

23/2/2021

Hon Sussan Ley MP
Minister for the Environment
<https://minister.awe.gov.au/ley/contact/contact-form>

Dear Minister Ley

RE: KPMG Independent Review “Regulation of the export of native and exotic birds” (the Review)

Canary and Cage Bird Federation of Australia Inc. (CCBFA) is a national body representing over 230 avicultural clubs across the country. We are disappointed by statements purported to come from your office, which we believe are a consequence of incomplete accounts within the Review and selective reporting by media outlets.

We agree with the Review that the department’s processes require tightening, however, experience shows this to be true of most government processes when placed under scrutiny such as the KPMG review. From CCBFA’s perspective all officers in the Wildlife Trade section have been and continue to be most helpful and open to our requests for data.

Please be clear that all birds exported that are the subject of this matter were captive bred. Media reports routinely (and most annoyingly) neglect to mention this critical fact.

CCBFA supports and encourages trade in captive bred animals, primarily to prevent illegal take from the wild. This is one of the core principles of CITES. Sadly, Australia is not currently implementing this notion. As a consequence illegal trade is encouraged to the detriment of our native birds, in particular threatened species. Attachment A details CCBFA’s case regarding CITES which has been provided to Wildlife Trade officers, KPMG soon after I was interviewed, and also to Graeme Samuel’s review of the EPBC Act.

We are strong supporters of the DNA parentage tests alluded to as Recommendation 8 in the Review. We made (and continue to promote) this recommendation to the department, to KPMG, to the EPBC Act review process and to numerous other organisations. Such a system economically verifies all birds considered for export are indeed captive bred as required by CITES.

The review identifies just two issues, both occurring during the first shipment of 7 Glossy Black cockatoos from PRIAM to ACTP.

1. Claims that ACTP already possessed a Glossy Black cockatoo hen. Martin Guth of ACTP has been clear that ACTP made this bird known to the exporter Daniel Gowland of PRIAM. It is the reason an odd number (7) of Glossy Black cockatoos formed the first shipment – so as to make up four (4) complete pairs. The bird was legally in Denmark with negotiations under way to have it moved to ACTP in Germany should the permits for the birds from Australia be approved.
2. A single advertisement for a Glossy Black cockatoo we presume is what was supplied to the Review and is contained within Appendix E. We cannot confirm as Appendix E of the Review is not included in the copy of the document currently in our possession. I have written to Laura Timmins, Senior Director, Wildlife Trade Office requesting a complete copy of the Review. CCBFA is confident this advertisement was a notice that a Glossy Black cockatoo was available. This is likely the single hen that was subsequently added to the ACTP Germany

collection once the permit for the PRIAM shipment of 7 Glossy Black cockatoos was approved.

The evidence in the Review on the above matters implies dishonest intent when in reality it is simply due to the timing of events.

So why all the innuendo regarding ACTP?

A bit of background may assist, and please note there is much evidence to support the following ascertains, unlike the unnamed complainants in the Review who apart from the advertisement noted above, have universally failed to follow up with evidence.

- Warren Entsch MP has acknowledged close ties to the Gowland family who own and operate PRIAM. Warren is a keen aviculturist, and a number of his birds have been held at PRIAM's commercial parrot breeding facility at Bungendore near Canberra.
- PRIAM breeds a range of rare and threatened parrots from across the globe for commercial sale. Their facility is registered with Australia's Zoo and Aquarium Association (ZAA). There is no doubt PRIAM do a terrific job with high welfare standards and expertise.
- PRIAM has also exported parrots from Australia to Loro Parque in the Canary Islands and also to Parfos Zoo in Cyprus.

No issue so far whatsoever from CCBFA perspective, however in our view the Review is incomplete without mention of these additional PRIAM exports (and other exports).

- The commercial relationship between PRIAM and ACTP deteriorated during finalisation of the first shipment. The issue revolved around claims of excessive PRIAM invoices for a number of services that were not performed and not required, including on-charges for services purported to have been provided by government totalling tens of thousands of dollars. During meetings with the department it became clear to ACTP that these PRIAM on-charges were excessive or were for charges never levied by government. Details of these PRIAM charges were supplied by ACTP to the department.
- The final straw that ended the PRIAM/ACTP commercial arrangement occurred when the shipment arrived in Berlin. A number of the birds were plucked, and PRIAM had not notified ACTP prior to the shipment leaving Australia.
- We believe it was soon after the commercial breakdown between PRIAM and ACTP that Warren Entsch MP became concerned about the legality of shipments to ACTP, which in turn initiated attention by media and other complainant's. We are not aware of any evidence from Mr Entsch to support his claims and neither does the Review supply any such evidence.

The above points indicate what I believe to be the real source of this matter - PRIAM's disappointment that their good name had been brought into question. In other words, a perfectly normal situation for two parties who have parted ways under less than amicable circumstances.

CCBFA unanimously supported the following motion.

CCBFA supports and encourages a simplified export system for birds known to be aviary bred. Essentially captive bred birds, whether native or exotic, should be treated in the same manner as dogs, cats, and other routinely exported (and imported) species (except for threatened species within captive breeding programs). This is THE way to deter smuggling, as there is not and will not ever be sufficient sustainable funding to enforce border controls. The only proviso is to include safeguards to ensure captive numbers within Australia for each exported species remain sustainable.

CCBFA is disappointed at the coverage this issue continues to receive as it unfairly and inaccurately skews the debate regarding international trade in captive-bred birds in such a direction as to advantage illegal smuggling and poaching. It is for this reason that CCBFA has written to you.

As an independent observer and stakeholder, CCBFA suggest a meeting to present evidence supporting all of the above points and more importantly to explain how an accessible economical legal system for trading captive bred birds will reduce illegal trade.

Kind regards

A handwritten signature in black ink, appearing to read 'Sam Davis', written in a cursive style.

Sam Davis
President - Canary and Cage Bird Federation of Australia Inc.
E: president@ccbfa.org.au
M: 0411253512

CC: Terry Butler MP (Shadow Minister for the Environment and Water), Laura Timmins (Senior Director, Wildlife Trade Office, Department of Agriculture, Water and the Environment), Lisa Cox (The Guardian), Lloyd Marshall (Talking Birds Magazine), Daniel Gowland (PRIAM), Martin Guth (ACTP).

Public on ccbfa.org.au

Attachment A - CCBFA recommendation regarding CITES

Inconsistencies between the current EPBC Act and CITES obligations...

CCBFA supports simplifying regulated international trade in captive bred birds, particularly to deter smuggling. There are anomalies in our EPBC Act 1999 that do not reflect CITES and that are currently incentivising smuggling.

Examining the text of CITES, in particular Article VII...

<https://www.cites.org/eng/disc/text.php>

CITES Article VII (4) states captive bred Appendix I species for commercial export are to be treated as Appendix II species, therefore Article IV applies. Article IV regulates trade in Appendix II species, it requires captive proof from the exporter, however there are no import requirements (from CITES).

And perhaps even more convincing is CITES Article VII (5). This clause makes it clear that captive bred animals require no CITES documentation apart from a captive bred assurance from the Management Authority of the State of export.

Resolution Conf. 10.16 (Rev.) further expands on this notion.

<https://www.cites.org/eng/res/10/10-16C15.php>

Australia has not implemented Article VII (4) or (5) so far as I can tell. We believe as a signatory, we are obliged to do so. We suggest a subsection, say "303FKA Import of captive bred CITES listed species" to correct this omission and if accepted solve the problem.

CCBFA offers its expertise to draft a proposed subsection 303FKA.