

20/6/2017

Land Management and Biodiversity Conservation Reforms
Office of Environment and Heritage
PO Box A290
Sydney South NSW 1232

RE: NSW Biodiversity Conservation Regulations 2017 – Protecting native animals and managing wildlife interactions

We note the delay in releasing details of the native animal licensing and related provisions of the regulations and look forward to ongoing consultation as the detail and relevant discussion paper is finalised and subsequently released for public comment.

The primary aim of native animal regulation is to protect wild populations, particularly threatened species - aviculture has much to offer in this regard. We are focused on developing a new system to better meet this aim, whilst removing significant flaws of the current system. To this end we have been making ongoing submissions to this process since the release of the Independent Biodiversity Legislation Review Panel's *A review of biodiversity legislation in NSW, Final Report* (18/12/14).

Substantive documents detailing recommendations from the avicultural community are included as attachments to this submission and form the main content of our submission. We make the following observations with regard to these attachments.

- Attachment 1. (p3-19) dated 26/4/2017 details recommendations from the Expert Bird Group formed to make recommendations requiring specific expertise. It is disappointing that invited members of OEH/NPWS and DPI did not attend the initial meeting and to date have not substantially engaged with the group. We look forward to further consultation to progress the recommendations of the Expert Bird Group. These are critical details that require careful design and expertise.
 - The Biodiversity Credits system together with the Biodiversity Conservation Trust Fund are mechanisms for offsetting biodiversity impacts. The proposed B.5 Citizen Science projects should be eligible to generate credits or obtain funding from these schemes.
- Attachment 2. (p20-31) dated 5/4/2017 Is a set of six recommendations developed and supported by the avicultural community including bird clubs and specialist bird shop proprietors.
 - Recommendation 2 is at issue with submissions from the Pet Industry Association of Australia (PIAA). We make the point that specialist bird shops are not general pet stores and to our knowledge few are members of the PIAA. We respect the role of specialist bird stores and aim to support and encourage their valuable contribution to aviculture.
 - Recommendation 3 addresses species lists changes. We insist the NPWS/OEH meet with expert members of the avicultural community to address any species where there is disagreement.
 - Recommendation 6 is critical to the ongoing success of the new system. Along with all other native animal keeper stakeholders, we continue to strongly recommend the continuation of the NAKCC or its equivalent.
- Attachment 3. (p32-39) dated 27/6/2016 was our submission to the draft Biodiversity Conservation Bill and includes our initial 5/8/2015 paper to this process. It is disappointing that the three recommendations within the covering letter (p32-33) have not been implemented and we request a full explanation.

There is currently concern over the proposal to create an additional licence class for dealers operating from home and/or over the internet. We are not in favour of this additional dealer licence class and make the following observations.

- Distinguishing between business and hobbyist activity is beyond the scope of the BC Act.
- Attempts to distinguish business from hobbyist activity based on patterns of trade in native birds is simply not possible.
- The BC Act cannot hope to accurately assess business activity based on native species trade alone - hobbyists and business operators trade in both exotic and native bird species.
- Distinguishing between business and hobbyist activity is the role of the ATO. Either an activity is deemed to be commercial or it is not. The ATO Private Ruling system is used to resolve contentious situations.
- Almost all retail sectors continue to experience tremendous pressure from online competitors. Dealing in animals is no different. We see no value in distinguishing between shop front and internet commercial trade.
- Hobbyists who advertise excess stock online routinely provide expert advice to purchasers. This includes animal welfare guidance, tours of their aviaries, ongoing management expertise and introduction to bird clubs. It is false to assert that pet shop style operations provide superior service and advice.

Within the regulations (and the BC Act itself) there is no discernible attempt to address Recommendation 28 of *A review of biodiversity legislation in NSW, Final Report* (18/12/14), namely,

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.

Implementation of our Citizen Science proposal B.5 in Attachment 1 (p5-6, 12-19), together with the continuation of the NAKCC or its equivalent (p6, 21, 36) are critical to the implementation of the above recommendation. Both these areas require urgent attention.

It is anticipated the total number of aviculturists requiring a licence will decrease substantially resulting in significant administrative cost savings for OEH/NPWS. These savings should be invested in education campaigns in conjunction with the native animal keeping community. Fees for new licence classes should remain comparable to existing charges.

We look forward to ongoing consultation as the details of the revised licensing classes are finalised and subsequently implemented.

Sincerely,



Samuel Davis

Vice President – Canary and Caged Bird Federation of Australia Inc.

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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

5/4/2017

RE: NSW NATIVE BIRD KEEPER LICENSING RECOMMENDATIONS FROM BIRD GROUPS 1/4/2017

The following six recommendations were formulated and have the support of all representatives present at the morning session of the April 1st 2017 Parramatta meeting. Groups represented include all known bird clubs operating in NSW, a number of national avicultural bodies and a selection of bird shop proprietors. The recommendations were presented directly to OEH/NPWS staff present during the afternoon session on April 1st and are detailed in full within this document.

Representatives in attendance:

- Sam Davis (Canary and Cage Bird Federation of Australia)
- Brian Read (Finch Society of Australia)
- Murray MacPherson (Avicultural Society of NSW)
- Craig Jeffreys, Errol Wilson (Associated Birdkeepers of Australia)
- Mark Holland (Parrot Society of Australia NSW)
- Gary Fitt, Bob Barnes, Neville Simmons, Steve Porter (National Finch and Softbill Association)
- Stephen Hale (Softbill and Native Pigeon Society)
- John Grima (Pet Industry Association of Australia, Kellyville Pets)
- Renee Buxton (Ace Colony Birds)
- Ash Fleming (Birdsville)

Recommendation 1. – Minimise regulation for low risk activities

No registration or licence for Exempt and Code-based avian species. The large majority of aviculturists, such as most finch and parrot breeder/keepers fall in this category so would simply be bound by the Code and of course other legislative restrictions for protected animals generally. The licensed list (based on current B2 list) requires registration and records with a single row per species annual return.

