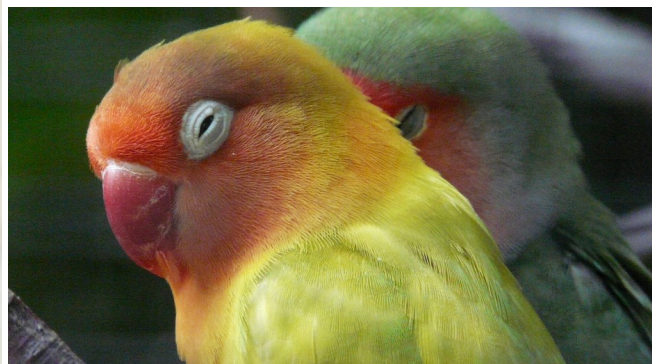
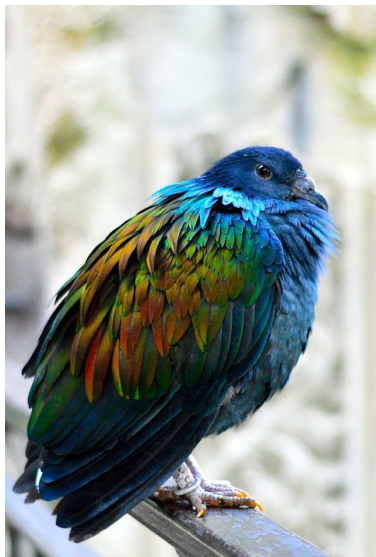
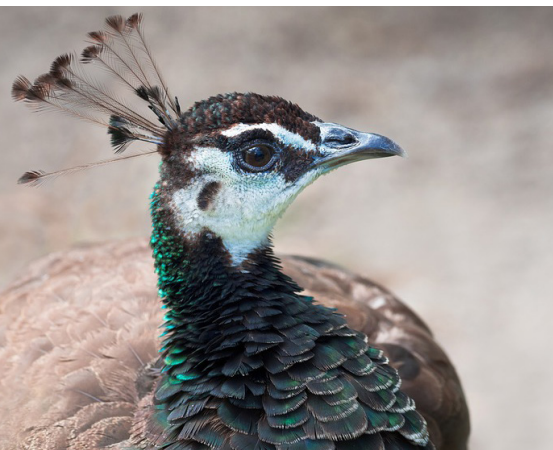




Australian Government

# Compliance

and record keeping guide for  
ownership of exotic birds in Australia



© Commonwealth of Australia, 2018.



*Compliance and record keeping guide for ownership of exotic birds in Australia* is licensed by the Commonwealth of Australia for use under a Creative Commons Attribution 4.0 International licence with the exception of the Coat of Arms of the Commonwealth of Australia, the logo of the agency responsible for publishing the report, content supplied by third parties, and any images depicting people. For licence conditions see: <http://creativecommons.org/licenses/by/4.0/au/>

This report should be attributed as '*Compliance and record keeping guide for ownership of exotic birds in Australia*, Commonwealth of Australia 2018'.

The Commonwealth of Australia has made all reasonable efforts to identify content supplied by third parties using the following format '© Copyright, [name of third party]'.

#### **Disclaimer**

The views and opinions expressed in this publication are those of the authors and do not necessarily reflect those of the Australian Government or the Minister for the Environment and Energy.

# Contents

Introduction	iv
The illegal trade in exotic birds	iv
The Exotic Bird Record-Keeping Scheme (EBRS)	1
How bird species are classified	1
Types of record keeping	3
Verifying the source of exotic birds	4
Individual identification and marking methods	5
Compliance considerations	7
Expectations for keepers, breeders and sellers	8
State and territory laws	10
Reporting illegal activity	10
Further information	11

# Introduction



The Convention on the International Trade in Endangered Species (CITES) was established in 1975 to ensure that international trade in wild animals and plants does not threaten their survival. The Department of the Environment and Energy (the Department) has primary responsibility for the implementation of Australia's requirements for international movement of species listed under CITES. These requirements are given effect through the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

This guide outlines the responsibilities that exotic bird owners, hobbyist breeders, and pet industry professionals have under Australian law, including procedures for record keeping and transparency in exotic bird ownership to help prevent illegal trade and ensure compliance with CITES and the EPBC Act.



