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Commonwealth of Australia

TRAFFICKING IN FAUNA
IN AUSTRALIA

House of Representatives Standing
Committee on Environment and
Conservation

Second Report

September 1976

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HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ENVIRONMENT
AND CONSERVATION

The Committee was appointed by resolution of the House of Representatives on 17 March 1976* to inquire into and report on -

- (a) environmental aspects of legislative and administrative measures which ought to be taken in order to ensure the wise and effective management of the Australian environment and of Australia's natural resources, and
- (b) such other matters relating to the environment and conservation and the management of Australia's natural resources as are referred to it by -
 - (i) the Minister for Environment, Housing and Community Development, or
 - (ii) resolution of the House.

These terms of reference are identical with those of the Committee of the Twenty-ninth Parliament. On 24 October 1974 that Committee appointed a sub-committee to inquire into trafficking in fauna in Australia.

At the dissolution of the Twenty-ninth Parliament, the sub-committee had made considerable progress in its investigations. On 29 April 1976 the present Committee resolved that it resume the Inquiry into trafficking in fauna in Australia.

* House of Representatives Votes and Proceedings No. 11,
17 March 1976

The Inquiry, on which this Report is based, was undertaken partly by the sub-committee of the predecessor Committee. The conclusions and recommendations in the Report are those of the present Committee.

Members of the Committee in the 30th Parliament*

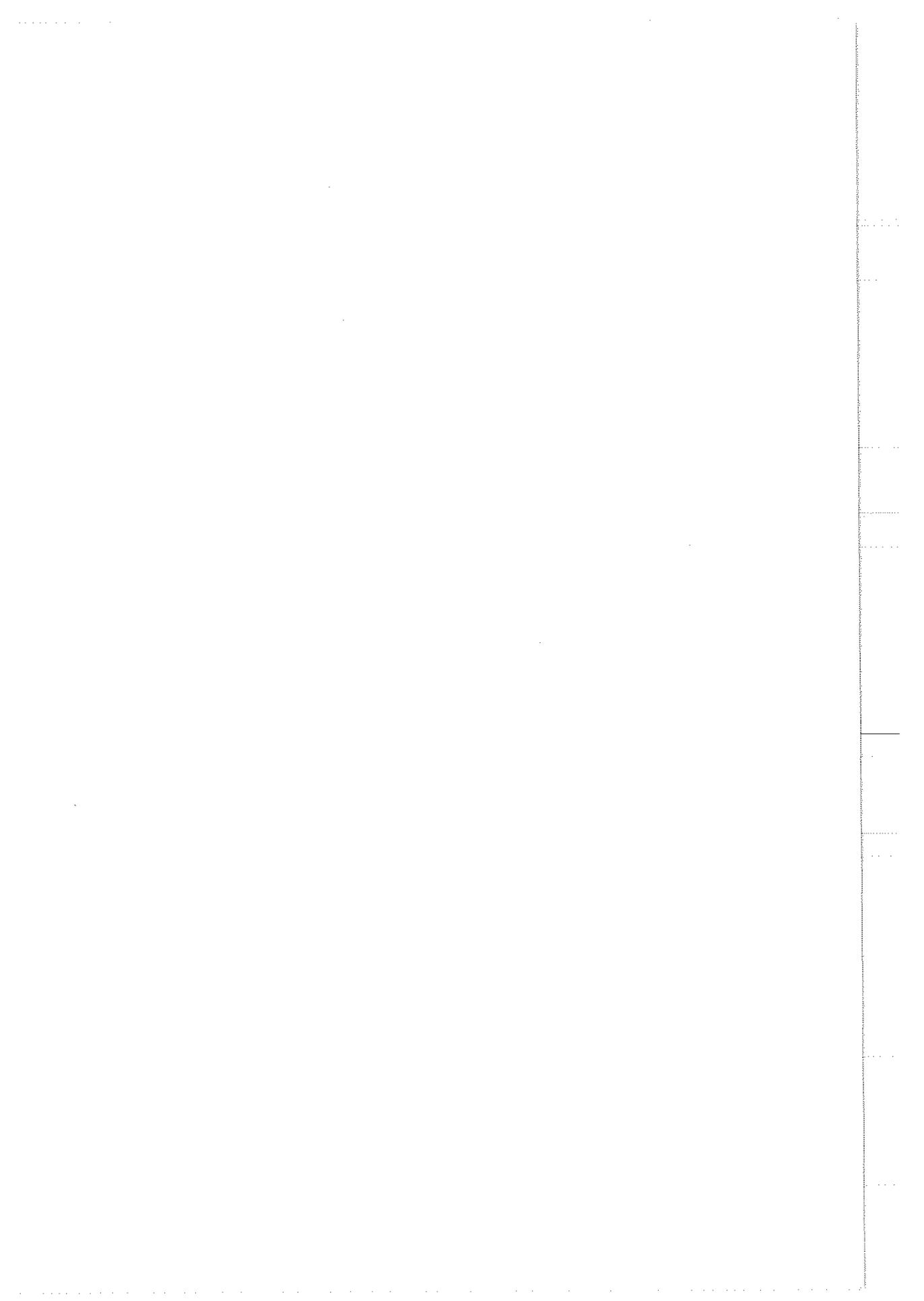
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|------------------------|----------------------------|
| Chairman | - Mr J.C. Hodges, M.P. |
| Members | - Mr M. Baillieu, M.P. |
| | - The Hon. M.H. Cass, M.P. |
| | - Mr P.S. Fisher, M.P. |
| | - Dr H.A. Jenkins, M.P. |
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| | - Mr I.B.C. Wilson, M.P. |
| | - Mr M.J. Young, M.P. |
| Clerk to the Committee | - Mr M. Adamson |

Members of the sub-committee

- | | |
|----------------------------|-------------------------|
| Chairman | - Mr J.C. Hodges, M.P. |
| Members | - Mr P.S. Fisher, M.P. |
| | - Dr H.A. Jenkins, M.P. |
| Clerk to the sub-committee | - Mr J.R. Cummins |
-

* The following were also members at some time in the 29th Parliament:

- Mr J.W. Bouchier, M.P.
- Mr K.L. Fry, M.P.
- Mr A.W. Jarman, M.P.
- Mr J.C. Kerin
- Mr A.H. Lamb
- Mr P.F. Morris, M.P.
- The Hon. I.L. Robinson, M.P.



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SUMMARY OF RECOMMENDATIONS

The Committee recommends that:

Import,
Export
Policy

(i) the export policy be relaxed to allow government controlled export to individuals and institutions of

- . all common aviary bred birds
- . uncommon aviary bred birds which are ringed or banded and registered with a State fauna authority
- . wild trapped common and pest species of birds provided that
 - (a) such birds are trapped under the control of a State fauna authority; and
 - (b) harvesting is based on sound conservation principles;

(paragraph 97)

(ii)a) the export policy be relaxed to allow government controlled export of mammals and reptiles to acceptable overseas recipients; and

b) the category of acceptable overseas recipients be considerably widened to include approved private zoos and parks, whether run for profit or not;

(paragraph 99)

(iii) the total ban on the export of the koala, platypus and lyrebird be amended to allow limited government controlled export to approved zoos and scientific institutions overseas;

(paragraph 105)

(iv) the Commonwealth Government take urgent steps to encourage all countries involved in the transport or sale of fauna to become signatories to the International Convention on Trade in Endangered Species;

(paragraph 110)

Legislation (v) the Commonwealth Government immediately examine and revise present Australian Capital Territory and Northern Territory fauna legislation. The aim should be to produce model legislation with a complementary approach in each Territory and reflecting the recommendations of this report;

(paragraph 115)

(vi) the Council of Nature Conservation Ministers, as a matter of urgency, consider uniformity and adequacy of legislation between States and Territories so that neighbouring States and Territories have legislation that is not in conflict;

(paragraph 125)

(vii) the Commonwealth Government introduce, and encourage the States to introduce legislation for the conservation and protection of all rare, endangered and other species which are subject to international agreements;

(paragraph 126)

(viii) the Customs Act 1901 be amended to include increased fines and imprisonment for first offenders;

(paragraph 128)

(ix) the Council of Nature Conservation Ministers urgently review present State legislation to increase penalties for breaches of fauna laws;

(paragraph 129)

Habitat
Preservation
and Research

(x) the Commonwealth Government exercise its responsibilities in all matters affecting the habitat of rare and endangered fauna by requiring environmental impact statements on proposed Commonwealth Government financed or controlled development to include a specific analysis of its effects on fauna habitat and breeding grounds;

(paragraph 132)

(xi) the Commonwealth Government take account of the financial capacity of the States to promote a program of land purchases and other measures for fauna conservation;

(paragraph 134)

(xii) the Department of Environment, Housing and Community Development promote a large scale, intensive education program to encourage land holders to establish or retain wilderness areas on their properties;

(paragraph 135)

(xiii) the Commonwealth Government give additional financial support to the Biological Resources Survey and to other surveys being conducted to firmly establish the extent of Australia's wildlife populations;

(paragraph 139)

Wildlife
Services

(xiv) the Commonwealth Government take account of the financial capacity of the States to expand their wildlife services;

(paragraph 148)

(xv) the Commonwealth Government establish within the Bureau of Customs:

(a) a permanent full-time National Fauna Squad; and

(b) a central fauna trafficking
intelligence unit;