Recommendation 2. – Fauna Dealers and Code-based bird list trading

Shop front style commercial pet stores to be able to freely trade in all Exempt and Code-based avian species without the need for a fauna dealer licence. If the general public can freely trade a species on the Code-based bird list then so to should pet stores who are specifically regulated by the POCTA Act and by their very nature are openly subject to public scrutiny. It is worth noting that pet stores are currently free to trade in all exotic avian species with only specialist outlets choosing to do so.

Recommendation 3. – Species list changes

All current B1 list species become Code-based category species. All current B2 list species become Licensed category species. Changes are then made to these lists and to the Exempt list as detailed in Appendix A.

Recommendation 4. – Code of Practice

Keepers of Code-based species are specifically required to abide by the NSW Animal Welfare Code of Practice No 4 - Keeping and Trading of Birds managed by the Department of Primary Industries. We recommend a review of this code takes place as soon as possible. This DPI administered code will then apply to all avian species in NSW – exotics and natives.

Recommendation 5. – Form an Expert Group to advise on licensing and related matters

Licensed keepers will now comprise a much smaller and specialised group -substantially softbill breeders. We recommend a temporary small group of expert softbill keepers is formed immediately to rapidly develop recommendations and design processes in consideration of the areas detailed in Appendix B.

The expert group to include approximately 6-8 members comprising combinations of expertise as private keepers, experienced exhibitors, bird club representation, scientific permit experience, together with representation from OEH/NPWS and DPI.

We envisage an initial face-to-face meeting, allocation of task responsibility, followed by email and teleconference to complete practical tasks in an evidence based timely fashion. Potential members of the expert group have been approached.

Recommendation 6. – Future of NAKCC or similar

We continue to strongly recommend the NAKCC or its equivalent be retained as a conduit to licensing staff and NPWS in general. A number of proposals for achieving this aim together with thoughts about the role of such a group were discussed at our April 1st meeting. We recommend the NAKCC (all members) meets prior to the finalisation of the BC Act regulations to progress these discussions and explore options.

We unanimously applaud the consultation process to date.

Sincerely,



Samuel Davis

Vice President – Government Liaison

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Appendix A – Species List Changes

- All current B1 list species become Code-based category species.
- All current B2 list species become Licensed category species.
- All current Exempt species remain Exempt.
- In the Recommended Changes/Reasons column where we have proposed a licence class change the following applies.
 - ✓ E = Exempt
 - ✓ B1 = Code-based
 - ✓ B2 = Licenced.
- The number/s following the class change refer to the primary reason/s for the change and are based on the draft risk assessment tool document page 2 numbered 1 to 7 as follows.
 1. Estimated captive population. The captive population is sufficiently secure in number resulting in a negligible risk of illegal take-from-wild.
 2. Conservation status. A threatened species where the ready availability of captive bred individuals minimises the risk of illegal take-from-the-wild. Note that licensing such readily available captive threatened species populations negatively impacts on captive numbers, which in turn results in increased demand and a heightened risk of take-from-the wild.
 3. Impact on wild populations. The wild population is extensive with the species common across a large range. The captive population is highly unlikely to be any risk to the wild population.
 4. Sources of supply. The captive population is sufficiently secure in number resulting in a negligible risk of illegal take-from-wild.
 5. Dietary requirements. The dietary requirements to sustain the species is straightforward.
 6. Housing requirements. The housing requirements to sustain the species is straightforward.
 7. Ease of breeding. The species breeds readily in captivity.

Scientific name	Common name	Species code	Applicable to licence class	Species group	Recommended Changes/Reasons
<i>Alisterus scapularis</i>	Australian king parrot	0281	B1, B2, B3, Companion	Parrot	E 1
<i>Aprosmictus erythropterus</i>	Red-winged parrot	0280	B1, B2, B3, Companion	Parrot	E 1
<i>Barnardius zonarius barnardi</i>	Mallee ringneck	0291	B1, B2, B3, Companion	Parrot	E 1
<i>Barnardius zonarius macgillivrayi</i>	Cloncurry parrot	0292	B1, B2, B3, Companion	Parrot	E 1
<i>Barnardius zonarius macgillivrayi</i> x <i>Barnardius semitorquatus</i>	Cloncurry twenty eight hybrid parrot	T218	B1, B2, B3, Companion	Parrot	Delete
<i>Cacatua Hybrid</i>	Galah/pink cockatoo	G/PH	B1, B2, B3, Companion	Parrot	Delete
<i>Cacatua leadbeateri</i>	Major Mitchell's cockatoo	0270	B1, B2, B3, Companion	Parrot	
<i>Cacatua leadbeateri</i> x <i>galerita</i>	Major Mitchell's/sulphur-crested cockatoo hybrid	MMC/SCC	B1, B2, B3, Companion	Parrot	Delete
<i>Callocephalon fimbriatum</i>	Gang-gang cockatoo	0268	B1, B2, B3, Companion	Parrot	
<i>Calyptorhynchus banksii</i>	Red-tailed black cockatoo	0264	B1, B2, B3, Companion	Parrot	
<i>Calyptorhynchus baudinii</i>	Long-billed black cockatoo	0266	B1, B2, B3, Companion	Parrot	
<i>Calyptorhynchus funereus</i>	Yellow-tailed black cockatoo	0267	B1, B2, B3, Companion	Parrot	
<i>Calyptorhynchus lathami</i>	Glossy black cockatoo	0265	B1, B2, B3, Companion	Parrot	
<i>Calyptorhynchus latirostris</i>	Short-billed black cockatoo	0794	B1, B2, B3, Companion	Parrot	
<i>Columba leucomela</i>	White-headed pigeon	0028	B1, B2, B3, Companion	Pigeon and dove	E 1
<i>Eclectus roratus macgillivrayi</i>	Eclectus parrot (Australian sub-species)	8029	B1, B2, B3, Companion	Parrot	
<i>Geophaps plumifera</i>	Spinifex pigeon	0042	B1, B2, B3, Companion	Pigeon and dove	
<i>Geophaps scripta</i>	Squatter pigeon	0039	B1, B2, B3, Companion	Pigeon and dove	E 1
<i>Glossopsitta porphyrocephala</i>	Purple-crowned lorikeet	0259	B1, B2, B3, Companion	Parrot	E 1
<i>Glossopsitta pusilla</i>	Little lorikeet	0260	B1, B2, B3, Companion	Parrot	E 1
<i>Heteromunia pectoralis</i>	Pictorella mannikin	0659	B1, B2, B3, Companion	Finch	E 1
<i>Lathamus discolor</i>	Swift parrot	0309	B1, B2, B3, Companion	Parrot	
<i>Lonchura castaneothorax</i>	Chestnut-breasted mannikin	0657	B1, B2, B3, Companion	Finch	E 1
<i>Lonchura flaviprymna</i>	Yellow-rumped mannikin	0658	B1, B2, B3, Companion	Finch	E 1
<i>Neochmia modesta</i>	Plum-headed finch	0661	B1, B2, B3, Companion	Finch	E 1
<i>Neochmia phaeton</i>	Crimson finch	0664	B1, B2, B3, Companion	Finch	E 1