## The illegal trade in exotic birds

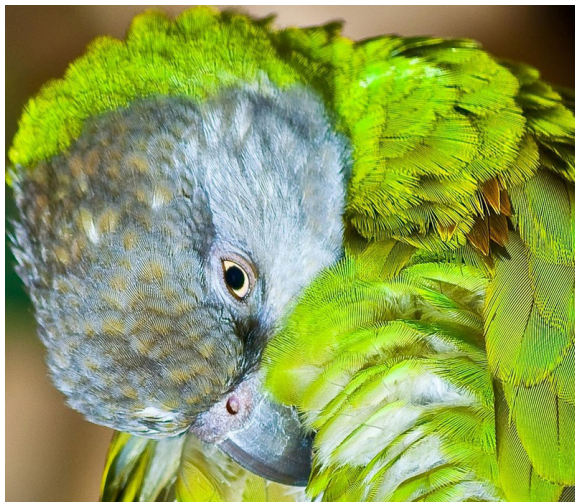
Illegal international trade in exotic birds poses a significant risk to Australia's biodiversity and bird keeping sector. This is because illegally imported exotic birds can:

- Introduce new diseases into captive and wild bird populations in Australia, and
- Become established in the wild as pest species (feral animals).

The illegal capture and trade of exotic species can also threaten their existence in the wild.



# The Exotic Bird Record-Keeping Scheme (EBRS)



The Department implements the Exotic Bird Record-Keeping Scheme (EBRS) to help bird keepers and government work together to reduce the illegal trade in exotic birds. This scheme replaced the National Exotic Bird Registration Scheme (NEBRs) which closed in 2002.

Bird keepers must be able to prove the legal origin of birds that:

- Are listed under CITES (see: [checklist.cites.org/#/en](http://checklist.cites.org/#/en))
- Are **not** on Part 1 of the live import list (see: [www.environment.gov.au/biodiversity/wildlife-trade/live/import-list](http://www.environment.gov.au/biodiversity/wildlife-trade/live/import-list))

Bird keepers must keep accurate records of the birds they hold and trade, and make sure that when they acquire new birds they get copies of documentation to assure them of the origin of the birds. While EBRS is a voluntary scheme, accurate record keeping is important as it helps honest pet owners, hobbyists and commercial/institutional operators avoid accidentally acquiring illegal birds or eggs and prevents them from being targeted by illegal sellers.

## How bird species are classified

All exotic bird species in Australia have been classified as either 'high interest' or 'low interest' based on disease risk, potential to become invasive, and their status in the illegal trade.

High and low interest species are listed in the 2007 Inventory of exotic (non-native) bird species known to be in Australia (see: [www.environment.gov.au/biodiversity/wildlife-trade/publications/2007-inventory-exotic-non-native-bird-species-known-in-australia](http://www.environment.gov.au/biodiversity/wildlife-trade/publications/2007-inventory-exotic-non-native-bird-species-known-in-australia)). Any species not on this list are regarded as illegal in Australia.



The classifications carry different reporting requirements.

**High Interest – Class 1 species:** Bird species that are in high demand in the illegal bird trade and that are also associated with a medium-high disease risk and risk of becoming established in the wild as a pest species.

For class one species keepers should:

- Permanently individually identify/mark birds
- Maintain an activity record book
- Complete movement transaction records (MTRs) for each transaction or movement of birds or eggs, *and* return copies of the MTRs and activity records to the Department.

**Low Interest – Class 2 and 3 species:**

Bird species that are not sought after in the illegal bird trade, pose a lower disease and invasion risk to Australia, or are already widely established in Australia, e.g. as pets or farm animals.

