

20/04/2023

Biodiversity Conservation Act Review
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

By Email: biodiversity.review@environment.nsw.gov.au

Re: Statutory five-year review of the Biodiversity Conservation Act 2016 (BC Act)

The Review website is here - <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/overview-of-biodiversity-reform/statutory-review-of-the-biodiversity-conservation-act-2016/biodiversity-conservation-act-review>

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. We are the peak representative body for all native bird keepers in NSW.

CCBFA has been involved in the regulation of native species for numerous decades in NSW and other jurisdictions. We met with policy staff in August 2015 as the BC Act was being written to present a significant proposal¹ and have been a leading stakeholder during all consultation ever since.

Our comments focus on the following BC Act Section 1.3² objectives.

(g) to regulate human interactions with wildlife by applying a risk-based approach, and

(n) to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation, ...

The above objectives were designed to implement the following recommendations within the 2014 review titled "A review of biodiversity legislation in NSW, Final Report"³.

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.

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.

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

² http://classic.austlii.edu.au/au/legis/nsw/consol_act/bca2016309/s1.3.html

³ <https://www.ccbfa.org.au/wp-content/uploads/2018/02/BiodivLawReview.pdf>

The following quote from Dr Hugh Possingham, 2014 review panel member aptly summarises the intent of the above objectives and recommendations.

Notably, a strong sentiment of the review panel was that regulations, should be looser (in general) because:

- 1. we want people to interact with wildlife (common species)*
- 2. breeders can make a big contribution to conservation, and*
- 3. the cost of the licensing process is large relative to its benefits.*

Sadly, achievement of the above objectives and recommendations, in terms of native animal licensing and keeping has been a complete failure.

Aviculture is heavily invested in both the conservation and preservation of threatened avian species nationally and internationally. We recommend the panel view our slideshow⁴ summarising the expertise of our club network, including biodiversity education and direct threatened species initiatives.

Sadly, in NSW our work is not supported by National Parks and Wildlife Service (NPWS) despite our ongoing attempts to engage. There is a disconnect between NPWS and aviculture that we have trouble understanding as it is not present in other jurisdictions within Australia or internationally. We look forward to describing our threatened species work to the review team in the hope this disconnect can be resolved for the benefit of the species at risk.

Our initial proposal to policy staff in 2015¹, although well received initially, was subsequently ignored by National Parks and Wildlife Service (NPWS) staff. During the period 2016 to 2019 a significant consultative process led by Robert Oliver at a cost of \$2.5 million resulted in a package of risk-based licensing reforms, including an ongoing system of consultation. The package, although a compromise on some issues, achieved the s.1.3 objectives (g) and (n) of the BC Act, was supported by all stakeholders, including CCBFA, and was ready for implementation.

For reasons unknown the Robert Oliver led package was never progressed by NPWS. After much lobbying during 2020 to 2022 both via NPWS and politically a further process was commenced in late 2022 with a budget of \$750,000. This process, as our recent correspondence with NPWS and the Minister⁵ shows, has now degenerated. NPWS continue to resist the implementation of the intended risk-based licensing system including provisions for consultation.

The experience in NSW has been characterised by a lack of openness, lack of accountability and lack of transparency on behalf of National Parks and Wildlife Service (NPWS) staff. The timeline included as part of Appendix B within the correspondence to the Minister⁵ may be of assistance to the review team in better understanding our ongoing frustration. Further extensive documentation is located on our website www.ccbfa.org.au under the Documents tab.

⁴ <https://www.ccbfa.org.au/wp-content/uploads/2022/07/CCBFA-SLAC-Presentation-1.pdf>

⁵ <https://www.ccbfa.org.au/wp-content/uploads/2022/11/NSW-NPWS-CCBFA-Minister-Griffin-031122.pdf>

We are currently progressing the above matters politically with a number of MPs looking to initiate an upper house Parliamentary inquiry into the NPWS on this and other related openness, accountability and transparency issues.

CCBFA, our affiliate club network and their thousands of volunteer members are keen to work collaboratively with NPWS on a range of biodiversity initiatives. We would very much like to meet with the review team to discuss and welcome the opportunity to consult further as the review progresses.

Regards,

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

Sam Davis
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