Scientific name	Common name	Species code	Applicable to licence class	Species group	Recommended Changes/Reasons
<i>Neochmia temporalis</i>	Red-browed finch	0662	B1, B2, B3, Companion	Finch	E 1
<i>Neophema chrysostoma</i>	Blue-winged parrot	0306	B1, B2, B3, Companion	Parrot	E 1
<i>Neophema Hybrid</i>	Scarlet-chested/turquoise parrot	S/TH	B1, B2, B3, Companion	Parrot	Delete
<i>Neophema petrophila</i>	Rock parrot	0308	B1, B2, B3, Companion	Parrot	
<i>Neophema pulchella</i>	Turquoise parrot	0302	B1, B2, B3, Companion	Parrot	E 1
<i>Neophema pulchella x Psephotus chrysopterygius</i>	Turquoise parrot/golden-shouldered parrot hybrid	T160	B1, B2, B3, Companion	Parrot	Delete
<i>Northiella haematogaster</i>	Blue bonnet	0297	B1, B2, B3, Companion	Parrot	E 1
<i>Northiella haematogaster narethae</i>	Naretha blue bonnet	0298	B1, B2, B3, Companion	Parrot	E 1
<i>Parrot Hybrid</i>	Eastern rosella/mallee ringneck	E/MH	B1, B2, B3, Companion	Parrot	Delete
<i>Parrot Hybrid</i>	King/red-winged parrot	K/RH	B1, B2, B3, Companion	Parrot	Delete
<i>Parrot Hybrid</i>	King/superb parrot	K/SH	B1, B2, B3, Companion	Parrot	Delete
<i>Phaps elegans</i>	Brush bronzewing	0035	B1, B2, B3, Companion	Pigeon and dove	E 1
<i>Phaps histrionica</i>	Flock bronzewing	0036	B1, B2, B3, Companion	Pigeon and dove	E 1
<i>Platycercus caledonicus</i>	Green rosella	0285	B1, B2, B3, Companion	Parrot	E 1
<i>Platycercus elegans</i>	Crimson rosella	0282	B1, B2, B3, Companion	Parrot	E 1
<i>Platycercus venustus</i>	Northern rosella	0287	B1, B2, B3, Companion	Parrot	E 1
<i>Platycercus venustus x adscitus</i>	Northern rosella/pale-headed rosella hybrid	T155	B1, B2, B3, Companion	Parrot	Delete
<i>Platycercus venustus x Barnardius zonarius</i>	Northern rosella/cloncurry ringneck hybrid	T159	B1, B2, B3, Companion	Parrot	Delete
<i>macgillivrayiPoephila acuticauda</i>	Long-tailed finch	0666	B1, B2, B3, Companion	Finch	E 1
<i>Poephila cincta</i>	Black-throated finch	0667	B1, B2, B3, Companion	Finch	Delete
<i>Poephila cincta atropygialis</i>	Black-rumped black-throated or Diggles finch	0668	B1, B2, B3, Companion	Finch	E 1 Name change

Scientific name	Common name	Species code	Applicable to licence class	Species group	Recommended Changes/Reasons
<i>Poephila cincta cincta</i>	White-rumped black-throated Finch or Parsons finch (southern sub-species)	8324	B1, B2, B3, Companion	Finch	E 1 & 2 Name change
<i>Poephila cincta x Poephila acuticauda</i>	Black-throated finch/long-tailed finch hybrid	T151	B1, B2, B3, Companion	Finch	Delete
<i>Poephila personata</i>	Masked finch	0669	B1, B2, B3, Companion	Finch	E 1
<i>Poephila personata leucotis</i>	White-eared masked finch	8001	B1, B2, B3, Companion	Finch	E 1 Name addition
<i>Polytelis anthopeplus</i>	Regent parrot	0278	B1, B2, B3, Companion	Parrot	E 1
<i>Polytelis anthopeplus x Aprosmictus</i>	Regent parrot/red-winged parrot hybrid	T156	B1, B2, B3, Companion	Parrot	Delete
<i>erythropterusPolytelis anthopeplus x Polytelis alexandrae</i>	Regent parrot/princess parrot hybrid	T148	B1, B2, B3, Companion	Parrot	Delete
<i>Polytelis Hybrid</i>	Regent/superb parrot	R/SH	B1, B2, B3, Companion	Parrot	Delete
<i>Polytelis swainsonii</i>	Superb parrot	0277	B1, B2, B3, Companion	Parrot	E 1
<i>Polytelis swainsonii x Polytelis alexandrae</i>	Superb parrot/princess parrot hybrid	T149	B1, B2, B3, Companion	Parrot	Delete
<i>Polytelis swainsonii x Aprosmictus</i>	Superb parrot/ red-winged parrot hybrid	SP/RW	B1, B2, B3, Companion	Parrot	Delete
<i>erythropterusPsephotus chrysopterygius</i>	Golden-shouldered parrot	0300	B1, B2, B3, Companion	Parrot	E 1 & 2
<i>Psephotus varius</i>	Mulga parrot	0296	B1, B2, B3, Companion	Parrot	E 1
<i>Psephotus varius x Psephotus</i>	Mulga parrot/red-rumped parrot hybrid	T153	B1, B2, B3, Companion	Parrot	Delete
<i>haematonotusPsephotus varius x Psephotus</i>	Mulga parrot/golden-shouldered parrot hybrid	T154	B1, B2, B3, Companion	Parrot	Delete
<i>chrysopterygiusPsitteuteles versicolor</i>	Varied lorikeet	0257	B1, B2, B3, Companion	Parrot	E 1
<i>Psitteuteles versicolor x Glossopsitta pusilla</i>	Varied lorikeet/little lorikeet hybrid	T150	B1, B2, B3, Companion	Parrot	Delete