Under the scheme, species in classes 2 and 3 have been assessed as lower risk to Australia, and therefore are of less interest to authorities. However, illegal activity may still occur. It is in the best interests of bird keepers to keep records for these species, especially if keeping or breeding rare mutations or species with low numbers in Australia.

**Unclassified species:** Species that have not been classified on the *2007 Inventory of exotic (non-native) bird species known to be in Australia* as either class 1, 2 or 3 are considered illegal by the Department. Using standard record forms does not make a specimen legal. The Department considers classifying additional species on a case-by-case basis.





## Types of record keeping

### i. Activity records

Activity records are progressive records of specimens received and sold, as well as birds bred and birds deceased. The following should be reflected in these records

- Identification details for individual class 1 birds.
- The number of birds held on the keepers premises.

Keepers are responsible for keeping records up to date and will need to sign and date each page of the activity record as they complete it.

**Class 1 species** – activity records should be updated regularly and copies submitted annually to the Department. Annual activity records begin on 1 July each year and end on 30 June the following year. Records are to be sent to the Department by 31 July each year. Keepers are asked to draw a line beneath the last entry for each species prior to returning a copy of each page to the Department.

**Class 2 and 3 species** – activity records are optional. Keepers may choose to keep activity records for class 2 and 3 species, but these should not be returned to the Department.

### ii. Movement transaction records

Movement transaction records (MTRs) provide information about the source of birds and/or eggs and are provided by the seller to the buyer. In addition to providing a paper trail that can be verified with activity records, MTRs will help protect the interests of people who trade in class 1 species or rarer class 2 birds or mutations.

When receiving MTRs keepers will need to verify that the details on the form are correct. For example, they should check the seller's details against a driver's licence and ask for copies of relevant records. Note that an MTR is not proof of a specimen's legitimate origin.



The buyer should ensure necessary supporting documentation is available and ask appropriate questions to ensure they are satisfied with the validity of the documentation.

**Class 1 species** – an MTR should be used for any movement of a bird or egg to another person including for sale, gift, loan, share arrangement or other transaction. The buyer and seller each keep a completed and signed copy of the MTR and the buyer should provide a copy to the Department within one month of the transaction.

**Class 2 and 3 species** – use of a standard MTR is optional. It is in the interests of bird keepers or brokers, particularly those trading rarer species and rare mutations, to use them. MTRs for Low Interest species should be kept by each party but not returned to the Department.

### iii. Obtaining record books and forms

Sequentially numbered activity record books and MTR books can be ordered from the Department free of charge. To obtain new activity record books and MTR books keepers will need to provide the Department with up-to-date records.

Activity record and MTR forms for use in class 2 and 3 species transactions are available on the Department's website or can be requested by contacting the Department.

Email: [exoticbirds@environment.gov.au](mailto:exoticbirds@environment.gov.au) or free call 1800 720 466

## Verifying the source of exotic birds

An MTR is not proof of a bird's legitimate origin. The lists below provide a guide to the types of documentation that would be considered by the Department to help verify the source of a bird.

### i. Primary documentation

- An EPBC Act Live Import Permit (or a live import permit issued under previous legislation).
- National Exotic Bird Registration Scheme (NEBRS) records identifying the source of the birds.
- Verifiable documentation identifying the seller of the birds, including their name and address details
- A receipt from the seller showing: the name and address of seller; the name and address of buyer; individual identification of the bird; and the signature of both the seller and buyer.



### ii. Supporting documentation

- Individual identification of the bird (e.g. sexing certificate with date).
- Transaction details (e.g. cheque butt, printed receipt from online banking transaction).
- A statutory declaration identifying the seller and the seller's details.
- A copy of the original advertisement with the seller's contact details.
- A statutory declaration identifying relevant NEBRS records or import permits.
- State records relating to the keeping of specimens or transactions within Australia (e.g. a state import or export permit).

