

03/11/2022

Hon. James Griffin MLA
Minister for Environment and Heritage

Dear Minister

Re: NSW National Parks and Wildlife Service (NPWS) native bird licencing review – Draft Dealing in Protected Birds Code of Practice 2022

The Canary and Cage Bird Federation of Australia Inc. (CCBFA) represents approximately 240 avicultural clubs nationally, over 100 within NSW, with many tens of thousands of members.

At the NPWS expert Species List Advisory Committee (SLAC) meeting on 17/10/22 (of which I am a member representing CCBFA) a “Draft Dealing in Protected Birds Code of Practice 2022” (Draft Code) was presented. This Draft Code includes a requirement for keepers to register with NPWS, to advise NPWS of any and every bird traded within 7 days, and limits the number of birds traded, amongst other restrictions. This is not a code of practice and is more restrictive than the current licencing provisions.

The matter has a long history dating back to December 2014 and requires your attention to resolve. For your information my letter dated 28/10/2022 to NPWS officers which includes a brief timeline is included as Appendix B.

The matter was discussed last night at the November 2022 CCBFA general meeting, with the following motion and accompanying recommendation carried unanimously.

Motion

The proposed code in its draft form is an irresponsible use of public money. It overregulates and is not in the spirit of the reforms as recommended in December 2014 within the NSW Biodiversity Law Review which government committed to implement. The proposed code adds a further and unnecessary level of bureaucracy and ongoing costs to the current regulatory regime without justification.

CCBFA is appalled by the lack of openness, accountability, and transparency of the process. \$2.5 million and now a further \$750,000 has been spent when the obvious and recommended solution is to simply implement Rob Oliver’s \$2.5 million report or add species to the existing exempt list as recommended below.

CCBFA will recommend to the SLAC that no birds move onto the code whilst the code requires any notification to government. In addition, CCBFA will recommend to all clubs that their membership do not participate in such a code regulated system.

Recommendation

CCBFA recommends the Minister takes the following action. Our preferred option is option 1 however we would support option 2.

- **Option 1.** Implement the \$2.5 million report commissioned by the government, and led by Robert Oliver, a copy of which was obtained via formal Government Information (Public Access) Act 2009 request 21-1651 and is included as an attachment.
- **Option 2.** Add the species listed in Appendix A to the exempt list which forms Reg 2.22(2) of the Biodiversity Conservation Regulation 2017.

We welcome the opportunity to meet and discuss the matter at your earliest convenience.

Regards,



Sam Davis
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CC: Penny Sharpe (Shadow Minister for Environment), Mark Banasiak MLC, Nathaniel Smith MLA, Lou Amato MLC, Trish Harrup (Executive Director, Conservation and Aboriginal Partnerships, NPWS), Janelle Brooks (Director, Conservation Programs, NPWS), CCBFA executive and membership.

Appendix A

1. *Barnardius zonarius* Mallee ringneck, Cloncurry parrot
2. *Columba leucomela* White-headed pigeon
3. *Geophaps plumifera* Spinifex pigeon
4. *Geophaps scripta* Squatter pigeon
5. *Glossopsitta porphyrocephala* Purple-crowned lorikeet
6. *Glossopsitta pusilla* Little lorikeet
7. *Heteromunia pectoralis* Pictorella mannikin
8. *Lonchura castaneothorax* Chestnut-breasted mannikin
9. *Lonchura flaviprymna* Yellow-rumped mannikin
10. *Neochmia modesta* Plum-headed finch
11. *Neochmia phaeton* Crimson finch
12. *Neochmia temporalis* Red-browed finch
13. *Neophema chrysostoma* Blue-winged parrot
14. *Neophema petrophila* Rock parrot
15. *Neophema pulchella* Turquoise parrot
16. *Northiella haematogaster* Blue bonnet, Naretha blue bonnet
17. *Phaps elegans* Brush bronzewing
18. *Phaps histrionica* Flock bronzewing
19. *Platycercus caledonicus* Green rosella
20. *Platycercus elegans* Crimson rosella
21. *Platycercus venustus* Northern rosella
22. *Poephila acuticauda* Long-tailed finch
23. *Poephila cincta* Black-throated finch
24. *Poephila personata* Masked finch
25. *Polytelis anthopeplus* Regent parrot
26. *Polytelis swainsonii* Superb parrot
27. *Psephotus chrysopterygius* Golden-shouldered parrot
28. *Psephotus varius* Mulga parrot
29. *Psitteuteles versicolor* Varied lorikeet
30. *Stagonopleura guttata* Diamond firetail
31. *Taeniopygia bichenovii* Double-barred finch
32. *Turnix melanogaster* Black-breasted button quail

28/10/2022

Trish Harrup, Executive Director, Conservation and Aboriginal Partnerships, NPWS
Janelle Brooks, Director, Conservation Programs, NPWS

Dear Trish and Janelle

Re: NSW National Parks and Wildlife Service (NPWS) native bird licencing review - characterised by dishonesty and a lack of integrity

Thanks for agreeing to meet today. A brief timeline of events follows.