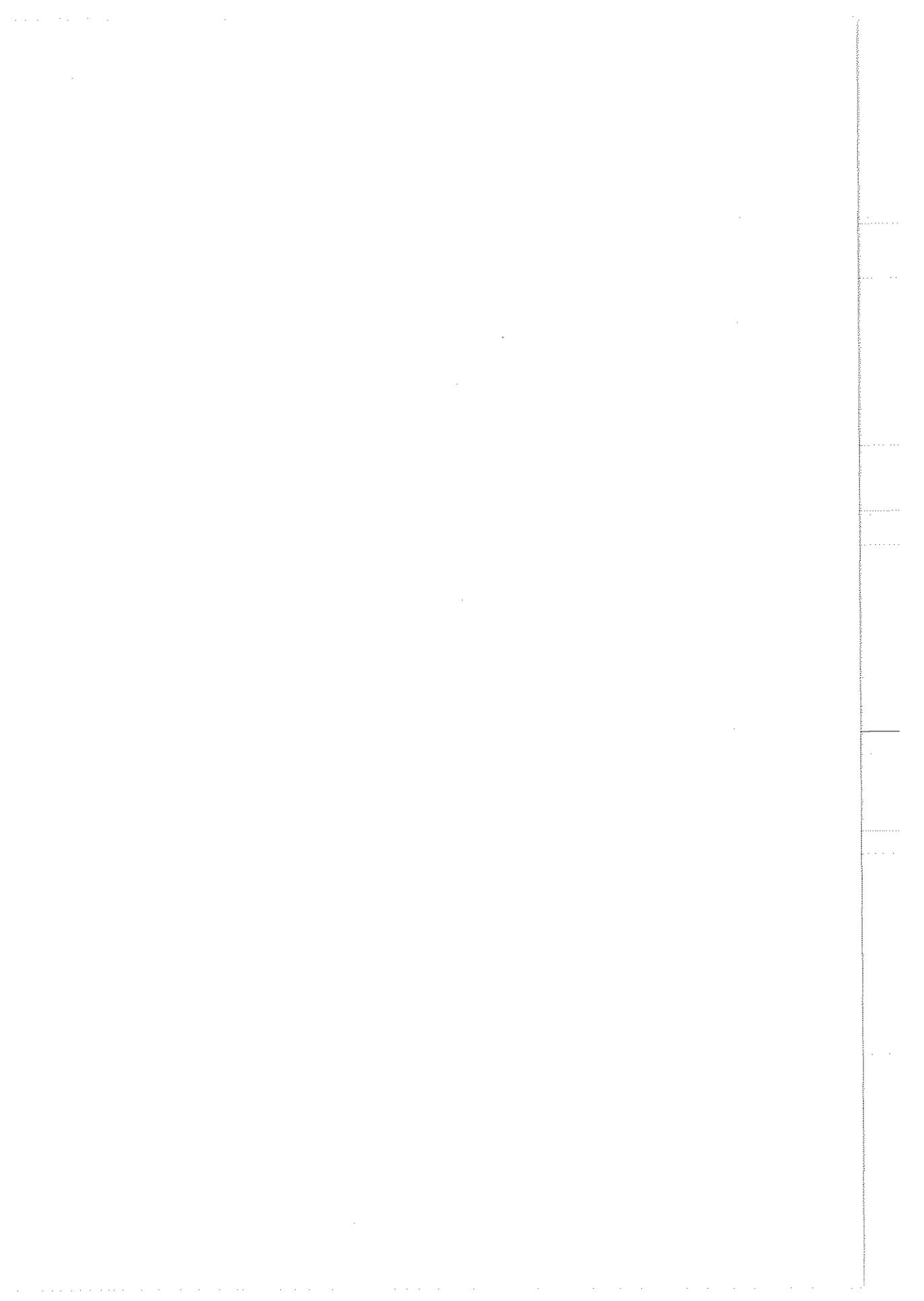
(paragraph 151)

Surveillance Re-
quirements

(xvi) the Commonwealth Government provide the
Bureau of Customs with:

- . two suitable aircraft ;
- . sufficient patrol boats to enable it
to meet its responsibilities in
northern Australia ; and
- . necessary support facilities and
staff.

(paragraph 92)



REPORT ON TRAFFICKING
IN FAUNA IN AUSTRALIA

1 INTRODUCTION

The Reference

On 24 October 1974 the previous Committee resolved to inquire into and report on:

- a. the effects of commercial exploitation and aviary breeding on birdlife with particular reference to the practice of interstate bird smuggling and traffic in birds into and out of Australia;
- b. the examination of any evidence of similar activity affecting other fauna; and
- c. the measures which should be taken to ensure the conservation of any species threatened in this way.

2. The present Committee on 29 April 1976 resolved that the inquiry be resumed with identical terms of reference and appointed a sub-committee to conduct the inquiry.

The Evidence

3. Submissions were invited from persons and organisations with an interest or knowledge of the subject matter of the inquiry. Twenty-nine submissions were received and 51 witnesses gave evidence to the sub-committee either in a personal capacity or representing government departments, conservation groups, avicultural societies, scientific organisations and zoological establishments. A list of

witnesses appearing before the sub-committee is given at Appendix 1.

4. Commencing on 28 February 1975 eight public hearings were held at which over 1,000 pages of evidence were taken. Evidence given at the public hearings is available for inspection in Hansard form at the Committee Office of the House of Representatives, the National Library and the Commonwealth Archives.

5. The activities of the South Australian National Parks and Wildlife Service, and customs procedures at Sydney Airport and Sydney Harbour were inspected in June 1976. In July 1976 the sub-committee visited northern Australia and inspected estuaries and landing sites and held discussions with persons who assist the Bureau of Customs in its work.

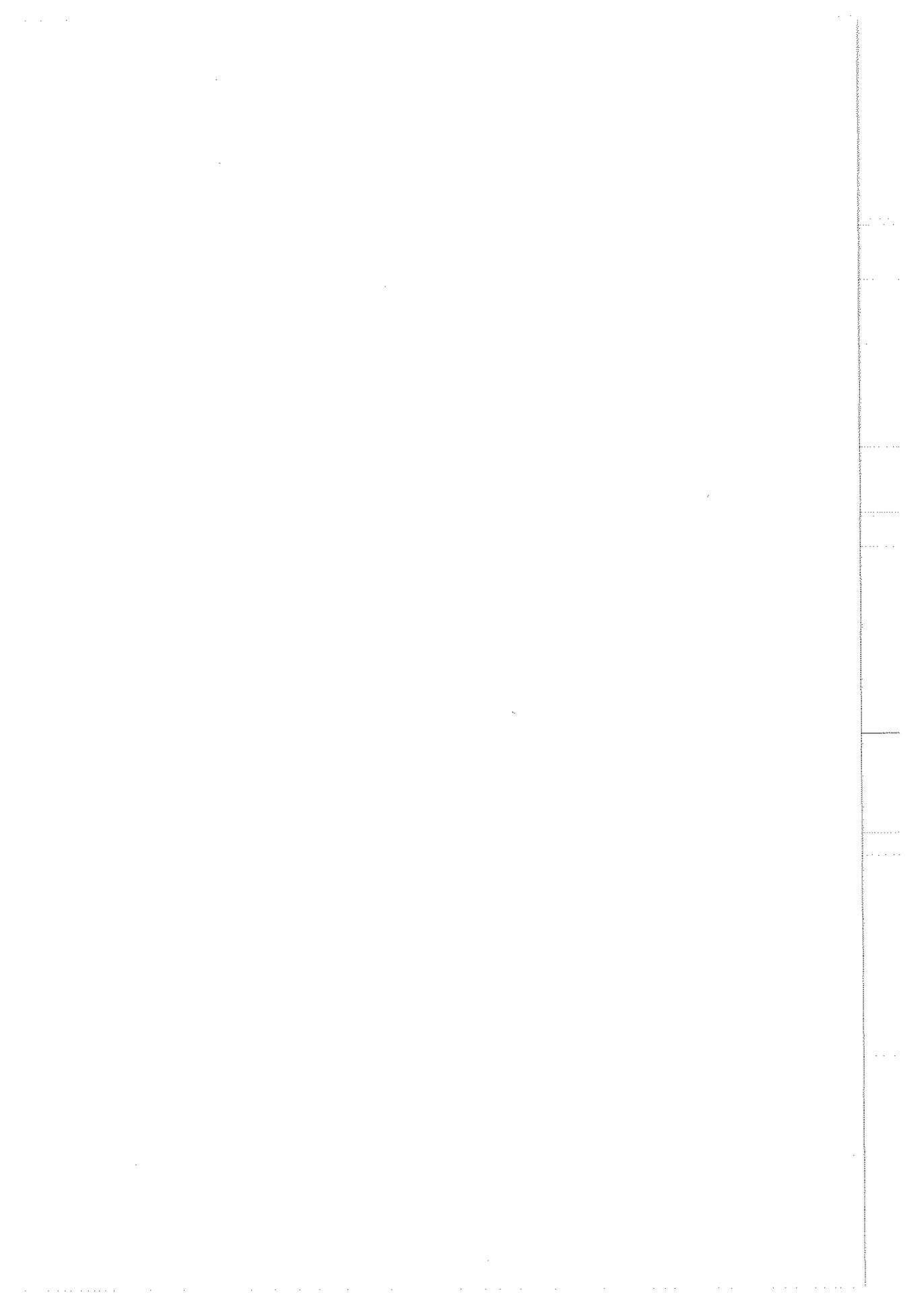
Scope of the Inquiry

6. The sub-committee concentrated its investigations on Australian birdlife. Due to their size and relatively simple management requirements, birds are the most suitable of all fauna to keep in captivity. This means that the greatest demand by animal fanciers the world over is for birds.

7. The sub-committee considered the problem of trafficking in other fauna such as mammals, reptiles and fish. Little information or evidence was received by the sub-committee about trafficking in fauna other than birds and it became clear that little was known even by the enforcement or management agencies. This limits the scope of the Committee's discussion.

Confidential Information

8. Some of the conclusions and recommendations contained in this report are based on information given to the Committee on a confidential basis. For this reason discussion of some matters is in broad terms only.



2 COMMERCIAL EXPLOITATION
OF AUSTRALIAN FAUNA

International Smuggling

9. The international smuggling of Australian native birds is a highly capitalised and organised activity involving land, sea and air operations and a network of contacts throughout Australia and overseas. It is a thriving commercial activity involving an annual turnover estimated by some to exceed one million dollars and by other to be several times that figure. The involvement of light aircraft and ocean going yachts is an indication of the extent of the huge profits available.

10. Australia's strict controls over the export of fauna (see Chapter 3) and the existence of many unique native species have created a demand overseas and a strong incentive to smuggle. The range of profitable smuggling lines is extensive ranging from rare species to common varieties of birds and reptiles. Australian birds, especially parrots, are the most popular item in demand overseas. Conservative estimates of the prices of Australian parrots on the overseas market in 1974 ranged from \$100 a pair for Crimson Rosellas (Platycercus elegans) to \$3,000 a pair for the rare Golden Shoulder parrot (Psephotus chrysopterygius). Evidence was given that the current value of a matched breeding pair of Golden Shoulder parrots is \$8,000 to \$10,000.

11. Evidence suggests that most of the single large shipments of fauna are smuggled from the north of Australia. The Committee discusses in detail the problems involved in surveillance of the north in Chapter 4.

12. Not all fauna smuggling is associated with large shipments from northern Australia. Sydney and Melbourne remain major centres for illegal export activities for a number of reasons. With their large international seaports and airports they provide virtually unlimited access to international transport. The urban sprawl and large population provides greater concealment for holding aviaries and for facilities for the preparation of fauna for transport. It was stated that a concentration of Australia's criminal element is located in these centres.

13. The majority of convictions in fauna smuggling prosecutions have involved individual couriers travelling by air. They attempt to carry fauna out of the country concealed in luggage, hand baggage, and on their person. Much of this activity is small scale, involving only a small number of birds, but the profit margin is extremely attractive. Individuals caught attempting to remove fauna from the country may be smuggling on their own initiative. In many cases they are couriers hired by principals who are well known to buyers overseas. These principals organise the goods to be smuggled and meet expenses including penalties should the courier be detected. The fines involved under existing legislation are

of little deterrent value. They represent only a small proportion of the potential profit.