### iii. Statutory declarations

Detailed declarations, such as statutory declarations and affidavits, may be used in some situations to prove the origin of an exotic bird but only if they contain enough information demonstrating that the birds are from legal sources.

Declarations would be used when an exotic bird owner is required to prove the origin of a specimen(s) to the department or a court but has not obtained or kept enough records to prove legal ownership. The department does not support using declarations in the sale or transfer of exotic birds where the seller does not have adequate records.



Declarations must have enough information about a bird(s) if they are to prove origin, and should be supported by other material. Declarations will not be acceptable if they only show the buyer/seller of an exotic bird. They should include:

- the type of bird(s)
- detailed information about the origin of the bird(s)
- whether or not the bird has been bred, and if so, information on the offspring
- history of ownership including purchase dates.

## Individual identification and marking methods

One of the key parts of the record keeping scheme is that each specimen (bird or egg) should be individually identified. The method for individual identification of each specimen is up to the owner but should reflect accepted aviculture approaches to marking birds and eggs, taking account of the size of birds and any risks to the welfare of the bird.

**Class 1 species (birds)** – permanent individual marking and identification of each specimen recorded in an activity record and in an MTR when traded.

**Class 1 species (eggs)** – individual identification information needs to be recorded on an MTR if they are moved from the keepers premises e.g. sent to a hand-raiser. This would need to be recorded in both the keepers and the hand raiser's activity record books.

**Class 2 and 3 species (birds)** – people who hold class 2 and 3 species may choose to mark and identify them individually. Many bird keepers are already doing this. People who keep class 2 birds which are in low numbers in Australia or who own rare mutations of class 2 birds should consider using a method to permanently identify each bird individually.

The following guidance has been written in consultation with representatives of the main avicultural bodies in Australia to assist exotic bird keepers to make informed decisions about marking and individually identifying the birds they hold. Permanent individual identification of exotic birds will allow exotic bird keepers to:

- Keep accurate records of the birds they hold and breed
- Assist in proving the origin and source of exotic birds
- Assist in proving ownership of a bird should it be stolen or escape
- Help to reduce illegal trade in exotic birds.

### i. Leg ring or leg band

Leg bands are available in a large range of sizes to suit all birds – from the smallest finch to the largest parrot. They are manufactured from a range of materials including plastic, aluminium and stainless steel, and have a unique series of numbers or letters embossed into them that can be used to identify individuals. Leg bands can be closed or split; closed bands are normally placed on young birds whilst still in the nest and split bands are generally placed on birds at an older age, when a closed band cannot fit over the foot.

Closed bands are suitable for many bird species including parrots, pigeons and some finches. They provide a permanent method of identification as they are very difficult to remove. They are readily available from bird clubs, specialist pet shops and commercial bird band manufacturers, and can be applied by competent aviculturists without the use of anaesthetic agents.

Split plastic bands are the most widely used form of identification for most finch species. These are applied to young birds after leaving the nest, usually when they are independent of parents. Because split bands can be removed or changed they are not regarded as a permanent individual marking method. It is important to keep records of the band details.

## ii. Microchip

A microchip is a small transponder containing a unique code that can be implanted under a bird's skin by a qualified avian veterinarian. The microchip can then be read by a scanner to identify the bird. The vet can provide a certificate stating the details of the microchip code.

Microchips are generally implanted into the breast muscle or collar bone, but the best location will depend on the bird species and size.

Microchips offers exotic bird keepers a higher level of security against theft and can help in recovering birds if they escape. For this reason, microchipping is becoming the most accepted method of permanent identification for birds, particularly for larger, valuable birds such as macaws. However, microchips are not generally suitable for marking of finches due to their small size, relatively low monetary value and short life span.

## iii. DNA

DNA is the material that carries genetic information, and is found in every cell of an organism. Every individual bird will have a unique genetic fingerprint expressed in its DNA. DNA analysis is commonly used to determine the gender or parentage of pet birds and it is also a valuable tool for keeping records of birds that are traded. For example, a blood sample can be taken and kept for future analysis if necessary to confirm a bird's identity. This method of identification is generally used in conjunction with either a leg band or a microchip so the blood sample can easily be traced to an individual.