Scientific name	Common name	Species code	Applicable to licence class	Species group	Recommended Changes/Reasons
<i>Ptilinopus regina</i>	Rose-crowned fruit-dove	0021	B1, B2, B3, Companion	Pigeon and dove	
<i>Sericornis citreogularis</i>	Yellow-throated scrubwren	0493	B1, B2, B3, Companion	N/A	B2 5 & 6
<i>Sericornis frontalis</i>	White-browed scrubwren	0488	B1, B2, B3, Companion	N/A	B2 5 & 6
<i>Stagonopleura guttata</i>	Diamond firetail	0652	B1, B2, B3, Companion	Finch	E 1
<i>Taeniopygia bichenovii</i>	White-rumped Double-barred finch	0655	B1, B2, B3, Companion	Finch	E 1 Name change
<i>Taeniopygia bichenovii annulosa</i>	Black-rumped Double-barred finch	0656	B1, B2, B3, Companion	Finch	E 1 Name change
<i>Taeniopygia bichenovii x Taeniopygia guttata</i>	Double-barred finch/zebra finch hybrid	T157	B1, B2, B3, Companion	Finch	Delete
<i>Turnix melanogaster</i>	Black-breasted button quail	0017	B1, B2, B3, Companion	Quail	E 1
<i>Alectura lathami</i>	Australian brush turkey	0008	B2, B3	N/A	E 1
<i>Acanthagenys rufogularis</i>	Spiny-cheeked honeyeater	0640	B2, B3	N/A	
<i>Acanthiza chrysorrhoa</i>	Yellow-rumped thornbill	0486	B2, B3	N/A	
<i>Acanthorhynchus tenuirostris</i>	Eastern spinebill	0591	B2, B3	N/A	
<i>Ailuroedus crassirostris</i>	Green catbird	0676	B2, B3	N/A	
<i>Amytornis striatus</i>	Striated grasswren	0513	B2, B3	N/A	
<i>Amytornis textilis</i>	Thick-billed grasswren	0512	B2, B3	N/A	
<i>Anas castanea</i>	Chestnut teal	0210	B2, B3	Waterfowl	E 3
<i>Anas gracilis</i>	Grey teal	0211	B2, B3	Waterfowl	E 3
<i>Anas rhynchotis</i>	Australasian shoveler	0212	B2, B3	Waterfowl	
<i>Anas superciliosa</i>	Pacific black duck	0208	B2, B3	Waterfowl	E 3
<i>Anseranas semipalmata</i>	Magpie goose	0199	B2, B3	Waterfowl	E 3
<i>Anthochaera carunculata</i>	Red wattlebird	0638	B2, B3	N/A	
<i>Anthochaera chrysoptera</i>	Little wattlebird	0710	B2, B3	N/A	
<i>Aplonis metallica</i>	Metallic starling	0674	B2, B3	N/A	
<i>Ardea ibis</i>	Cattle egret	0977	B2, B3	N/A	
<i>Ardea picata</i>	Pied heron	0190	B2, B3	N/A	
<i>Artamus cinereus</i>	Black-faced woodswallow	0546	B2, B3	N/A	

Scientific name	Common name	Species code	Applicable to licence class	Species group	Recommended Changes/Reasons
<i>Artamus cyanopterus</i>	Dusky woodswallow	0547	B2, B3	N/A	
<i>Artamus superciliosus</i>	White-browed woodswallow	0545	B2, B3	N/A	
<i>Aythya australis</i>	Hardhead	0215	B2, B3	Waterfowl	B1 3
<i>Burhinus grallarius</i>	Bush stone-curlew	0174	B2, B3	N/A	
<i>Centropus phasianinus</i>	Pheasant coucal	0349	B2, B3	N/A	
<i>Cereopsis novaehollandiae</i>	Cape barren goose	0198	B2, B3	Waterfowl	E 3
<i>Certhionyx variegatus</i>	Pied honeyeater	0602	B2, B3	N/A	
<i>Charadrius australis</i>	Inland dotterel	0145	B2, B3	N/A	
<i>Chenonetta jubata</i>	Australian wood duck	0202	B2, B3	Waterfowl	E 3
<i>Chlamydera maculata</i>	Spotted bowerbird	0680	B2, B3	N/A	
<i>Cladorhynchus leucocephalus</i>	Banded stilt	0147	B2, B3	N/A	
<i>Corcorax melanorhamphos</i>	White-winged chough	0693	B2, B3	N/A	
<i>Cyclopsitta diophthalma</i>	Double-eyed fig-parrot	0261	B2, B3	Parrot	
<i>Cyclopsitta diophthalma coxeni</i>	Coxen fig-parrot	8028	B2, B3	Parrot	Name addition
<i>Cygnus atratus</i>	Black swan	0203	B2, B3	Waterfowl	
<i>Dacelo leachii</i>	Blue-winged kookaburra	0323	B2, B3	N/A	
<i>Dacelo novaeguineae</i>	Laughing kookaburra	0322	B2, B3	N/A	
<i>Dendrocygna arcuata</i>	Wandering whistling duck	0204	B2, B3	Waterfowl	
<i>Dendrocygna eytoni</i>	Plumed whistling duck	0205	B2, B3	Waterfowl	
<i>Dicaeum hirundinaceum</i>	Mistletoebird	0564	B2, B3	N/A	
<i>Ducula bicolor</i>	Pied imperial pigeon	0026	B2, B3	Pigeon and dove	E 3
<i>Ducula bicolour spilorrhoea</i>	Torresian imperial pigeon	8839	B2, B3	Pigeon and dove	E 3
<i>Egretta novaehollandiae</i>	White-faced heron	0188	B2, B3	N/A	
<i>Entomyzon cyanotis</i>	Blue-faced honeyeater	0641	B2, B3	N/A	
<i>Eopsaltria australis</i>	Eastern yellow robin	0392	B2, B3	N/A	
<i>Epthianura albifrons</i>	White-fronted chat	0448	B2, B3	N/A	B1 1
<i>Epthianura aurifrons</i>	Orange chat	0450	B2, B3	N/A	B1 1
<i>Epthianura tricolor</i>	Crimson chat	0449	B2, B3	N/A	B1 1
<i>Eulabeornis castaneiventris</i>	Chestnut rail	0047	B2, B3	N/A	