14. Witnesses representing the Bureau of Customs referred to a prosecution of couriers for attempting to smuggle out of the country fourteen parrots concealed in an overcoat. These birds had an estimated retail value in Europe of \$27,000. The total fines imposed amounted to \$1,740. Allowing for a casualty rate in the birds being smuggled of 50% or even more, this attempt, had it been successful, would have resulted in a considerable profit and was well worth the risk to the smugglers.

15. The most effective method of smuggling small shipments of birds is air transport because of the short period the birds are required to be kept concealed. Passenger baggage is most widely used. Sophisticated concealments are employed using special clothing and strapping techniques. The photographs in this Report show some of these methods of concealment.

16. Witnesses claimed military aircraft, both Australian and foreign, are used to transport fauna, including mammals, from the country.

The International Smuggling of Species other than Birds

17. The Bureau of Customs stated that Australian crocodiles, lizards, snakes and tortoises are prized items

overseas. The Committee was unable to uncover evidence of trafficking in reptiles to the extent and manner that is practised with birds. The transport of reptiles does not require the organisation or sophisticated techniques demanded for the concealment of delicate, excitable birds. Evidence indicates a substantial market exists for Australian native reptiles overseas and this market is being supplied.

18. Most reptiles are smuggled out by airmail, wrapped in packages, 'jiffy bags', or rolled up in newspapers. They are quiet, usually very small, can survive for days and weeks without food and have little requirement for fresh air. The traffic is two-way with highly venomous snakes being imported as well.

19. At the community level the public should be alerted to the possible presence of exotic, perhaps highly venomous, reptiles in urban Australia. A major problem facing fauna authorities is that reptile fanciers often keep their pets in the house or garage where they are difficult to detect and only rarely come to the notice of the public. An example was mentioned of children finding several exotic venomous snakes in sheds in the inner suburbs of Sydney.

20. Although a considerable demand exists for Australian native mammals overseas, there is no evidence of significant trafficking in them. It appears that the difficulties faced in keeping the larger species of mammals alive and concealed

during a smuggling operation are insurmountable for most smugglers.

21. No evidence of fish being smuggled into or out of Australia was presented to the Committee. The prime danger with fish lies in the importation of exotic species which, like the European carp, can do untold damage if released into inland streams.

Interstate Smuggling

22. The South Australian Wildlife and National Parks Service stated that while international smuggling is large, it is only a small proportion of the vast illegal movement and trade in native fauna within Australia.

23. The problem of interstate smuggling is less complex for traffickers than international smuggling, due to the ease with which fauna can be transported within Australia. There are no adequate surveillance procedures. The system of interstate removal permits which requires the separate approval of the exporting and importing States is of little value when State funds and staff resources do not enable effective policing of the system. It is impossible to inspect all vehicles and aircraft crossing State borders, particularly in remote areas.

24. Crates of illegally trapped birds are smuggled across State borders, by night, to prepared holding points. The birds are hidden and cared for while city dealers arrange their

sale. They are then shipped to the major metropolitan markets. Fauna authorities believe a significant number of these birds are destined for illegal export or as replacements for others already exported. Smuggled birds are often available within 24 hours of their entering the State.

Role of Aviculturists

25. The Committee interpreted 'commercial exploitation' as contained in the terms of reference as meaning any activity involving the sale of fauna for monetary profit. It considered evidence which dealt with the activities of fauna trappers, dealers and aviculturists and the effects of their activities, either separately or collectively, on the conservation of wild populations of Australian native fauna.

26. Trappers and dealers exploit fauna for commercial gain while aviculturists have various motivations for their activities. Responsible aviculturists do not exploit birdlife for purely commercial reasons. Nonetheless all commercial exploitation of birdlife exists to satisfy the demands of aviculturists and other bird fanciers who wish to keep birds in cages.

27. Aviculture creates a demand for wild birds to strengthen the breeding strain of aviary-bred stock by increasing the genetic pool available. Evidence suggested that with common aviary-bred species there is sufficient scope for unrelated aviary-bred stock to be obtained from other aviculturists to prevent in-breeding. In a situation where

the aviary stock of an uncommon species had been bred from a small number of wild birds, additional wild blood might be needed. Most aviculturists believe the introduction of wild birds to captive breeding stock to be necessary. This creates a pressure on wild populations despite controls and preventive measures by the State authorities.

28. Aviculture can be viewed in a number of ways. It can be seen as a legitimate and fascinating hobby, as part of an educational process on fauna appreciation, as a source of information on the characteristics of the various species or as a means of preserving rare or endangered species. It can be seen as undesirable as it involves the collection and imprisonment of wildlife and it creates a demand which encourages illegal trapping of birds. Individuals yearn to collect and possess rare objects of many kinds. With birds the demand for an endangered and threatened species increases proportionally with a decline in numbers. This adds a further factor to that species slide to extinction.

29. Aviculturists maintain that their activities can ensure that a species which ceases to exist in its wild state for any reason will be preserved as a cage bird. The possibility remains then of its being bred in sufficient numbers to allow selected areas of suitable habitat to be restocked under controlled conditions. The question is whether the caged bird would have the same genetic characteristics as its wild relatives and be capable of adapting to life in the wild.

Examples of various projects overseas to re-establish endangered species in the wild using aviary-bred birds were examined. Reference was frequently made to the re-establishment of the Hawaiian Goose (Branta sandvicensis). Authoritative opinions on the eventual success of this attempt and others varied considerably.

30. Any attempt to re-establish a species in the wild from captive-bred stock would need to be conducted under stringently controlled conditions, including the determination and correction of the factors which caused the species to become endangered in the first place.

31. It was suggested that in breeding endangered species for return to the wild, the greatest need is to ensure that the genetic characteristics are the same as the population being supplemented. The object is to preserve the genetic integrity of natural populations. This biologically complex operation is beyond the ability of most aviculturists. The work should be done under carefully controlled conditions by a public body which would have the trained staff, finance and facilities.

32. Ornithologists, conservationists, and some aviculturists, admit that aviculture makes an insignificant contribution to the scientific knowledge of birdlife. Many aviculturists tend to concentrate on producing birds with unusual or exaggerated characteristics rather than true specimens which would normally be the result of natural breeding in the wild. It was submitted that aviculture had

little relevance to the preservation of species in their natural habitat.

Role of Dealers and Trappers

33. Fauna dealers have a legitimate place in the bird fanciers world. However, evidence showed it is the network of dealers which provides the outlet for those illegally trapping and smuggling birds. There is a demand to be satisfied and the profit is such that some dealers do not question the source of their supplies. Many dealers are also trappers and have permanent working arrangements with other trappers.

34. Dealers are not required to have qualifications and they are not bound by any standards. They pay a prescribed fee for a licence and are free to obtain and sell birds whether or not they have any ornithological knowledge. There is little regulation as to the conditions in which the birds are kept.

35. Witnesses informed the Committee that aviculturists engage in trapping in the wild. It was argued that the aviculturist does this to introduce fresh blood into his aviary rather than to make a large profit as does the professional trapper. The effect of this on rare and endangered species is the same as professional trapping.

36. The activities of professional trappers are widespread and entail the use of sophisticated equipment. They are

experienced and knowledgeable on the habitats of those species in greatest demand and use specially equipped vehicles and light aircraft to get their catches to the metropolitan markets rapidly. Their movements are such that detection is almost impossible given the resources of State fauna authorities.

37. In many cases the trappers and aviculturists not only trap the adult bird but rob nests of eggs and chicks. Eggs and chicks are preferred because eggs can be incubated and the chicks hand reared so as to be better conditioned to aviary life. The adult wild bird makes this transition with difficulty and the mortality rates are high.

38. The Australian parrots which are in greatest demand are easy prey for trappers. Unlike finches and other birds, human interference will not cause the parent bird to abandon the nest. Nests can be kept under surveillance and chicks imprisoned inside. The parent birds will tend their young, enabling the trapper to return at a later date to collect the young reared bird.

Effects on Fauna Populations

39. The extent of pressures on fauna populations is very difficult to assess because authoritative surveys have not been conducted on an Australia-wide basis. The Department of Environment, Housing and Community Development doubts that current trapping is the primary cause for the decline of any population of native species. It considered that trapping as a secondary pressure, can cause a species declining from

primary pressures to decline more rapidly, thus increasing the danger of extinction.

40. Some State governments have conducted surveys on individual species. The Queensland Department of Primary Industry has done some surveying, and the conclusions reached are occasionally contrary to some commonly held beliefs. For instance, one such belief is that the Golden Shoulder parrot (Psephotus chrysopterygius) is rapidly approaching its survival threshold. Based on their surveys the Queensland authorities deny this is the case and spokesmen expressed the opinion that trapping was having only a slight effect.

41. The evidence on the effects of trapping birds is either inconclusive or non-existent but there is extensive evidence on the volume of the trade and the wastage rates involved.

42. A report¹ prepared for the Royal Society for the Protection of Birds on birds imported into Britain through Heathrow Airport, conservatively estimates the world trade in birdlife at 5 million birds per year. It poses the question of how many more millions of birds are maimed or destroyed in the process of providing the 5 million which are ultimately sold. This figure is said to be conservative, and may range as high as 25 million, as little is known about the true extent