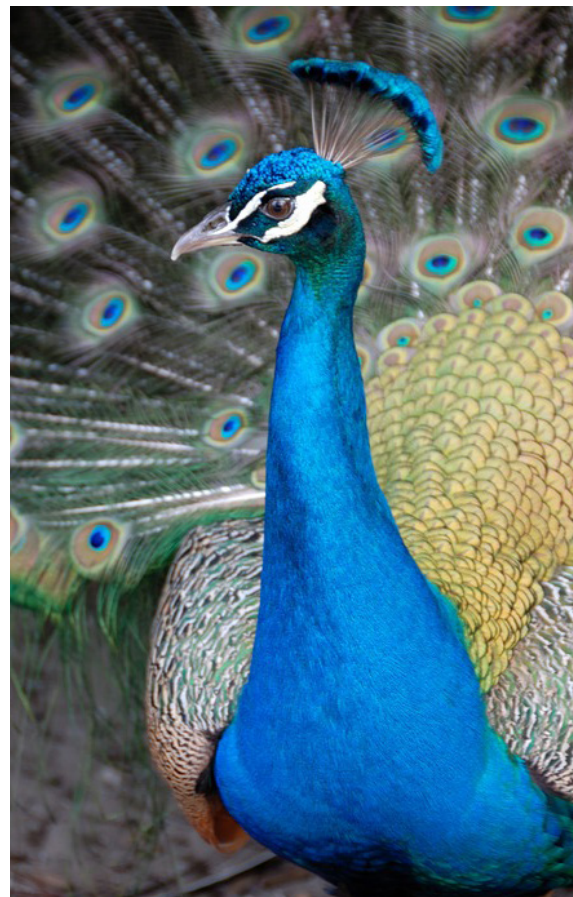
The taking and storage of blood samples should be performed by a vet or trained professional to ensure samples are not contaminated.

## iv. Choosing the right methods

Each bird keeper should use a system that best suits the species they hold and their individual circumstances, remembering that the most effective outcome may be a combination of methods. For example, closed bands and DNA samples work well for small parrots such as conures. Microchip and DNA work well for larger parrots such as macaws and amazons. Permanent individual marking may not be a realistic option for some smaller species due to their size and risks associated with handling nestlings.

The Associated Birdkeepers of Australia Inc and the Pet Industry Association of Australia Inc support individual marking and identification of exotic birds and may be able to supply further information regarding best methods for different bird species.

Further information regarding microchipping and DNA analysis can also be provided by a veterinarian.



# Compliance considerations



The possession of illegally imported birds and their progeny is an offence under national environment law and various penalties may apply. When the Department has evidence that illegal activities are occurring that pose a risk to the environment, threatened endangered birds, or could damage the exotic bird keeping sector, enforcement powers are used. In serious cases, the Department conducts an investigation to establish the facts and may then pursue prosecution or administrative action.

Inspectors may seize exotic birds under national environment law if they have reasonable grounds to suspect that the bird was obtained illegally. The decision to seize is made on a case by case basis, and does not result in the automatic forfeiture of the birds. National environment law provides several ways for people who have birds seized to provide additional information to verify the origin of the animals.

In deciding whether to seize suspect birds or eggs, the Department will take into account several factors, including:

- Any reliable information to suggest that a person was knowingly involved in an illegal activity such as holding or laundering illegal birds or eggs
- Whether the person is cooperating with the investigation, and
- Whether there is a need to seize the bird or egg to assist in broader investigations, for example, to prove another person had acted illegally.

After a bird is seized, the owner may apply for the return of the bird by providing information to show how and when they acquired it. The government will make a decision about the return of the bird based on the documentation provided and the circumstances of the case.

Information on seized birds can be obtained by contacting the Department via [exoticbirds@environment.gov.au](mailto:exoticbirds@environment.gov.au) or by calling **1800 720 466**.