Scientific name	Common name	Species code	Applicable to licence class	Species group	Recommended Changes/Reasons
<i>Fulica atra</i>	Eurasian coot	0059	B2, B3	Waterfowl	
<i>Gallinula ventralis</i>	Black-tailed native hen	0055	B2, B3	N/A	
<i>Gallirallus philippensis</i>	Buff-banded rail	0046	B2, B3	N/A	
<i>Geophaps smithii</i>	Partridge pigeon	0040	B2, B3	Pigeon and dove	B1 5
<i>Gymnorhina tibicen</i>	Australian magpie	0705	B2, B3	N/A	
<i>Himantopus himantopus</i>	Black-winged stilt	0146	B2, B3	N/A	
<i>Leucosarcia melanoleuca</i>	Wonga pigeon	0044	B2, B3	Pigeon and dove	
<i>Lichenostomus melanops</i>	Yellow-tufted honeyeater	0619	B2, B3	N/A	
<i>Lichenostomus penicillatus</i>	White-plumed honeyeater	0625	B2, B3	N/A	
<i>Lopholaimus antarcticus</i>	Topknot pigeon	0027	B2, B3	Pigeon and dove	B1 5
<i>Macropygia amboinensis</i>	Brown cuckoo-dove	0029	B2, B3	Pigeon and dove	B1 5
<i>Malacorhynchus membranaceus</i>	Pink-eared duck	0213	B2, B3	Waterfowl	
<i>Malurus lamberti</i>	Variiegated fairy-wren	0536	B2, B3	N/A	
<i>Malurus amabilis</i>	Lovely fairy-wren	0539	B2, B3	N/A	
<i>Malurus coronatus</i>	Purple-crowned fairy-wren	0542	B2, B3	N/A	
<i>Malurus cyaneus</i>	Superb fairy-wren	0529	B2, B3	N/A	
<i>Malurus elegans</i>	Red-winged fairy-wren	0538	B2, B3	N/A	
<i>Malurus leucopterus</i>	White-winged fairy-wren	0535	B2, B3	N/A	
<i>Malurus melanocephalus</i>	Red-backed fairy-wren	0541	B2, B3	N/A	
<i>Malurus pulcherrimus</i>	Blue-breasted fairy-wren	0540	B2, B3	N/A	
<i>Malurus splendens</i>	Splendid fairy-wren	0532	B2, B3	N/A	
<i>Manorina melanocephala</i>	Noisy miner	0634	B2, B3	N/A	E 3 & 5 Spelling
<i>Melanodryas cucullata</i>	Hooded robin	0385	B2, B3	N/A	
<i>Meliphaga lewinii</i>	Lewin's honeyeater	0605	B2, B3	N/A	
<i>Merops ornatus</i>	Rainbow bee-eater	0329	B2, B3	N/A	
<i>Myzomela sanguinolenta</i>	Scarlet honeyeater	0586	B2, B3	N/A	
<i>Nectarinia jugularis</i>	Olive-backed sunbird	0572	B2, B3	N/A	
<i>Nettapus coromandelianus</i>	Cotton pygmy-goose	0200	B2, B3	Waterfowl	
<i>Nettapus pulchellus</i>	Green pygmy-goose	0201	B2, B3	Waterfowl	

Scientific name	Common name	Species code	Applicable to licence class	Species group	Recommended Changes/Reasons
<i>Oriolus sagittatus</i>	Olive-backed oriole	0671	B2, B3	N/A	
<i>Oxyura australis</i>	Blue-billed duck	0216	B2, B3	Waterfowl	
<i>Pachycephala pectoralis</i>	Golden whistler	0398	B2, B3	N/A	
<i>Petroica boodang</i>	Scarlet robin	0380	B2, B3	N/A	
<i>Petroica goodenovii</i>	Red-capped robin	0381	B2, B3	N/A	
<i>Petroica phoenicea</i>	Flame robin	0382	B2, B3	N/A	
<i>Petrophassa albipennis</i>	White-quilled rock-pigeon	0037	B2, B3	Pigeon and dove	
<i>Petrophassa rufipennis</i>	Chestnut-quilled rock-pigeon	0038	B2, B3	Pigeon and dove	
<i>Phalacrocorax melanoleucos</i>	Little pied cormorant	0100	B2, B3	N/A	
<i>Philemon corniculatus</i>	Noisy friarbird	0645	B2, B3	N/A	
<i>Philemon citreogularis</i>	Little friarbird	0646	B2, B3	N/A	
<i>Phylidonyris nigra</i>	White-cheeked honeyeater	0632	B2, B3	N/A	
<i>Phylidonyris novaehollandiae</i>	New Holland honeyeater	0631	B2, B3	N/A	
<i>Pitta iris</i>	Rainbow pitta	0354	B2, B3	N/A	
<i>Pitta versicolor</i>	Noisy pitta	0352	B2, B3	N/A	
<i>Platalea flavipes</i>	Yellow-billed spoonbill	0182	B2, B3	N/A	
<i>Plegadis falcinellus</i>	Glossy ibis	0178	B2, B3	N/A	
<i>Podargus strigoides</i>	Tawny frogmouth	0313	B2, B3	N/A	
<i>Porphyrio porphyrio</i>	Purple swampphen	0058	B2, B3	N/A	
<i>Probosciger aterrimus</i>	Palm cockatoo	0263	B2, B3	Parrot	
<i>Psophodes olivaceus</i>	Eastern whipbird	0421	B2, B3	N/A	
<i>Ptilinopus magnificus</i>	Wompoo fruit-dove	0025	B2, B3	Pigeon and dove	
<i>Ptilinopus superbus</i>	Superb fruit-dove	0023	B2, B3	Pigeon and dove	B1 5
<i>Ptilonorhynchus violaceus</i>	Satin bowerbird	0679	B2, B3	N/A	
<i>Sericulus chrysocephalus</i>	Regent bowerbird	0684	B2, B3	N/A	
<i>Sphecotheres vieilloti</i>	Australasian figbird	0432	B2, B3	N/A	
<i>Stagonopleura bella</i>	Beautiful firetail	0650	B2, B3	Finch	B1 1 & 5
<i>Stagonopleura oculata</i>	Red-eared firetail	0651	B2, B3	Finch	B1 1 & 5
<i>Stictonetta naevosa</i>	Freckled duck	0214	B2, B3	Waterfowl	

