further below.

Questions raised in the Discussion Paper

Below we provide comment on some of the most relevant questions posed in the Discussion paper under two broad headings.

International Movement of Wildlife

Q20 Does the Act currently provide appropriate regulation for the sustainable use of wildlife and international wildlife trade?

Q21 Do you think that current assessment and decision-making processes for the listing of specimens suitable for live import could be refined and simplified?

NFSA is particularly interested in the plight of the numerous exotic bird species currently held by aviculturists. With the current blanket ban on import of exotic birds, in place since 1962, and reinforced under the EPBC Act, Australian aviculturists have applied considerable effort and professionalism to develop husbandry techniques able to sustain aviary populations of numerous exotic finches. This includes several species which are threatened in their natural environments. This situation is unlike anywhere else in the world where regular imports of foreign finches had seen a lack of impetus to focus on the breeding of exotic species (for example in Europe).

Despite the efforts of aviculturists a number of species have been lost from aviculture altogether and the genetic constitution of several of these species is now severely challenged. In response to this the NFSA is interested to explore the limited introduction of small numbers of select species to enhance the genetic constitution of these species.

We have become familiar with risk assessment processes which consider the pest potential of exotic species, the disease potential of exotic species and the risk of illegal activity (smuggling) attached to individual species. Establishing this risk profile utilised a suite of standard tools used in biosecurity risk assessment, among them ecoclimatic matching which indicates the likely suitability of Australia's macroclimatic attributes for individual species. Through this environmental risk modelling approach (the Bomford model) a number of exotic finches have been rated as having high pest potential for Australia, high likelihood to establish and to constitute a threat to biodiversity. However, these are species which have been present in Australian aviaries for many decades, often in large numbers and with no evidence of impact. Not one exotic finch has established a self sustaining feral population from aviary escapees and

there is no evidence of any harm to the environment from the recreational presence of these species.

Those exotic finches which have established feral population in Australia were deliberately released in significant numbers using wild stock. For example, Gold & Green Finches were originally released by acclimatisation societies in the 1800's. Spice Finches were deliberately released near Brisbane & near Sydney around 1945, again using significant numbers of wild stock.

While the risk of escape of aviary held birds is ever present this is invariably only small numbers which are either recovered or do not survive. As long-standing aviary bred populations these species are often naïve with regard to predators, inexperienced in utilising natural foods and consequently have greatly reduced competence for survival in the field. We would argue then that while a rigorous risk assessment process is essential the potential threat posed by exotic birds from Avicultural stock should be discounted in the risk assessment by taking account of their long presence in Australia with no harmful effects whatever.

The current environmental risk assessment process is required to be scientifically based but notes that scientifically based information on the invasiveness of many species may not be available and so a precautionary approach is adopted. We would argue however that the long period of presence of most exotic finches in Australia without establishment of feral populations or impact constitutes sound information relevant to the risk assessment and arguing for a reduction in the perceived risk of these species.

In this regard we highlight the scientifically based and professional risk assessment completed by the **Recreational and Commercial Animal Management Advisory Committee** (RACAMAC) for the Queensland EPA. This assessment was completed by professional wildlife ecologists including Prof. Stephen Garnett [Charles Darwin University] and other scientists and considers some 28 dimensions of risk assessment which collectively provide an index of pest and disease risk for exotic birds. The dimensions include:

- Climatic suitability index
- Pest potential in Australia
- Pest potential in the native range
- An agricultural pest risk rating
- An environmental pest risk rating
- Three dimensions of disease risk
- Presence of feral populations in Australia
- Time in captivity in Australia
- Hybridisation risk
- Abundance in the wild
- Reproductive potential

The RACAMAC risk assessment was applied to 227 species of exotic birds, including 76 species of finch or finch-like birds, largely mirroring the 2003 Inventory list of Exotic Birds known to be in Australia (<http://www.environment.gov.au/biodiversity/trade-use/exoticbirds/inventory.html>). It demonstrated that most of those species with high risk rankings are either already feral or established pests [eg. Indian myna, common starling, house sparrow] or have been banned from import to Qld [Eurasian blackbird, Mexican rose finch]. As a result of the RACAMAC assessment all but 3 of the 76 finch like species on the Inventory list were classified as low risk and are consequently classed as "exempt" and with no restrictions on import to Queensland on the basis that they pose no pest or disease threat to the environment.

We note for example that risk assessments conducted under the EPBC Act routinely utilise the climate matching program CLIMATE for comparisons of the climatic similarities of the native habitat of an exotic species with potential regions in Australia. This provides only a first pass indication of potential suitability of Australian environments for establishment as it takes no account of specific habitat or food requirements, of the reproductive capacity of each species or the environmental factors which limit establishment and spread.

It is problematic when the rules for import of exotics appear to differ markedly among species groups. For example we are aware through our links to the pet trade that huge numbers of live fish are brought into Australia almost daily for the aquarium trade with very few restrictions. Many of these species do seem to pose real threats to the Australian environment. Likewise we are aware that species such as pigeons have been approved for the Live Import List, even though they will be released into the environment. Consequently we believe a more consistent and accommodating approach could be applied to bring consistency in the way risk assessments of finches and like species are done in comparison with those applied to other species.

Q22 What are your views on the effectiveness and utility of wildlife trade management practices under the Act? Do you have any suggestions about how the system could be improved?