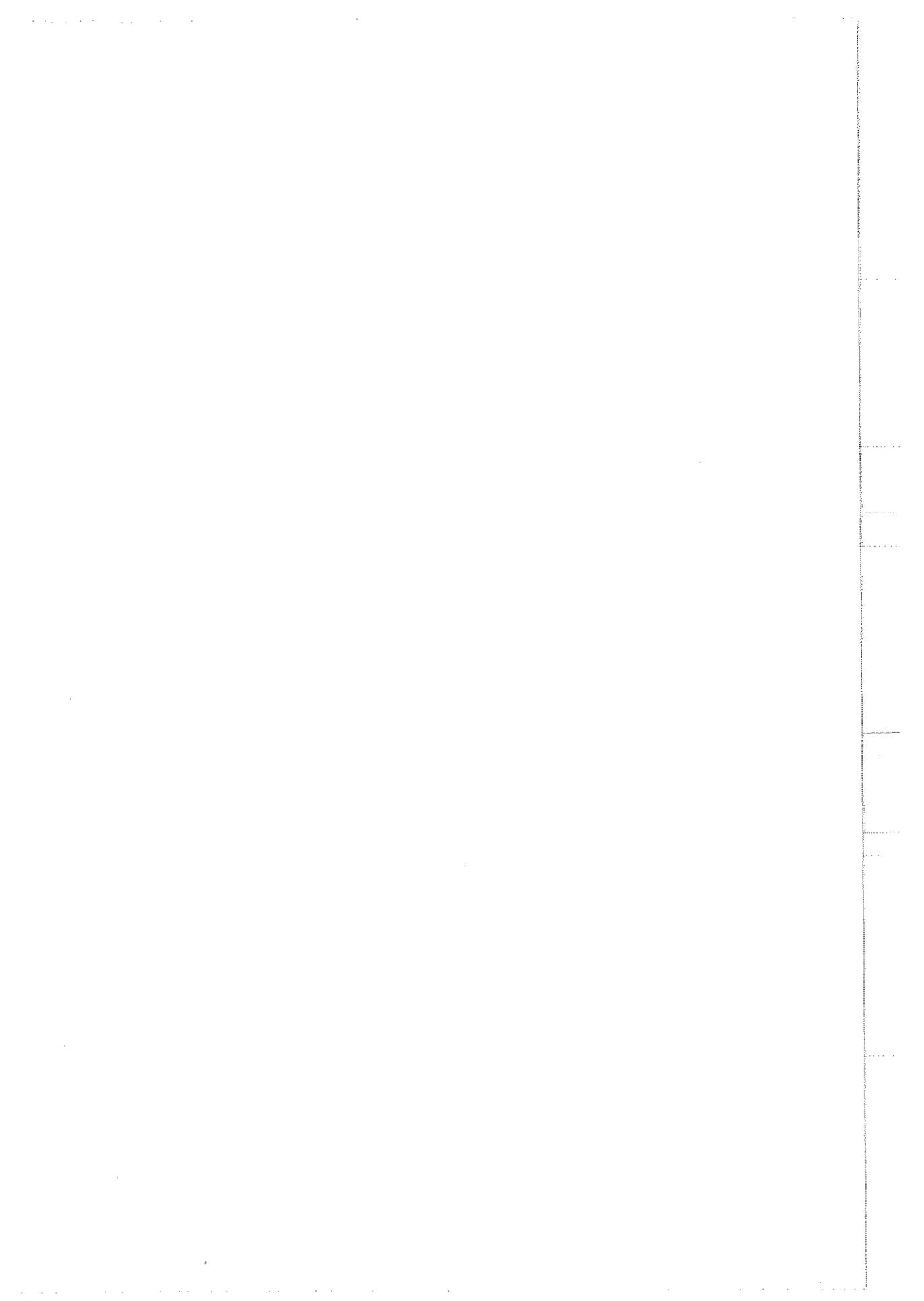
¹ Inskipp, T.P. All Heaven in a Rage A study into the Importation of Birds into the U.K. Newnorth, Bedford 1975

of the trade being conducted. Records held at Heathrow Airport indicate that in certain groups the percentage death rates were as high as between 40% and 70%. Whole consignments of several hundred birds were all or nearly all found to be dead. These mortality figures apply only to a day or two out of the birds' captive lives. Many more die during their first few captive weeks before export. The study dealt with legal imports into Britain only and therefore reveals the tip of the iceberg.

43. The Australian Bureau of Customs estimated that at least 80% of birds smuggled out of Australia die before reaching their final destinations. This estimate was supported in evidence by aviculturists and others experienced in the transport and acclimatisation of both wild and aviary-bred birds. The effects of the drugs to silence them, enclosure, heat and lack of air, are all factors which produce and contribute to a high death rate in the first stage of the operation. It is probable that a higher rate of survival is achieved with the birds which are shipped out by light aircraft to neighbouring countries or by boat to ships standing off the coast, but a significant death rate is still a feature of the enterprise.

44. The demand for reptiles is virtually insatiable because reptiles, unlike birds, rarely breed in captivity. Breeding can only be achieved in a carefully controlled, scientifically designed environment, something which is beyond the means of the average fancier of reptiles. There is there-

fore a need to continually replace captive reptiles from wild populations. Unfortunately little information is available on the population and distribution of Australian reptiles and an assessment of the species which may be threatened by commercial exploitation is not possible.



Export and Import Controls

45. Regulations relating to the export of Australian fauna were first promulgated in 1911. Regulations were reviewed in 1923, 1933 and 1935. These regulations continued in force until 1959 when a closer examination of export policy was made.

46. As a result of the 1959 examination controls over fauna exports were considerably tightened. These regulations which are still in force totally prohibit the export of koalas, lyre-birds and platypuses and provide for the export of skeletons, skins, plumage and eggs of those species only for scientific purposes.

47. The export of all other native species is prohibited except for bona fide zoological purposes on a zoo to zoo basis. The recipient zoo must be public, in the sense that it is owned or managed by a government department, instrumentality or trust and it must be non-profit making. Before overseas zoos are approved to receive Australian fauna they are inspected by Australian Customs officials based overseas. The export of skins, plumage and skeletons is allowed provided they are obtained legitimately and in accordance with State fauna regulations.

48. The approval of the Minister responsible for the Bureau of Customs to export native fauna is subject to prior recommendations by the Minister for Environment, Housing and

Community Development. That Department requires State fauna authority approval before recommending the issue of export permits.

49. Similarly Australian import regulations are strict and effectively prohibit import of foreign birds and animals.

50. The maximum penalty for an offence under the Customs Act 1901 relating to fauna is \$1,000. Prosecutions for offences are shown in Appendix 2.

State and Territory Fauna Legislation

51. Apart from import and export regulations control of Australian fauna is vested with each State and Territory. Administration is through wildlife services which are divisions of relevant State departments.

52. At present the States and Commonwealth Territories have different legislative provisions for the classification of species of fauna, variously described as rare or endangered, protected or unprotected, common or pest. Various discretions are provided in the legislation, which allow the responsible Minister to vary the conditions related to a particular species, according to circumstance.

53. The "National Parks and Wildlife Act, 1974" of New South Wales provides for three categories of fauna, 'endangered fauna', 'protected fauna', and 'unprotected fauna'. The Act provides for the issue of aviary registration certificates which

authorise persons to sell or buy any bird, being protected fauna to or from prescribed persons. In addition a variety of licences which authorise the taking, killing, keeping or buying and selling of fauna, may be issued. An authorised officer may also issue a licence authorising a person to liberate, in New South Wales, fauna not native to New South Wales. The maximum penalty for taking or killing endangered fauna is \$1,000 or imprisonment for six months or both, and for protected species fines of \$200 for a first offence, \$500 for a second and \$1,000 for third and subsequent offences are imposed. The Act also provides for the registration of aviculturists with holdings of more than nineteen protected birds.

54. In Victoria the Wildlife Act, 1975 establishes classifications of 'controlled wildlife', 'protected wildlife', 'noxious wildlife', 'unprotected wildlife', 'notable wildlife' and 'endangered wildlife'. The maximum penalty which may be imposed on a person who takes, kills or hunts any 'endangered wildlife' is \$5,000 plus an additional penalty of not more than \$500 for every head of such wildlife taken or destroyed. The Act authorises the Director of Fisheries and Wildlife to issue, subject to prescribed conditions or as the Director thinks fit to impose, such types of licences as 'protected wildlife fancier (general)', 'protected wildlife fancier (special)', 'protected wildlife dealer' and 'trappers licence'. The sub-committee was informed that regulations under the Act will generally restrict the activities of aviculturists to

aviary bred wildlife. The regulations will require aviculturists to keep true and faithful records of natural increases and disposals.

55. The four species of fauna defined in the Fauna Conservation Act, 1974 of Queensland are 'prohibited fauna', 'non-protected fauna', 'protected fauna', 'permanently protected fauna'. The legislation allows the issue of licences to fauna dealers who must specify each of the premises upon which the applicant carries on or intends to carry on business. The maximum penalty for a person who takes, keeps or attempts to take or keep fauna of any kind, unless he is the holder of a permit, is \$1,000 for a first offence. In addition a penalty applies of twice the royalty payable on each animal. A fauna dealer licence does not authorise the taking of fauna of any kind. The maximum penalty for dealing in permanently protected fauna is \$3,000 at the second offence. For other offences against the Act, a fine of \$1,000, plus \$200 for each animal, applies. Regulations under the Act require persons with more than twenty birds other than gazetted aviary birds to be registered. The regulations also require special permits for the keeping of particular species.

56. The South Australian 'National Parks and Wildlife Act 1972-1974' defines all fauna indigenous to Australia, except a few pest species, as protected. This blanket category is complemented by more specific divisions, namely - 'controlled species', 'prohibited species', 'rare species', and 'threatened

species'. Whilst the Governor may, by proclamation, declare an open season for the taking of any specified species of protected animal, the proclamation may not be made in respect of any animal of a rare species. Permits may be granted by the Minister in certain circumstances for the taking of protected animals or animals of rare species if he is satisfied that it is desirable to grant such permits, e.g. to facilitate scientific research. The maximum penalty where a person has in his possession or under his control an animal of a rare species, or the carcass or eggs of an animal of a rare species, without a permit granted by the Minister, is \$1,000. The Minister may grant permits for the possession of animals of prohibited and controlled species, for the sale of protected animals and for the export and import of protected animals. The maximum penalty where a person takes a protected animal or the eggs of a protected animal is \$1,000 or imprisonment for 6 months. An additional fine of up to \$200 per animal can be imposed. All collections of greater than one native animal must be registered and holders must provide regular returns to the National Parks and Wildlife Service. Special permits are required for the keeping of rare species.

57. Section 14(1) of the Wildlife Conservation Act, 1950-1975 of Western Australia states that "Except to the extent which the Minister declares by notice published in the Government Gazette, all fauna is wholly protected throughout the whole State at all times". Accordingly, the Minister may from time to time declare that any of the fauna is not protected

at all, is not protected for a certain period of time throughout the whole or such part or parts of the State as he thinks fit. The Minister is also empowered to declare that any fauna is rare and likely to become extinct. The maximum penalty for an offence in relation to such fauna is \$1,000.

58. The Tasmanian National Parks and Wildlife Act, 1970 as amended defines 'wildlife' as any living creature not being a dog or cat, a form of stock or fish. Under the Wildlife Regulations, wildlife is divided into categories of (a) wholly protected and (b) partly protected species. The export of any form of wildlife other than rabbits from Tasmania is prohibited, except by permit, as is the import of any mammal, bird, amphibian or reptile, not being a dog or cat or stock. The Director of the National Parks and Wildlife Service has the power, where he is satisfied that it is necessary or desirable, to issue permits authorising a person to take, have in his possession, buy or sell or otherwise dispose of such protected wildlife as may be specified in the permit. A schedule to the regulations describes the various forms of licences which may be issued, notably several types of fauna dealers' licences, commercial and non-commercial hunters' licences and catchers' licences (mutton-bird). A person who is guilty of an offence under the regulations is liable to a maximum penalty of \$500.