Scientific name	Common name	Species code	Applicable to licence class	Species group	Recommended Changes/Reasons
<i>Struthidea cinerea</i>	Apostlebird	0675	B2, B3	N/A	
<i>Tadorna radjah</i>	Radjah shelduck	0206	B2, B3	Waterfowl	
<i>Tadorna tadornoides</i>	Australian shelduck	0207	B2, B3	Waterfowl	
<i>Threskiornis molucca</i>	Australian white ibis	0179	B2, B3	N/A	
<i>Threskiornis spinicollis</i>	Straw-necked ibis	0180	B2, B3	N/A	
<i>Todiramphus pyrrhopygia</i>	Red-backed kingfisher	0325	B2, B3	N/A	
<i>Todiramphus sanctus</i>	Sacred kingfisher	0326	B2, B3	N/A	
<i>Turnix castanota</i>	Chestnut-backed button-quail	0015	B2, B3	Quail	
<i>Turnix maculosa</i>	Red-backed button-quail	0013	B2, B3	Quail	
<i>Turnix olivii</i>	Buff-breasted button-quail	0016	B2, B3	Quail	
<i>Turnix pyrrhorthorax</i>	Red-chested button-quail	0019	B2, B3	Quail	B1 1 & 5
<i>Vanellus miles</i>	Masked lapwing	0133	B2, B3	N/A	
<i>Vanellus tricolor</i>	Banded lapwing	0135	B2, B3	N/A	
<i>Zosterops lateralis</i>	Silvereye	0574	B2, B3	N/A	B1 1 & 5
<i>Dromaius novaehollandiae</i>	Emu	0001	B3	N/A	Suggest separate licensed category
Additional Species known to be in private collections legally					
<i>Todiramphus macleayii</i>	Forest Kingfisher				B2 Addition to list
<i>Artamus leucorhynchus</i>	White-breasted Woodswallow				B2 Addition to list
<i>Melithreptus lunatus</i>	White-naped Honeyeater	0578			B2 Addition to list
<i>Certhionyx variegatus</i>	Pied Honeyeater	0602			B2 Addition to list

Note:

- *Taeniopygia guttata* is misspelt on the Exempt list – “n” is missing.
- The 4 additional species are known to be legally held by private advanced bird licensees. We can provide references to attest to this.
- There may be other species not listed that are currently legally kept, including those listed by NPWS documents as “Not currently on species list”.

Appendix B – Role of Expert Group

- B.1 Review licence conditions.
- 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.
- 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.
- 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.
- 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.
- 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.

Attachment 3

27/06/2016

Biodiversity Reforms - Have Your Say
PO Box A290
Sydney South
NSW 1232

RE: NSW Biodiversity Conservation Bill 2016

This submission is presented on behalf of the Finch Society of Australia (FSA) and the Canary and Cage Bird Federation of Australia (CCBFA). The FSA and its branches represents finch and softbill aviculturists specifically and is affiliated with the CCBFA. The CCBFA directly represents more than 240 avicultural clubs nationally, including numerous affiliate clubs throughout NSW. Our combined membership supports, encourages and is actively involved in the conservation of avian species nationally and internationally.

Legislation with regard to licensing of native avian species in NSW and nationally is a central concern to our membership. We presented the following significant proposal to OEH staff early August 2015.

"Native Birds in Aviculture: Licensing and Community Involvement, Proposal for NSW from the Avicultural Community"

http://finchsociety.org/NSW_licensing_proposal.pdf

This paper has the support of the avicultural community and forms the basis of our recommendations.

No doubt the detail of the licensing scheme will be worked through as regulations and policy are negotiated during the Native Animal Keeping consultative committee formed by NPWS and of which we are members. We recommend the proposal above be central to the work of this committee. In terms of the Bill itself, we resubmit the paper as significant comment on Sections 2.11 – 2.17 dealing with Biodiversity conservation licences.

Comments and recommendations particular to other sections of the Draft Biodiversity Conservation Bill 2016:

Section 2.5 Dealing in Animals or Plants.

- There are many threatened species with secure captive avicultural populations. This includes species whose wild population in NSW is extinct, critically endangered, endangered and vulnerable. A number of these species are considered domesticated.
- It is a very different matter to be in possession of illegal wild caught animals compared to captive bred animals. Maximum penalties should reflect this difference.
- A relevant license will protect against prosecution (Section 2.11). However, in the case of captive bred threatened species the offence is really that of not possessing the correct license rather than dealing in threatened species.
- Example. Black-throated Finches *Poephila cincta cincta* are endangered yet have a well-established captive population. Within the draft Bill the maximum fine for an individual possessing one of these captive bred birds is \$330,000 or 2 years' imprisonment or both. An extraordinary maximum penalty when the keeper was simply ignorant of licensing requirements.

Recommendation 1:

Add 2.5(6) In this section, animal excludes captive bred individuals

Section 2.6 Liberating Animals.

- Birds are kept in a variety of enclosures with various means of security. Despite the best intentions animals do escape.
- Many captive birds are free flighted as part of sound welfare and management practices.
- The probability of escaped captive bred birds establishing sustainable wild populations is minimal. We are happy to provide evidence to support this fact.
- Example. A young child leaves the door of a pet parrot's cage ajar. The bird is liberated. Within the draft Bill a maximum fine of \$88,000 applies. Clearly an inappropriate penalty.

Recommendation 2:

*In 2.6(1) and 2.6(2) replace the word "liberates" with the words "deliberately liberates".
Replace the words "Maximum penalty: Tier 3 penalty" with the words "Maximum
Penalty: Captive bred birds Tier 4 penalty, otherwise Tier 3 penalty."*

Section 11.32 Directions for welfare of protected animals in confinement.