1. December 2014 the Biodiversity Law Review¹ Chapter 6 Managing Wildlife Interactions recommends a risk-based system including common birds moving to the existing exempt list. Government supported the implementation of all the review recommendations.
2. In August of 2015 Canary and Cage Bird Federation of Australia Inc. (CCBFA) met with policy staff working on the draft Biodiversity Conservation Bill recommending a consultative solution as detailed in our paper “Native Birds in Aviculture: Licensing and Community Involvement”² such that native animal keepers work collaboratively with NPWS to the advantage of conservation. The paper was well received by policy staff.
3. In the period 2016 to 2019 a total of \$2.5 million was spent on an extensive review of licensing by a team led by Robert Oliver. The report was supported by all stakeholders at the time – so far as we were aware. The report vanished somewhere in the upper echelons of NPWS. To our knowledge the report never reached the Minister.
4. During 2019 to early 2022 we lobbied MPs and the Minister to have the report implemented. Results of a formal GIPA request confirmed the \$2.5 million report recommended common native birds come off licence. No evidence within the GIPA documents or otherwise explains or even suggests why the report was not implemented or did not reach the Minister.
5. A number of representatives on the expert panel formed to assess the suitability of specific species moving from licence to code have confirmed this work was complete and the recommendations within Rob Oliver’s package mirror those of the expert panel. NPWS staff continue to deny this work was completed.
6. It was clear the \$2.5 million report was not going to be implemented so CCBFA lobbied simply for the common species to move off licence to the existing exempt list. A synopsis of a meeting with Atticus Fleming on 8/5/2020³ explains and includes this proposal.
7. In February 2022 a further \$750,000 was allocated to essentially redo what the previous \$2.5 million had done. CCBFA was advised of the new project by Trish Harrup and soon after met in Parramatta with Peter Stathis and the newly appointed team. Although we were reluctant to re-examine what had already been done, Peter Stathis assured us multiple times that the process

¹ <https://www.ccbfa.org.au/wp-content/uploads/2018/02/BiodivLawReview.pdf>

² https://www.ccbfa.org.au/wp-content/uploads/2018/02/NSW_licensing_proposal.pdf

³ <https://www.ccbfa.org.au/wp-content/uploads/2020/06/ccbfa-atticus-synopsis-080520-meeting-final.pdf>

would be characterised by openness, accountability, and transparency. We agreed to proceed collaboratively and without political intervention whilst the process continued to be open, accountable, and transparent.

8. Significantly Trish Harrup's letter dated 20/1/2022 states "Once finalised and approved, the Code of Practice will remove the need for a licence."
9. In the period February to October 2022 all was progressing well. An expert group known as the "Species List Advisory Committee" (SLAC) was formed. A new risk-based tool (RBT) was developed with CCBFA performing, compiling, and analysing extensive data sets to assist the process of assessing the species proposed to move off licence to code. The initial two species to be tested were assessed by the SLAC such that they would move from licence to code.
10. At the expert SLAC meeting on 17/10/22 a "Draft Dealing in Protected Birds Code of Practice 2022" (Draft Code) was presented. This Draft Code included a requirement for keepers to register with NPWS and to advise NPWS of any and every bird traded within 7 days, amongst other restrictions. This is not a code of practice and is more restrictive than the current licensing provisions.
11. During the 17/10/22 SLAC meeting numerous members expressed concern and bewilderment that the Draft Code was in fact a more restrictive licensing scheme. Nobody was able to explain the purpose of the restrictive clauses or who had written them despite intense questioning from a number of stakeholders. At the conclusion of the meeting, I specifically asked if the draft code would or could be edited prior to public release. I was told the draft presented to the SLAC meeting would not be altered and would go for public comment in its present form. Totally unacceptable – NPWS behind the scenes at some level have deceptively reneged on the commitment made by Peter Stathis to be open, accountable and transparent and have therefore compromised the entire process.

CCBFA insists on the removal of all conditions that require notification to NPWS within the Draft Code. If this does not occur prior to public release, we will focus our attention once more on simply moving common class 1 species to the existing exempt list. To avoid all confusion, we will oppose the Draft Code and return to supporting the addition of species to the exempt list in Reg 2.22(2) of the *Biodiversity Conservation Regulation 2017*⁴ that are detailed in our synopsis of the Atticus Fleming 8/5/2020 meeting³ and were recommended to go to code in Rob Oliver's \$2.5 million report.

Regards,



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⁴ <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0432#sec.2.22>