59. The Animals and Birds Protection Ordinance, 1918 of the Australian Capital Territory protects all animals and birds within the Territory except those named in the Schedule to the Ordinance. The penalty for killing, capturing or having any

protected animal or bird in one's possession is a maximum of \$100; such penalty does not apply if it can be proven that the animal, bird, or skin was killed, captured, taken, bought, or received from outside the Territory.

60. The Northern Territory Wildlife Conservation and Control Ordinance, 1962 as amended, protects all species except those listed in the Fifth, Sixth, Seventh, Eighth and Ninth Schedules. The Seventh Schedule lists partly protected species which may only be taken under licence. Unlisted species are totally protected. The penalty for infringement of the Ordinance by killing, possessing, offering for sale, or exporting from the Territory any of the species listed in the Seventh Schedule without a licence is \$400 or 6 months imprisonment. The penalty for breach of permit conditions is the same, but for possession of eggs, the sale of eggs, or the destruction of nests, the penalty is \$100.

61. In addition to legislation listed in paragraphs 53 to 60 each State and Territory has regulations relating to the import and export of fauna and regulations relating to national parks and reserves.

Current State and Federal Co-operation

62. As previously mentioned each State and Territory has control of its own fauna. Some attempts at co-operation at the national level have occurred with generally acceptable results.

63. At the policy level, the Council of Nature Conservation Ministers (CONCOM) comprising the various State and Federal conservation ministers, meets twice yearly to discuss problems such as fauna trafficking. The Council works through ad hoc committees whose members have expertise in the matter being examined, and a Standing Committee comprising nominees of Council members. Unfortunately, with limited resources and the wide dispersal of its members throughout the various authorities, the Committee's potential is considerably limited. Complementing CONCOM, annual meetings of the Senior Fauna Enforcement Officers occur, at which common problems are discussed and solutions considered. The difficulties confronting these officers stem largely from the lack of any common or uniform legislation.

64. In response to reports of increased illegal smuggling of Australian fauna to overseas markets, a National Fauna Squad was established within the Bureau of Customs in November 1974 to investigate organised trafficking at the national level. The Squad works in close liaison with State fauna authorities. Areas of Customs/State authority co-operation include joint operations, laying of concurrent Customs and State charges against offenders, exchange of intelligence, provision of expert training and advice, and the appointment of Customs investigators as honorary State rangers.

Problems of Control

65. While fauna management legislation is comprehensive, the Committee was informed that the control of trafficking is

severely handicapped by the absence of complementary legislation between States and the unco-ordinated machinery of Commonwealth/State relationships. Some of the problems resulting from conflicting systems of classification and protection are set out in the following paragraphs.

66. A major hindrance to the effective control of interstate movement of fauna is Section 92 of the Australian Constitution which guarantees free trade and commerce between the States. It is recognised by the various State fauna authorities that the interstate permit systems which operate are vulnerable to challenge under Section 92 and any legislative measures to authorise prosecution of inter-state offences are thereby considerably weakened. In one case in South Australia it was proved by the State authorities that fauna imported into that State had been illegally trapped in another State but the Court found in favour of the defendant because of the provisions of Section 92. The South Australian 'National Parks and Wildlife Act 1972-1974' has attempted to overcome this by providing that no control would be placed on trade in fauna between South Australia and other States but that the Minister must be informed, with relation to each transfer of fauna. If necessary the Minister may then attach conditions to such a transfer to ensure that the public interest in the conservation of native animals in the State or any part of the State is properly protected.

67. The sub-committee was told that it is impossible for a State or a Territory to fully protect a species under its

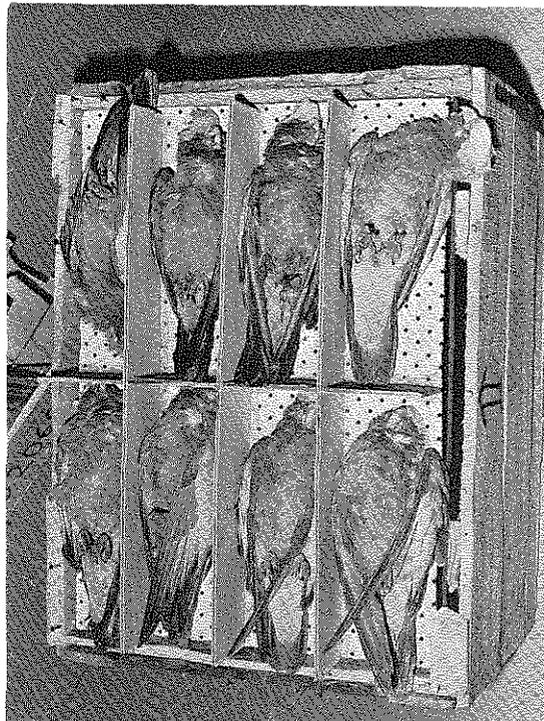
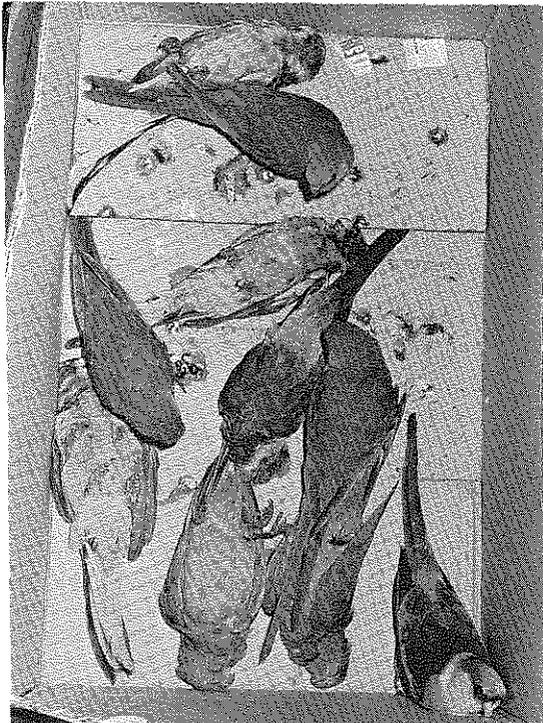
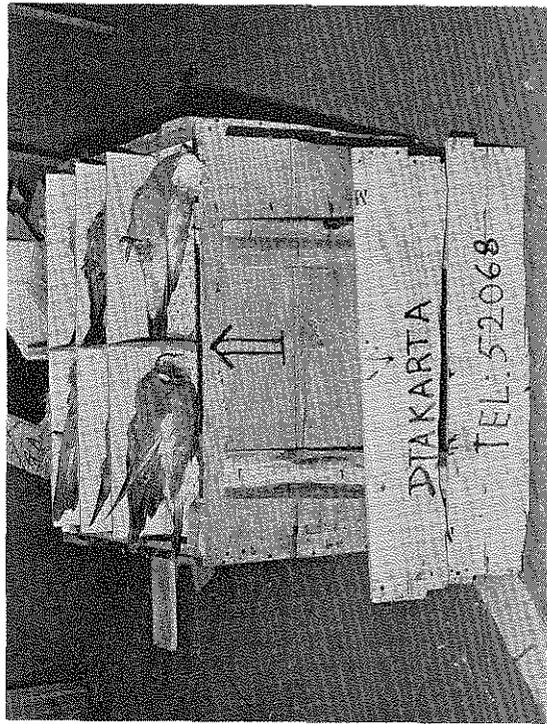
legislative control when a neighbouring State of which the species is not native allows that bird to be kept in captivity. A demand is created in the latter State for the particular bird and both governments are powerless to act against the illegal trapping of that bird once it is taken out of its State of origin. One State fauna officer said in camera that "..... birds trapped illegally here can be taken into (another State) and unloaded on the front steps of the State Wildlife Service and nothing can be done about it".

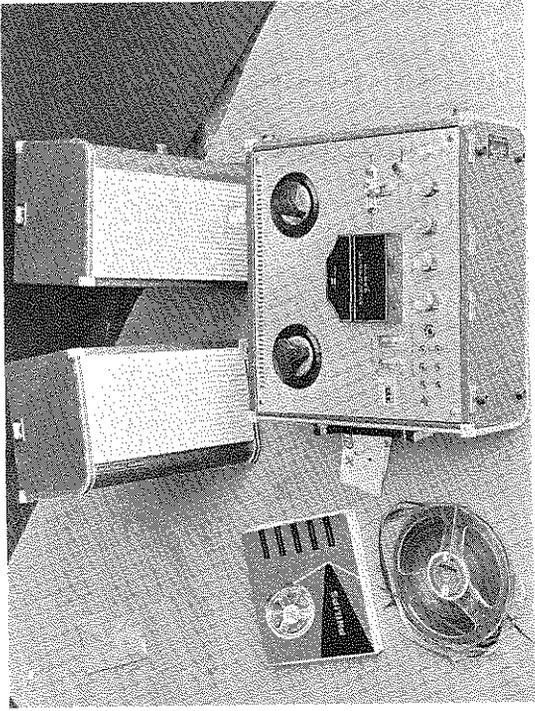
68. Witnesses stated that a bird which is protected and may not be trapped in one State, but is permitted to be kept in a second State, can be trapped illegally in the first State, transported into the second, passed off as a legal possession and retransported to its State of origin. They doubted whether, at the present time, the government of the State of origin could take action in this case given the constraints of Section 92 of the Constitution.

69. It was suggested that aviculturists who are not allowed to take a wild bird of a particular species to breed in their aviaries lose respect for a system of law which in another State permits open seasons for the shooting of that bird. There are instances where birds which can be shot as game in an open season may not be taken for aviary breeding in the same State. It was claimed that policies of this nature do not encourage respect for fauna conservation laws.