- We support mechanisms to improve welfare for animals generally, however we question the need for this section for a number of reasons.
 - It seems unlikely that "authorised officers" will have the qualifications, expertise and species level experience to make accurate judgements in this area.
 - The *Prevention of Cruelty to Animals Act 1979* deals with welfare and related matters thoroughly. We submit that there is little to be gained by duplication.

Recommendation 3:

Delete Section 11.32

We look forward to ongoing communication and consultation as the Bill is refined, and as subsequent regulations and policies are formed.

Please do not hesitate to make contact.

Sincerely,



Samuel Davis

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Native Birds in Aviculture: Licensing and Community Involvement

Proposal for NSW from the Avicultural Community

This proposal has been compiled by The Finch Society of Australia Inc. with input, support and approval from a broad range of avicultural organisations. The proposal is endorsed and submitted in conjunction with the Canary and Caged Bird Federation of Australia (CCBFA) whose membership includes the majority of Avicultural clubs in NSW and nationally. Appendix 1 is a complete list of stakeholder organisations whose input and direct support was central to the compilation of this document. Appendix 2 summarises the facts gathered via written and oral input from these Avicultural stakeholders.

1. Framing a new system.

We make the following assumptions based largely on “*A review of biodiversity legislation in NSW, Final Report*” (18/12/14) to frame and set the scope of our proposal.

- 1.1 Managing the risk of native animals being taken from the wild (or returned to the wild) is critical to any new scheme ultimately receiving support from Government.
- 1.2 The current licensing system is overly prescriptive and difficult to enforce. The result is ongoing poor compliance together with inadequate risk management.
- 1.3 Recommendation 27 and 28 are pertinent and will be implemented by Government.
 - 1.3.1 Recommendation 27 – *Adopt a tiered and risk-based approach to the regulation of wildlife management in NSW to credibly regulate high-risk activities and reduce red tape for low-risk activities. The four tiers would be: exempt activities, code-based complying activities, assessable/licensed activities, and prohibited activities.*
 - 1.3.2 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.*

2. Proposal

In light of the facts within Appendix 2 we propose the following is implemented via the NSW Biodiversity Act, subordinate regulations and subsequent departmental policies. Point 2.1 describes the species Schedules. Points 2.2 to 2.5 reflect the four tiers of Recommendation 27 (1.3.1), albeit with some modification. The concluding points aim to fulfil Recommendation 28 (1.3.2). They are of equal or greater importance in terms of acceptance and continuing long term support by the avicultural community.

- 2.1 There will be three Schedules. The NAKCC (2.7) has responsibility for maintenance of these schedules in consultation with Avicultural stakeholders.
 - 2.1.1 Schedule 0 lists species that can be freely traded without restriction or licence. Similar to the current exempt list with modification. These are highly domesticated species where there is no identifiable risk to wild populations.
 - 2.1.2 Schedule 1 to include species with well-established captive populations whose management and welfare is well defined and easy to meet. There is negligible risk to wild populations. It is envisaged Schedule 1 would be somewhat similar to the current B1 species lists, although some modification will be required.

- 2.1.3 Schedule 2 would be somewhat similar to the current B2 list, with modification. These are species with specific husbandry requirements or that require extra protection of their wild population.
- 2.1.4 Schedules readily able to be amended via ministerial orders or similar mechanism to ensure they remain contemporary.
- 2.2 Exempt tier refers to pet ownership of native animals within Schedule 0 or Schedule 1 of the regulations. No licence or legislative compliance required.
 - 2.2.1 Pet ownership is defined as those seeking animal companionship or those maintaining a limited collection of animals as a peripheral interest.
 - 2.2.2 Schedule 1 species can only be obtained from complying or assessable licence holders.
 - 2.2.3 Schedule 1 species can only be moved or sold to assessable licence holders.
 - 2.2.4 Import or export between states is not permitted for Schedule 1 species except when moving residence interstate.
 - 2.2.5 Entry point into native animal care. Natural progression to complying tier occurs as interest increases and/or due to ongoing Schedule 1 breeding success requiring expanded options to move excess animals.
- 2.3 Complying tier refers to hobbyists who are serious native animal keepers and breeders of species within Schedule 0, Schedule 1 or Schedule 2. A single low fee licence with no annual return is proposed for this tier.
 - 2.3.1 Hobbyist is defined as those with a dedication to mastering the skills and increasing their knowledge of Aviculture.
 - 2.3.2 Typical hobbyists have specific objectives they wish to achieve, such as breeding a new species, developing a specific trait, or improving management or welfare practices.
 - 2.3.3 A major aim of complying licences is to provide a means of ongoing communication between hobbyists and the Department. The acquisition of licences should be desirable to licensees. Some practical ideas include:
 - Licences are in the form of plastic cards, much like a credit card or driver's licence. The licence itself is a desirable object promoting the licensing scheme.
 - Regular newsletters from NPWS.
 - Discounted licence fees for seniors.
 - Value added products are provided as part of licensing. For example, NPWS receipt books for transactions, breeding registers – paper or digital app.
 - Discounts on various NPWS activities and park entry.
 - Licence fees are used to fund or promote native animal captive conservation projects (refer 2.6).
 - 2.3.4 Schedule 1 species can be traded freely between complying licence holders.
 - 2.3.5 Records of Schedule 2 species movements between complying licence holders is required to be kept and examined if so required.
 - 2.3.6 Records of Schedule 2 species import or export between states is required to be kept and examined if so required.
 - 2.3.7 An enforceable Avicultural code of practice to be developed and maintained in consultation with Avicultural stakeholders via representatives of the NAKCC (2.7).
 - 2.3.8 Compliance operations aim to educate with enforcement an option of last resort.

