



LAWS GOVERNING THE EXPORT OF LIVE EXOTIC AND NATIVE BIRDS IN AUSTRALIA

Australia's national environment law, the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) regulates the movement of wildlife into and out of Australia. Under the Act, wildlife includes birds, mammals, fish, plants, amphibians and insects, both alive and dead, and their parts and derivatives.

In implementing the EPBC Act's requirements, the Australian Government seeks to protect wildlife that could be adversely affected by international trade, and to support those Australian businesses that sustainably trade in wildlife and wildlife products.

The EPBC Act also meets Australia's treaty obligations under the [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES). CITES is an international agreement that seeks to ensure the international trade in wild animals and plants does not threaten their survival. It places obligations on how Australia (and other signatories) manage the international trade in such species.

The regulation of live bird exports

The export of Australian native wildlife generally requires a permit. Native export permits are issued by the Department's Wildlife Trade Office (WTO). Detailed information about the regulation of Australia's international wildlife trade, including commercial and non-commercial trade, is available at: <https://www.environment.gov.au/biodiversity/wildlife-trade>

All exports of live Australian native birds require a permit and can only be exported for non-commercial purposes. These purposes can include a range of circumstances, with export permits being issued for exhibition, conservation breeding education, scientific research or education. Certain bird species are also permitted as household pets.

Before a permit can be issued, the Department will undertake an assessment to determine that:

- the organisation receiving the animals is suitably equipped to manage, confine, and care for the specimens being exported
- the specimens have been legally sourced
- if possible, the specimens have been bred in captivity
- if exported for exhibition, the exhibit provides suitable information with a cultural, scientific or conservation content
- the specimens are not needed for conservation breeding purposes in Australia.

In addition, for those bird species listed as being threatened under the EPBC Act, the Department will work with the exporter and importer to develop an "Ambassador Agreement" that establishes how the animals will be cared for on an ongoing basis. The Department will also consider how the export will affect any existing Recovery Plan; any existing Conservation Advice for the species; and the need for additional conditions on the exporter and receiving organisation.

A condition is included on all permits that requires exporters to acquit to the Department the quantity and species of all birds exported within two weeks after the export occurring. The number of birds exported must not exceed the number permitted.

All Australian native parrots (except budgerigars and cockatiels) are also regulated under CITES. Some other (non-parrot) native bird specimens are also regulated under CITES. All CITES-listed bird specimens require a permit to be issued by the WTO before they can be legally exported.



Non-native “exotic” bird species are generally not regulated for export, except where they are listed under one of the CITES appendices: <https://cites.org/eng/app/appendices.php>.

Australia has additional laws at the national, state and territory levels that regulate the movement of animals, plants and their products. For example:

- the *Biosecurity Act 2015*, which regulates the movement of animals, plants and products into Australia for the purposes of managing any associated biosecurity risks
- The *Export Control Act 2020* and *Export Control (Animal) Rules 2021*, which regulate the export of live animals with a focus on health and industry/government animal export standards
- State and territory governments also have laws on keeping and trading wildlife within their borders, and may regulate the import and export of wildlife across their borders.

Use of bird identification for the regulation of Australia’s live native bird exports

The Department cannot issue a permit for the export of birds unless it is satisfied that the bird was not obtained in contravention of any laws of the Commonwealth, or Australian states and territories.

The Department therefore requires a permit applicant to provide some form of evidence about the source of the animal to demonstrate the animal has been legally acquired and held by the exporter. This may include a license to hold the species from the state/territory where the specimen currently resides.

This information should link to any form of individual identification on the animal (eg specimen number and microchip, leg band, and/or tag). For captive-sourced native birds, it is preferable that the applicant demonstrates that the bird was bred in captivity (including any parentage details). For wild-sourced birds, the applicant must include information to explain why the bird has been sourced from the wild, and evidence that permission has been provided by the relevant jurisdiction.

The export permit, once issued, also requires the permit holder to ensure all other Commonwealth, and state/territory export requirements/permissions have been met or obtained.

Previous registration schemes:

The 2019 workshop and KPMG recommendations were not the first time that a national registration scheme for birds has been suggested, or implemented.

In October 1996, the then Department established a registration scheme known as the National Exotic Bird Registration Scheme (NEBRS) under the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* (the predecessor to key elements of the EPBC Act). The intent of the NEBRS was to help Australia meet its obligations under CITES and the Convention on Biological Diversity by:

- significantly reducing the ability of persons to smuggle exotic birds into Australia
- preventing the establishment of further additional pest species in the Australian environment
- establishing a foundation for captive breeding operations for the potential export of live birds overseas.

It was a requirement for all non-native specimens to be registered under the NEBRS scheme. To this date, the Department takes into consideration whether individual bird specimens or their progeny can be traced back to individuals previously registered or exempt from registration under NEBRS.



Australian Government

Department of Agriculture, Water and the Environment

In January 2002, NEBRS was discontinued with the introduction of the EPBC Act, which included a new possession offence. Under this provision a person is guilty of an offence if they possess a regulated live specimen or a specimen of a CITES-listed species unless lawfully imported. The defendant bears the evidentiary burden in relation to proving the specimens were lawfully imported. This was considered more of a meaningful deterrent to would be offenders and the NEBRS scheme was shut down.

In 2007, the NEBRS was replaced with a new voluntary registration scheme, the Exotic Bird Record Keeping Scheme (EBRKS). This scheme was introduced to address concerns held by members of the bird keeping community regarding the adequacy of documentation kept by bird keepers to verify that specimens had been lawfully imported.

The EBRKS was developed in consultation with Australian exotic bird keepers and is designed to help them maintain adequate records showing where they have obtained their exotic birds. It encourages people who keep, breed or trade in exotic birds to keep appropriate records, both as a matter of good practice, and to conform to a responsible approach given the importance of controlling the illegal international trade in birds and protecting Australia's biodiversity.

Further information on the EBRKS scheme can be found at:

<https://www.environment.gov.au/system/files/resources/7b158178-166e-4d39-8630-26af806a9ddd/files/compliance-record-keeping-guide-ownership-exotic-birds-australia.pdf>