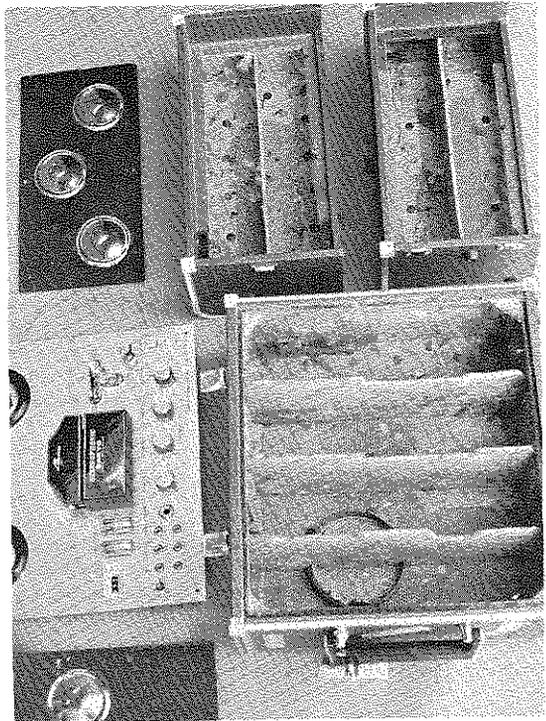
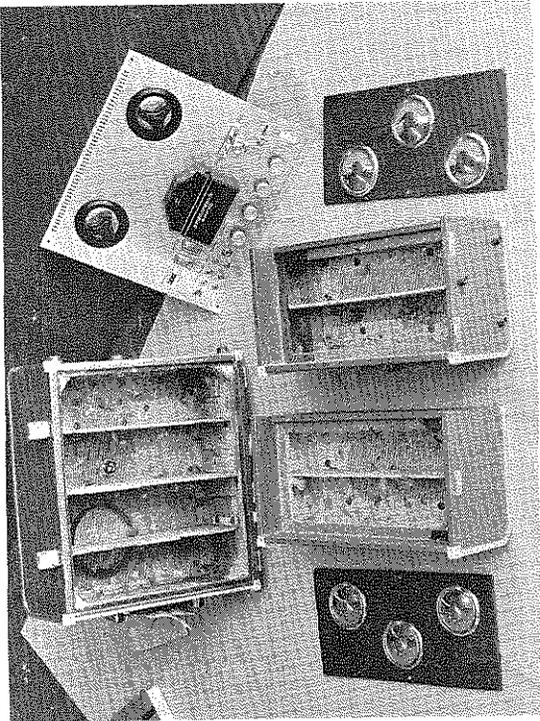
Examples of Smuggling Techniques

This smuggling attempt resulted in the death of 18 of the parrots involved and a \$ 600 fine and 2 month suspended jail sentence for the smuggler.

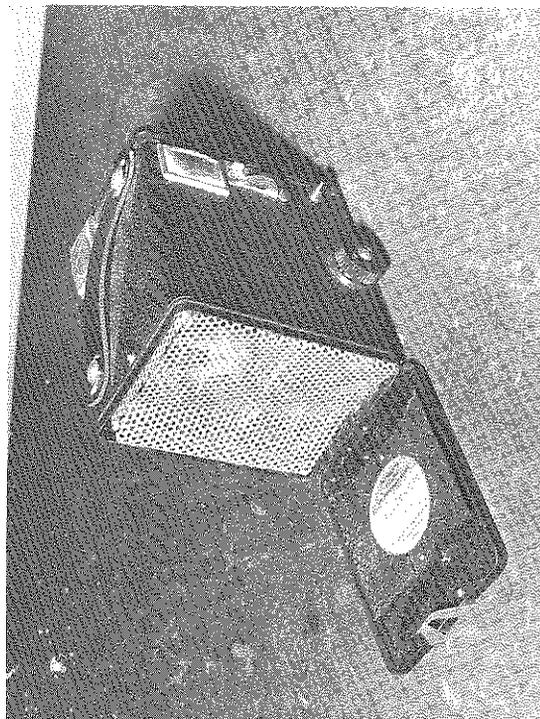
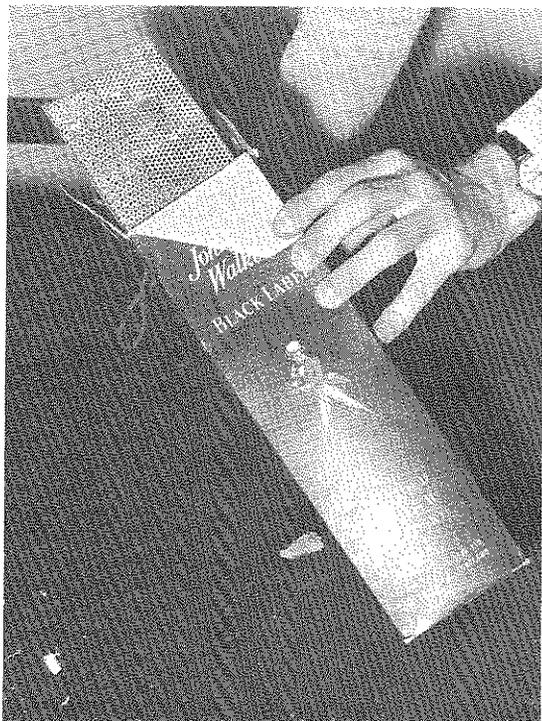
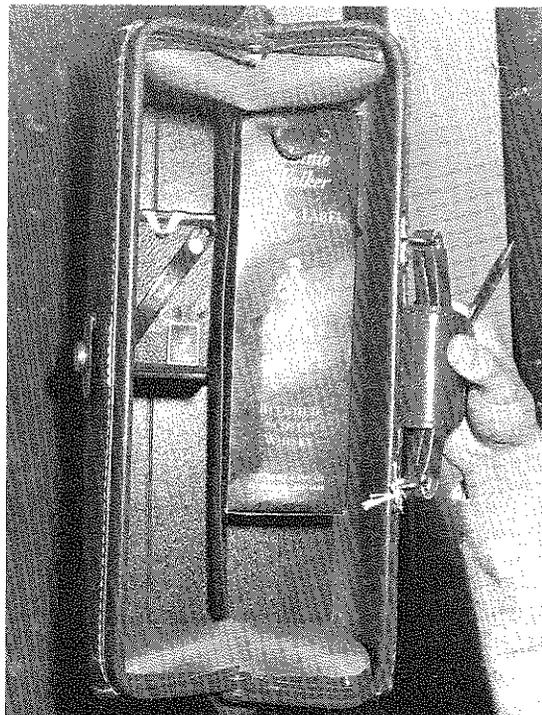




This tape-recorder, containing 29 New Zealand birds being illegally imported, illustrates the immense problems confronting Customs Officials trying to combat trafficking.

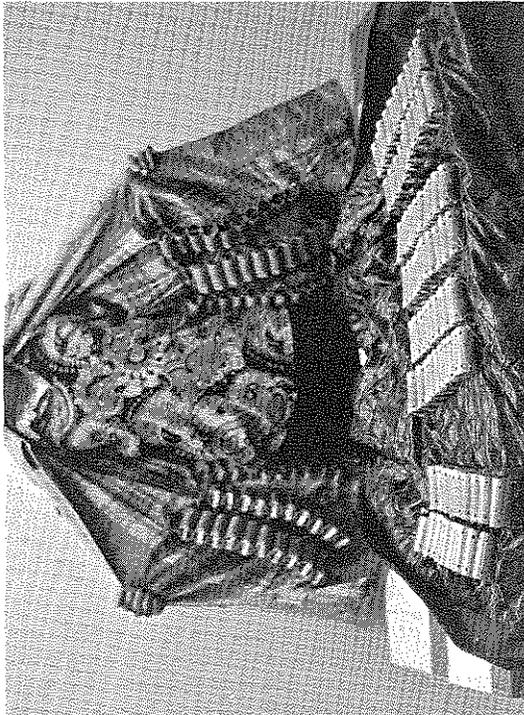


An ordinary briefcase, containing an innocent carton of scotch and a camera, was used to conceal 38 birds in appallingly cramped cages.





24 parrots, with a value estimated in excess of \$35,000, were contained in these handbags and 'sausages' made from stockings and hidden by the coat's lining. Most would have died on their journey from suffocation, heat or shock.

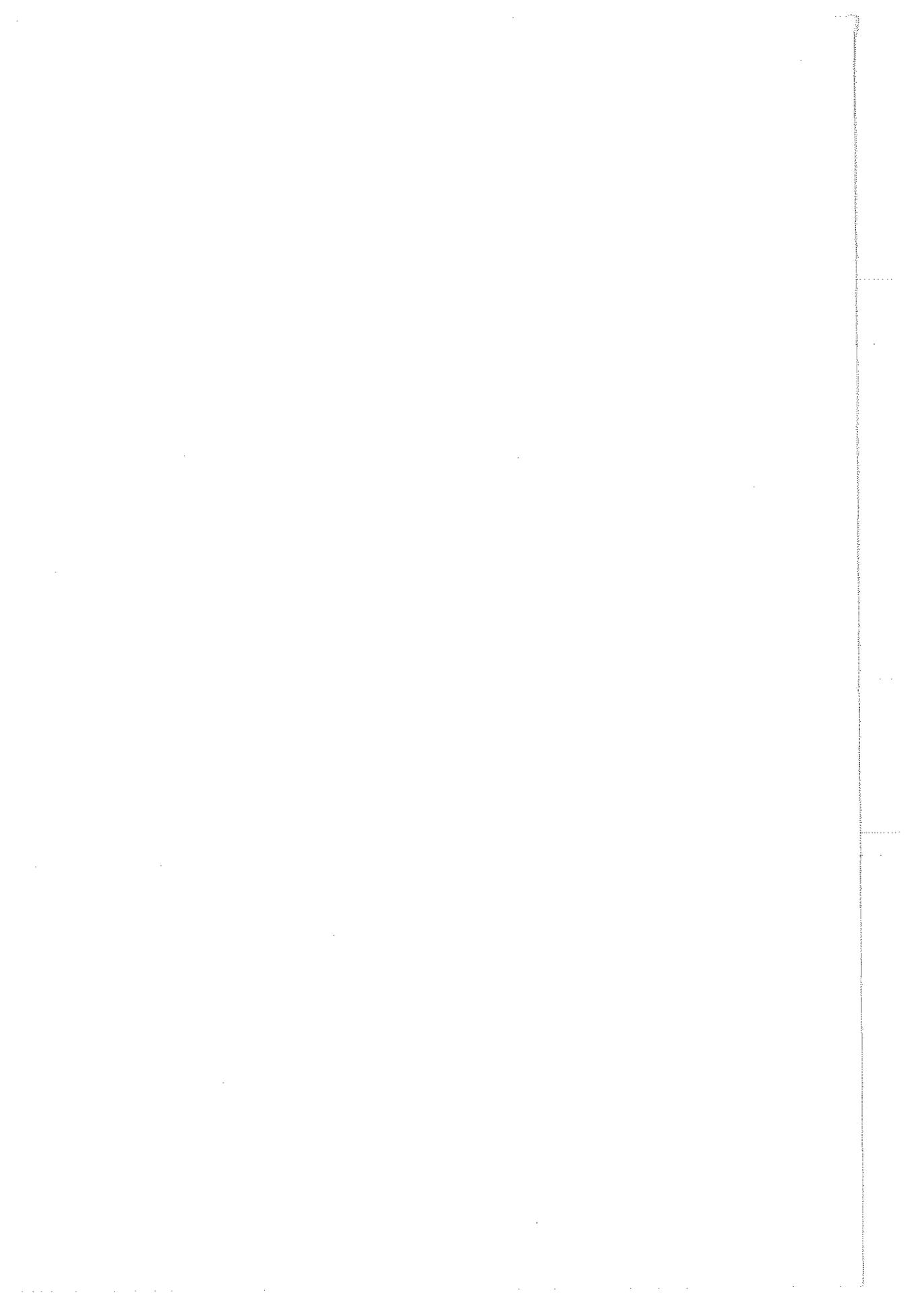


Two Singaporeans were detected at Kingsford-Smith Airport in Sydney attempting to illegally smuggle Australian fauna. On their persons and in their effects were secreted 405 birds of various types and 50 baby tortoises.