## Expectations for keepers, breeders and sellers

The Department works with bird keepers to help implement EBRs. Enforcement powers are used appropriately to target illegal activities which pose a risk to the Australian environment, threaten endangered birds, or could damage the exotic bird keeping sector. The Department aims to ensure that bird keepers are not targeted indiscriminately by compliance and enforcement investigations providing that have not knowingly or recklessly been involved in illegal trade or acquired birds or eggs illegally. This section provides a guide to help different kinds of bird keepers comply with Australian Government expectations.

### i. Pet owners and hobbyist keepers

Pet owners generally keep one to three companion birds as pets. Hobbyist keepers generally keep more than three birds in one or more aviaries, usually at their residence. The hobbyist keeper may breed and trade birds at levels that help sustain their hobby but do not produce a profit.

The Department expect pet owners and hobbyist keepers to keep records of their High Interest birds, individually mark them, and be able to verify the nature and origin of these birds.

Pet owners and hobbyist keepers may be approached to assess the level of record keeping they use, or to promote improved record keeping practice. The Department would be highly unlikely to take any further action unless there is reliable evidence that they have been involved in illegal trade, or that they are holding birds linked to an illegal operation.



## ii. Hobbyist breeders and sellers

Hobbyist breeders generally breed and trade birds for profit. The Department expects this group of bird keepers to be fully aware of the relevant laws and accepted standards relating to their activities. They need to be able to demonstrate the origin of each exotic bird they hold or trade, individually mark their High Interest birds, and record the outcomes of their bird breeding activities.

The Department also expect hobbyist breeders to house their birds in accordance with relevant state and territory requirements for the security and welfare of the animals.

## iii. Commercial (e.g. commercial breeder, pet shop, broker or zoo)

Commercial operators or organisations need to ensure that they are well regarded by customers, regulatory agencies and the sector as a whole. As major suppliers of High Interest species within the bird keeping sector, this group shares the responsibility of promoting standards of behaviour that will establish a sound reputation for the sector.

The Department expects commercial operators to keep detailed, accurate records of the origin and movement of their exotic birds, and individually mark each High Interest bird before sale. Commercial operators should act cautiously and within the law when acquiring specimens and trading them.

If the Department had reliable evidence that a company or organisation possessed illegally sourced birds or eggs, or had failed to keep accurate records of exotic birds, it would be likely to undertake a detailed investigation. Any birds of suspect origin may be seized.





## State and territory laws

All exotic bird keepers should be aware that they also need to comply with state and territory laws applying to the keeping and trading of exotic birds.

For further information, please visit:

ACT	<a href="http://www.environment.act.gov.au">www.environment.act.gov.au</a>
NSW	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
NT	<a href="http://www.nt.gov.au/environment">www.nt.gov.au/environment</a>
QLD	<a href="http://www.epa.qld.gov.au">www.epa.qld.gov.au</a>
SA	<a href="http://www.environment.sa.gov.au">www.environment.sa.gov.au</a>
TAS	<a href="http://www.dpiw.tas.gov.au">www.dpiw.tas.gov.au</a>
VIC	<a href="http://www.dse.vic.gov.au/dse">www.dse.vic.gov.au/dse</a>
WA	<a href="http://www.agric.wa.gov.au">www.agric.wa.gov.au</a>

## Reporting illegal activity

Suspected illegal wildlife trade can be reported to the Department by phoning **+61 2 6274 1900**, or emailing [wildlifetrade@environment.gov.au](mailto:wildlifetrade@environment.gov.au)



## Further information

Information about Australia's exotic bird keeping laws and record keeping scheme is available from:

The Department of the Environment and Energy.

Web [www.environment.gov.au/biodiversity/wildlife-trade](http://www.environment.gov.au/biodiversity/wildlife-trade)

Email: [exoticbirds@environment.gov.au](mailto:exoticbirds@environment.gov.au) or

free call **1800 720 466**