- 2.4 Assessable tier refers to commercial operators. A licence is required together with species level records held for Schedule 1 and Schedule 2 species transactions.
 - 2.4.1 Commercial operators are defined as those whose purpose and intent is to make a financial profit. The definition of commercial is based on the same criterion as used by the ATO (Australian Taxation Office).
 - 2.4.2 It is envisaged the assessable tier would encompass fauna dealers, pet shops and large commercial breeding operations.
 - 2.4.3 Assessable licence holders are able to purchase and sell native animals from Schedule 1 without restriction, however a record of verified seller name and address is required.
 - 2.4.4 Schedule 2 species purchase or sale requires a record of complying licence number or assessable licence number.
 - 2.4.5 Records of Schedule 1 and Schedule 2 species import or export between states is required.
 - 2.4.6 Records of Schedule 1 and Schedule 2 species movements (2.4.3, 2.4.4, 2.4.5) can be examined as part of compliance operations if so required.
- 2.5 Prohibited tier refers to activities that require a specific permit to be permitted activities. Many such activities would relate to use of animals in the wild. A non-exhaustive list of likely permits includes the following.
 - 2.5.1 Wildlife rehabilitation organisations to treat sick or injured wildlife. An ongoing permit encompassing a wide range of species.
 - 2.5.2 Scientific research requiring capture of wild animals. A permit with specific species, locations and other details.
 - 2.5.3 Threatened species (or their analogues) captive breeding programs. A permit requiring a detailed proposal and ongoing captive management plan and studbook.
 - 2.5.4 Take from the wild to establish new species or re-establish a species in captivity. A permit issued on the basis of a proposal including a viable captive management plan developed in conjunction with an Avicultural club or committee.
- 2.6 Avicultural clubs and individuals can access funding to develop native animal projects. Some areas that may attract funding include:
 - 2.6.1 Promoting native animal care and conservation to the wider community.
 - 2.6.2 Captive breeding initiatives, including threatened species (2.5.3) and establishing species in captivity (2.5.4).
 - 2.6.3 Promoting and monitoring licence compliance at point of entry to major sales including issuing interim complying licences.
- 2.7 The existing Native Animal Keepers Consultative Committee (NAKCC) to be retained within new legislation with expanded terms of reference.
 - 2.7.1 Enhancing educational, communication and promotional aspects of the NAKCC terms of reference, particularly in regard to consultation with avicultural stakeholders.
 - 2.7.2 The NAKCC to have formal advisory responsibility for the code of practice associated with complying and assessable activities.
 - 2.7.3 The NAKCC to provide expert advice with regard to assigning species to Schedule 0, Schedule 1 and Schedule 2.
 - 2.7.4 The NAKCC to provide an appeals function when permits for prohibited activities are refused.

Appendix 1. — Avicultural Stakeholders

The following stakeholder organisations provided input and direct support central to the compilation of this document.

- The Canary and Cage Bird Federation of Australia Inc. (CCBFA)
- Associated Birdkeepers of Australia Inc. (ABA)
- The Avicultural Society of NSW Inc.
- The Finch Society of Australia Inc.
- National Finch and Softbill Association (NFSA)
- Macarthur Aviary Bird Club
- Hawkesbury Finch Club
- Canberra Finch Club
- Hunter Valley Finch Club Inc.
- Wollongong Finch Club Inc.
- Softbill and Native Pigeon Society
- Manly Warringah Avicultural Society
- Avicultural Society Social Birdkeepers Inc.

Appendix 2. — Facts

The following facts are a summary of relevant written and oral input from Avicultural stakeholders.

- A2.1 Many aviculturists keep and breed a diverse mix of both exotic and native species. In terms of management and record keeping practices the distinction between exotic and native is largely irrelevant. For example, a typical finch hobbyist may breed 10 exotic and 5 native species one year, then 5 exotic and 10 natives the next, yet the total adult pairs kept remains relatively stable. Total number of native birds is a poor measure of competence.
- A2.2 For each aviculturist the number of individuals of each species varies considerably throughout the year based on the natural breeding season for each species. Reproductive rates vary considerably, hence total number of birds is a poor measure of comparison.
- A2.3 Aviculturists possess detailed species specific skills and knowledge obtained through daily observation and management of individual birds. Avicultural clubs are keen to share their knowledge and skills to assist conservation and education efforts. We're a largely untapped (and economical) resource.
- A2.4 Team work is routinely used by dedicated Aviculturists to maintain pure wild-type captive populations, establish new mutations (colour morphs), re-establish species whose captive numbers and genetic diversity is low or to select for specific desired traits. The cooperation, record keeping and line breeding required is analogous to high cost threatened species captive breeding programmes.
- A2.5 There is a well organised and established range of Avicultural clubs throughout NSW and nationally. Encouragement, cooperation and communication with this network of clubs and representative bodies is a prerequisite to any successful native bird licensing system.
- A2.6 The current system severely restricts the trade in licensed species through specialist bird shops. This is largely because potential purchasers overwhelmingly choose unlicensed exempt species in preference to species requiring a licence. This skews the market and encourages a black market.
- A2.7 The history and cooperation between private aviculture and the zoo community is extensive. These links are strong - zoos routinely source birds from private aviculturists, zoo personnel attend avicultural meetings and Aviculture clubs routinely attend zoo functions.
- A2.8 Current licensing is widely viewed as an impediment to keeping native birds. Most native bird species kept are well established in captivity with management competency established and demonstrated collectively for many decades.
- A2.9 Species "on licence" routinely experience fluctuations due to an artificially imposed cycle of supply and demand. Declining numbers lead to increasing demand and higher prices. Soon supply exceeds demand so prices decline and the circle repeats.
- A2.10 There is no identifiable incentive for native species with well-established captive bred populations to be taken from the wild. For less established species or those with dwindling genetic diversity a procedure to supplement from the wild would be beneficial.
- A2.11 Participation in aviculture is acknowledged to improve community health and wellbeing. Many aviculturists have physical and mental disabilities relieved by bird keeping. Aviculture clubs are social clubs that both indirectly and directly service the community. For example a number of clubs operate aviaries within nursing homes for the benefit of residents, other clubs present on native bird care, conservation and welfare at local schools.

- A2.12 Currently the movement of native birds between states is complex. Jurisdictions have conflicting regulations and licensing systems which impede the legitimate movement of birds and encourage non-compliance.
- A2.13 The large majority of Aviculturists are hobbyists. For the overwhelming majority, expenditure on their hobby far exceeds any income - there is no expectation of profit.
- A2.14 Unlike government departments, zoos and those in receipt of government grants, a typical avicultural hobbyist's only recourse for recouping costs is to charge a nominal fee for the sale of animals.