70. Aviculturists argued that birds which are protected and may not be taken for avicultural purposes are often destroyed through alteration or destruction of their habitat, while permits are not issued to allow the doomed bird to be trapped for aviculture. They claim this is another situation which lessens the standing of the law and directly encourages trafficking.

71. Enforcement agencies believe that penalties in many cases are inadequate and are no real deterrent to illegal activities. Even when there is provision for heavy fines and imprisonment, magistrates have not been imposing maximum penalties for offences involving species which are shot and poisoned as vermin.

73. The Bureau of Customs told the sub-committee that enforcement of Australia's export regulations is hindered by the attitude of some foreign governments which take no interest in fauna illegally removed from Australia to their countries. Once the fauna is out of jurisdiction of the Australian Customs authorities no action can be taken to retrieve the animals or prosecute the offenders.



Surveillance at International Sea and Airports

74. The sub-committee inspected Sydney Harbour and Sydney International Airport in June 1976. The inspection revealed the magnitude of the problems facing Customs officials in these locations. For the first 9 months of 1975 nearly 1½ million people passed through Sydney International Airport. In that period there were over 14,000 aircraft movements. Customs officers faced similar problems in Sydney Harbour where, for the 9 months ended September 1975, there were approximately 1,500 movements of international shipping.

75. The Committee considered methods by which customs procedures at international sea and airports could be improved and concluded that further screening cannot be undertaken without seriously inconveniencing passengers. The Committee believes that should the recommendations of this report concerning fauna export policy be adopted, Customs officers will be better able to concentrate their limited resources.

Smuggling in the North

76. The sub-committee was told by the Bureau of Customs that smuggling into and out of northern Australia is being conducted by well-equipped and highly organised syndicates. Light aircraft, yachts and other small craft are being used by smugglers to capitalise upon the remoteness, the sparse settlement and proximity to countries such as Indonesia, New Guinea, Timor, Singapore and others within the region.

77. The Bureau has identified a number of high risk areas which stretch from Geraldton to Gladstone. This area has 10,000 km of coastline, most of which is remote and sparsely populated. In this area there are nearly 900 airstrips capable of taking light to medium-sized aircraft. Only 75 are used commercially and are under some official control. The balance are either private or are abandoned war time strips. In addition to the airstrips many beaches and mud flats in this area are suitable for landing light aircraft.

78. Evidence suggests that there is a two way traffic in the north. The Bureau told the sub-committee of successful prosecutions involving syndicates smuggling Australian fauna to Indonesia and returning with significant quantities of reptiles, monkeys and other fauna. Two cases outlining illegal activity in northern Australia are described in Appendix 3.

79. One State fauna authority believes that Australian fauna is smuggled out and backloadings of drugs are made. Another witness told the sub-committee of one syndicate smuggling birds to Singapore and returning with drugs, illegal immigrants and currency. The immigrants, transported by ship were unloaded in northern Australia. While the Bureau of Customs agrees that this type of activity is quite possible, it has no direct intelligence to indicate that a backloading operation in other than fauna occurs.

Surveillance of the North

80. The Bureau of Customs has become increasingly concerned with the problems involved in surveillance of the north, and has taken steps to improve efficiency in the area. It has established a Coastal Air Sea Operations Support Group (CASOS) to assess smuggling potential and intelligence of smuggling activity in remote coastal regions. CASOS undertakes investigations or surveillance requiring the use of aircraft or surface vessels and arranges special air sea transport for the Bureau's enforcement operations.

81. The Bureau has acquired three high speed ocean-going launches. Two launches are stationed at Cairns and Broome and the third will be based at Weipa towards the end of the year. In addition to its own facilities the Bureau charters light aircraft and the Department of Defence makes resources available. Joint Customs/Defence operations are co-ordinated by a Customs/Defence Operations Committee.

82. Routine coastal surveillance in the north is the responsibility of the Standing Committee on Coastal Surveillance. The Committee is chaired by a representative of the Department of Transport and consists of officers of the departments and agencies interested in northern surveillance. The Department of Transport's Marine Operations Centre co-ordinates patrols of its own craft, surface and aircraft of the Defence forces and other organisations that may have equipment and personnel in the area. The Committee's role is

purely routine surveillance and it does not involve itself in law enforcement or apprehension.

Adequacy of Surveillance

83. The sub-committee inspected Cape York Peninsula and the north west coast near Broome and Derby in July 1976. It saw the disused airstrips and beaches and mud flats that could be used by light aircraft. Fishing boats were observed on rivers miles upstream. In this area there exists a vast network of tracks with no apparent purpose. Many of them lead inland from the beaches. These tracks are suitable for use by four wheel drive vehicles. This type of vehicle is common in the areas concerned and so their presence does not arouse suspicion. The sub-committee was astonished at the ease with which boats and aircraft can enter and depart these areas of Australia undetected. The Bureau of Customs told of reports of unidentified aircraft flying in from the sea, the origin and destination of which are unknown. The sub-committee was informed that some of these areas are inspected by Customs officers only once or twice a year because of lack of resources. In some high risk areas one or two Customs officers are required to control hundreds of thousands of square kilometres.

84. The Bureau of Customs believes that the resources available for northern surveillance are nowhere near sufficient to ensure effective enforcement. It told the sub-committee that it has the co-operation of the Department of Defence. The Bureau saw a number of problems with the assistance Defence is

able to provide. The Department can only provide assistance to the Bureau on an irregular basis and there is no certainty that assistance will be forthcoming. There are sometimes considerable delays between the requests for assistance and the time aircraft and patrol boats are on station. This is in part due to the location of patrol boats and aircraft in a few scattered areas sometimes thousands of miles from northern areas. The sub-committee was informed during private discussions that delays can be caused because local service commanders cannot authorise the use of defence equipment for other than specific defence tasks. Such requests require referral to higher authority.

85. The Bureau claims that Defence craft are costly to run and are not always suitable for customs tasks. The Bureau requires the type of craft that can survey in-shore areas and estuaries and inspect airstrips which are suspected of being used for smuggling. Defence craft are basically for long range maritime patrol purposes.

86. Accordingly the Bureau of Customs has sought two short take-off and landing aircraft and further patrol boats. At the time of writing this report the request for aircraft and further patrol boats is unresolved.

87. The sub-committee was told that the Bureau requires the aircraft to enable it to frequently inspect isolated areas and visit missions, stations and others that provide it with information. Station staff are often aware of suspicious

activities in their areas but are unwilling to provide the details by radio. It is only on infrequent visits to towns that station staff provide the information to Customs officials. By then it is often too late to act on the information.

88. The aircraft would be used with the Bureau's launches to carry out routine surveillance. Teams of aircraft and launches are an effective policing unit and the chances of apprehending smugglers would be improved with the flexibility provided by these teams.

89. At present the Bureau has 3 launches. A further 7 launches have been requested to be stationed at key points around the northern coast. As well as being utilised for routine customs tasks the launches would be used to react quickly to intelligence obtained.

90. A proposal was considered that specialised equipment be provided to the Defence forces rather than to the Bureau of Customs. While noting that the Department is sympathetic to requests for assistance from the Bureau the Committee is concerned about the delays that sometimes occur because of administrative procedures or because of the location and availability of equipment. It believes that the declaration of the 200 nautical mile resources zone will dramatically reduce the Department of Defence's ability to meet these requests for assistance. The Committee feels that the Department of Defence will continue to see its role in customs activity as secondary and that it will allocate its resources accordingly.

91. One of the problems limiting effective enforcement in the north is the lack of staff and the large areas staff are required to control. The Bureau of Customs informed the sub-committee that this was in part due to the difficulty in recruiting staff for these areas because of unsuitable accommodation. Houses in Broome cost \$60,000. The Bureau therefore offers motel and unit type accommodation which is unsuitable for families. The Committee believes that the Commonwealth Government should provide suitable accommodation in northern areas. The Commonwealth Government should examine whether incentive and allowance schemes are sufficient to attract staff to what are often hostile areas.

92. The Committee believes that adequate inshore and inland surveillance can only be achieved if the capabilities of the Bureau of Customs are increased and therefore recommends that the Commonwealth Government provide the Bureau of Customs with

- . two suitable aircraft;
- . sufficient patrol boats to enable it to meet its responsibilities in northern Australia; and
- . necessary support facilities and staff.

Relaxation of Export Controls

93. The criticism has been constantly made during the course of this Inquiry that restrictions on the export of Australian fauna since 1959 have been responsible for the increase in demand for our wildlife overseas. These have created the climate for commercial exploitation and smuggling as it exists today.

94. Arguments advanced by witnesses in favour of relaxation of Australia's export regulations were as follows:

The present export policy does not discriminate between rare and endangered species of fauna, and common or pest species. Species considered as pests are given the same export protection as the rare and endangered ones and hence the absurd situation of smugglers earning large sums of money abroad for fauna which is being destroyed daily in Australia because it is a pest.

There are various institutions overseas which are able to breed rare species of marsupials in captivity. The success in New York of breeding the platypus before it was achieved in Australia is an illustration. Thus to allow export of these species may in fact be helping the survival of the species.

Some aviculturists consider that certain species of birds, although rare and endangered in the wild, have been so successfully bred as aviary birds, that they are now common in captivity and should therefore be available from aviary stocks to aviculturists overseas.

Overseas recipients of Australian fauna agree not to trade in their Australian animals. If they break this agreement, no further exports to them from Australia are permitted. This restriction poses problems of disposal for institutions which breed excess stock. It is a requirement difficult to police.

The relaxation of the export controls for common or pest species would allow authorities to concentrate their efforts on the conservation of a considerably smaller number of species.

The Australian Government fauna export control policies are stricter than those of any other national government and go further than is required by the International Convention on Trade in Endangered Species to which Australia is a signatory.

95. Many witnesses argued that Australia's strict export regulations should be retained. The main arguments placed before the Committee were:

Regardless of any relaxation of the existing policy to permit the export of common or pest species, there would always remain a demand for rare and endangered species and the situation would be virtually unchanged.

Restricted export of a limited number of species would establish the principle that Australian native fauna are a commercial commodity and pressure would develop for the quotas of individual species and for the number of species approved for export to be increased. The profit motive from the export activity would ensure that the pressure was maintained, thus distracting officers from more important work.

It was argued that although government would control the quantity of fauna exported, and its destination, it has no power over the scale of demand. The

increased availability of some species of native Australian fauna would thus generate further demand for all species. The incentive to smuggle would not be reduced, and a decrease in price of the legally exported species would be balanced by an increase in value of the species excluded from export.