Over the last two years the EPBC Act has been used as the umbrella for the development of an Exotic Bird Record Keeping scheme designed to help reduce the incidence of illegal import of exotic birds into Australia. The current total ban on bird imports for aviculture has stimulated considerable interest, among some unwanted elements, in bird smuggling for species of high perceived value. This includes some finches.

NFSA is broadly supportive of any measures which can effectively reduce such illegal imports. With regard to policing we believe there should be a well defined infrastructure for individual aviculturists to confidentially report illegal activities. At present there is limited opportunity for this. We also believe that wider use could be made of forensic DNA based testing

to check the relationship between birds to establish whether specimens are legitimate.

While the Exotic Birds Record Keeping scheme emerged from a process of extensive consultation with avicultural and industry representatives there are widely divergent views about its appropriateness among aviculturists and considerable variation in compliance. This relates in large part to the uncertainties created by the new requirements for documentation for exotic species.

This uncertainty and confusion results in large part from the demise of the previous NEBRS (National Exotic Bird Registration Scheme) scheme which required aviculturists to be registered and to keep records of exotic birds they held. When this scheme was disbanded in 2002 aviculturists were advised that records were no longer required for exotic species. The Commonwealth passed responsibility to the States and most states (WA excepted) now have no requirement for record keeping for exotic bird species.

However, despite the advice to aviculturists the EPBC Act does require that keepers of all exotic organisms are able to document how they were obtained. The disbanding of NEBRS and the requirements of the EPBC Act and now of the new exotic bird record keeping scheme do not appear consistent and this has created considerable concern and upset. This is particularly so for those now holding Class 1 Exotic Birds (Parrots) which again require mandatory records, but for which no records exist to link them back to NEBRS. Despite numerous submissions pointing out the difficult situation this places birdkeepers in, this issue of so-called "blackhole birds" has not been adequately resolved – uncertainty remains and hence the level of support for the EBAG outcomes is generally poor.

The reverse onus of proof included in the EPBC Act further complicates the problem. Law abiding aviculturists simply cannot comply with this requirement in many instances.

Q23 Are the arrangements between the Commonwealth and the States and Territories for managing the domestic movement of exotic and native wildlife effective and appropriate?

There is a great need for harmonisation of the way Federal and State jurisdiction deal with captive wildlife. In general the role of the Commonwealth Government is focussed pre-border in relation to the importation and exportation of live exotic animals and plants. The role of State/Territory Governments is normally focussed post-border in relation to the management of exotic animals and plants after they have been introduced into Australia. For example in Qld three State Government agencies are involved in managing exotic animals and plants - QDPIF deals with introduced fish, certain exotic plants such as pasture grasses, and fire ants. QDNRW is involved with exotic aquatic plants, and invasive

vertebrates (rabbits, foxes, etc,) while EPA administers the record keeping requirements for native birds held in captivity.

The EPBC Act seems to be trying to manage exotic birds that are established within Australia - a role that is normally done by States/Territories. So clarification is needed as to what is the actual role of the Commonwealth versus the States in regard to the import/export of foreign birds, and the management of foreign birds when they are held or established in Australia either as aviculture collections or as feral populations.

As noted above there are no requirements for record keeping with regard to the majority of exotic birds in Queensland, NSW, Victoria and South Australia. By contrast there are restrictions in place in WA and Tasmania, although the logic and justification for these is often difficult to understand. There are also numerous inconsistencies in how individual species (both natives and exotics) are treated across the States and considerable opportunity for harmonisation through the Commonwealth. More consistent requirements would no doubt reduce the confusion and concern associated with compliance and enforcement and the issues noted under Questions 36 and 37 below.

Q24 Does the Act provide appropriate provisions to ensure that Australia complies with its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)?

NFSA is strongly supportive of international regulations such as CITES which limit trade in threatened species. We would point out that Australian aviculturists maintain the largest and strongest population of the CITES 1 listed species, the Red Siskin (*Carduelis cucullata*). We have active recovery programs seeking to save the Green Strawberry Finch (*Amandava formosa*), also CITES listed, in Australian aviaries – this effort is struggling with only some 60 birds remaining in Australia spread among a handful of aviculturists.

Compliance and Enforcement

Q36 Are the offence and civil penalty provisions appropriately framed to encourage compliance with the Act?

Q37 Does the Act contain a sufficiently comprehensive and appropriate range of enforcement mechanisms? Are those mechanisms capable of deterring and responding to contraventions of the Act?

The NFSA and its member groups strongly support the laws associated with aviculture and we actively seek to minimise illegal activities. In this regard it is important that the avicultural community has a clear understanding of and adheres to the rules for keeping native and exotic birds. Clubs/societies and bodies such as NFSA have an important role to play in communicating and helping birdkeepers to interpret their responsibilities. As noted above we would welcome a more clearly defined

structure whereby individual aviculturists can confidentially report illegal activities.

At the same time it is true to say that at present many aviculturists have no respect for the capacity of federal enforcement bodies to identify and stop illegal activities and they have limited respect for the activities of enforcement officers with respect to wildlife seizures and subsequent treatment of seized birds. There is a widespread perception of unfairness about how some aviculturists suspected of illegal activities have been treated. That said, we are highly supportive of enforcement efforts that will hopefully identify and prosecute those involved with illegal activities.

Once again, we would like to thank you for the opportunity to comment on this important review. We would be very interested in receiving feedback on the progress of the review. If there is any further information that I can provide, please don't hesitate to contact me.

Yours sincerely



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