A total ban on the export of fauna is simple to police by Bureau of Customs officials and others who need not have detailed knowledge of the different species of fauna. It has been argued that rare and endangered species could be included in shipments of legally exported species and these would not be obvious to inexperienced officials.

The Australian Government's fauna export control policy is unique and overseas governments have only recently begun to realise the need and their responsibility to conserve their native fauna and to amend their export and import policies accordingly. For Australia to relax its export controls would be to act in opposition to the international trend to tighten fauna export controls.

96. The Committee has carefully analysed these attitudes to the fauna export control policy and reviewed the recommendations of the House of Representatives Select Committee on Wildlife Conservation in its 1972 Report.² It recognises that the arguments against relaxing the controls on the export of fauna have some validity. However, there are fundamental anomalies in the existing policies which must be dealt with if public support of conservation measures is sought. The Committee, and the public, are unable to respect a policy which allows controlled destruction of a species and the

²House of Representatives Select Committee on Wildlife Conservation, Report, Parl. Paper No. 284 of 1972

deliberate development of mutations by aviculturists on the one hand, but which on the other denies the right of interested organisations and individuals overseas to keep the same animal under perhaps better conditions.

97. The Committee therefore recommends that the export policy be relaxed to allow government controlled export to individuals and institutions of

- . all common aviary bred birds
- . uncommon aviary bred birds which are ringed or banded and registered with a State fauna authority
- . wild trapped common and pest species of birds provided that
 - (a) such birds are trapped under the control of a State fauna authority, and
 - (b) harvesting is based on sound conservation principles.

98. Present policy only allows exports of native fauna to approved A-class zoos which operate on a non-profit basis, are open to the public, and meet stringent accommodation standards. While the Committee applauds the imposition of standards which ensure the good health of fauna concerned, it finds it anomalous that other institutions which can meet those standards, but which are operated commercially or privately, cannot obtain fauna. This is especially the case with kangaroos and other common species which are excessive in numbers and often destroyed. It is regrettable that some of

these animals cannot be allowed to survive, albeit in different surroundings.

99. The Committee therefore recommends that:-

- (a) the export policy be relaxed to allow government controlled export of mammals and reptiles to acceptable overseas recipients; and
- (b) the category of acceptable overseas recipients be considerably widened to include approved private zoos and parks, whether run for profit or not.

100. Trapping and trafficking offer opportunities for abuse. To restrict this, only responsible fauna authorities should be entitled to engage in these activities. Trapping should be conducted either by State Wildlife Authorities, by the staff of Australian A-class zoos or by contractors working under the direct supervision of State Wildlife Authorities. Exporting agencies should be State Wildlife Authorities or A-class zoos. It is reasonable to assume that this exploitation would be economically successful. The funds so raised could be channelled back into conservation activities in the States and help alleviate the financial difficulties currently existing.

101. The rationale for the proposed relaxation of controls is that by depriving the illicit market of the birds and other fauna, commonly available in Australia and depressing the price overseas, a substantial portion of the smugglers' market would be removed. This may result in an increased demand for species

which remain unavailable through government channels. This problem could be met by intensifying detection and enforcement measures. Controlled export of the more common species would allow detection and enforcement officers to concentrate on the rarer species.

102. In addition to the overall relaxation of export controls, the Committee considers that another aspect of the policy should be reviewed. This relates to the export ban on the koala, platypus and lyrebird.

103. In the light of evidence on the population of each of these animals in their natural state in Australia, the total ban on the export of the koala, lyrebird and platypus, which was imposed in 1959, should be brought into line with the general policy on fauna export. Witnesses were unable to explain the reason for the imposition of the ban by the Commonwealth Government. They assumed that it was based on the belief that these animals were in some danger of extinction or that they were unique tourist attractions unable to be viewed anywhere else in the world. It was stated that neither proposition bore serious scrutiny today.

104. The Committee was informed that koalas, in California for example, have been shown to breed more successfully than in many Australian breeding colonies. The numbers of platypuses in the wild in Australia create little fear for their extinction and their husbandry in overseas zoos presents no problem which cannot be solved with available

expertise and resources. Lyrebirds are possibly decreasing in numbers on the east coast of Australia due to loss of habitat through the clearing of sclerophyll forests or to human interference, but there is no fear for their continued existence in the foreseeable future. Limited export of lyrebirds to approved zoos and institutions would have no influence on the numbers in the wild.

105. The Committee therefore recommends that the total ban on the export of the koala, platypus and lyrebird be amended to allow limited government controlled export to approved zoos and scientific institutions overseas.

106. The degree of relaxation of the controls proposed by the Committee is not considered to be incompatible with current world trends in the field of nature conservation and Australia's export controls would remain considerably more stringent than envisaged by the International Convention on Trade in Endangered Species of Fauna.

107. Current Australian import policy restricts the import of exotic fauna. Authorities concerned with this policy, such as the Department of Environment, Housing and Community Development and the Bureau of Customs, as well as State fauna authorities agree that there are sound biological reasons for continuing the restrictions. The possibility of the introduction of exotic disease and the danger of exotic species establishing themselves as serious pests in the wild are two of the arguments given in support of the present policy. The

Committee concludes that the present policy which restricts the import of exotic fauna is sound and should be maintained.

108. Related to relaxation of Australia's fauna export policies is the question of international co-operation. The problem of fauna trafficking is not confined to Australia. There is rapidly increasing pressure around the world to prevent the detrimental aspects of it. Early in 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora was drawn up. The Convention requires signatory States to ensure that trade in species listed on the Appendices to the Convention is restricted to that which will not endanger the survival of the species. In the case of species listed in Appendix I of the Convention both importing and exporting States must indicate that the transaction does not endanger the species and it is not being traded commercially. Appendix II species can only be traded if the exporting country issues an export permit which is sighted by the importing country stating that the export does not endanger the species. The Convention came into effect in July 1975.

109. The Committee has already referred in paragraph 73 to the problems caused by the lack of co-operation of foreign governments in preventing the traffic in fauna from this country. The problem is not limited to the neighbouring countries which are the first port of call and onward despatch point but also extends to the major trading nations of Europe.

110. The Committee therefore recommends that the Commonwealth Government take urgent steps to encourage all countries involved in the transport or sale of fauna to become signatories to the International Convention on Trade in Endangered Species. This is particularly the case with countries to Australia's north.

111. It is clear in the field of international co-operation that more effective means are needed for the exchange of information and intelligence. This exists with anti-drug smuggling intelligence but foreign authorities seem apathetic to the problems of fauna smuggling. Agreement is badly needed for the enforcement of fauna regulations and for the exchange of information, so that the objective of eradicating the incidence of smuggling can be realised.

Proposed Model Fauna Legislation

112. As mentioned in Chapter 3 effective management of Australian fauna is severely handicapped by the differing provisions of State and Territory fauna legislation. The Committee in taking evidence from State authorities encountered seemingly contradictory attitudes. While the States agreed there was a need for a uniform system of classifying species of fauna on a national basis, they also expressed opposition to the suggestion that the matter be brought under Commonwealth control. Commonwealth control over all fauna management would have many obvious advantages over the present unco-ordinated, decentralised approach. It is doubtful if the States would be

willing to surrender their powers to the Commonwealth particularly when the Commonwealth's record in its own Territories has been poor.

113. The Committee examined a number of measures by which uniformity in fauna legislation could be achieved. One of these is for the Commonwealth Government to implement a comprehensive code in the Territories under its control and, by example, influence State Governments to adopt similar provisions.

114. The present situation is that each Territory possesses its own fauna regulations with little in common. The legislation suffers in many respects in comparison with legislation in some States. In particular, penalties are significantly lower than those provided for in State legislation.

115. The Committee recommends that the Commonwealth Government immediately examine and revise present Australian Capital Territory and Northern Territory fauna legislation. The aim should be to produce model legislation with a complementary approach in each Territory and reflecting the recommendations in this report.

116. In drafting new legislation for the Territories the Commonwealth should consult regularly with the States to achieve as much harmony as possible with State legislation. The Committee believes that by this action the new legislation is less likely to be in conflict with State legislation and may induce the States to adopt a more uniform approach.

117. In drafting legislation for the Territories it is suggested that the following provisions be given serious consideration. Starting from the premise that all wildlife native to any part of Australia should be protected provision should be made for the following classification of species:³

Rare and Endangered Species - This classification would include all native birds which are currently considered by fauna authorities to be rare or endangered - because of commercial exploitation or for any other reason - on a national basis. No species so classified should be permitted to be taken for avicultural purposes. Only when it can be demonstrated that the species is endangered through irreversible loss of habitat or comparable reason should it be permitted to be taken for breeding in Government-controlled aviaries.

Uncommon Species - Included in this classification would be all birds which are not found in large numbers in the wild but not considered to be endangered by commercial exploitation or for any other reason. Species so classified should not be permitted to be taken from the wild for avicultural purposes.

Common Species - This classification would include species not covered in the first two classifications. These species would be available to registered aviculturists from the fauna authority in the Territory in which the bird is trapped. Trapping should be under strict Government control and individual aviculturists should not be included in those authorised to trap.

³The following classifications relate to birds. With some modification, the classifications could be extended to cover all fauna.

118. For a variety of reasons the system would need to be flexible enough to recognise that species common or pest in one Territory may be uncommon in the other.

119. Evidence taken by the sub-committee has indicated some procedures that are necessary to effectively enforce fauna laws, especially those dealing with birds. Principal among them is the registration of aviaries, aviculturists, birds and other fauna. Until an efficient system of registering all aviaries and recording all births, deaths, exchanges and commercial transactions is developed and closely supervised by fauna authorities, commercial exploitation of native wildlife, and the resultant threat to endangered species, will continue. Fauna legislation in most States now requires the registration of aviaries and some States have commenced a system of registration of birds. Neither of the Territories have comparable systems. The Commonwealth Government should examine all State registration systems and adopt the best features of each as part of a comprehensive fauna registration system.

120. One specific system of identification which is currently being investigated in South Australia is the practice of close ringing of birds. This effectively reduces the possibilities of avoiding registration requirements by identifying individual birds in a readily detectable manner. The system is widely practised by pigeon clubs throughout the world and involves the placement of a closed metal ring over the foot of a nestling within one week of its birth, before the

foot has developed to a stage where the ring can neither be applied nor removed without breaking the hind toe. This ring would carry a serial number and a coded protective category.

121. The major weaknesses in these schemes are that they will take some years to be fully instituted and it will be difficult to accurately trace un-ringed or unregistered birds held in captivity before its commencement. Another is that nest robbing of the rare and endangered species will continue. The stolen chicks will be ringed and registered when brought back to the aviary. The main objective will be to protect the rare and endangered birds by strict supervision of the numbers held in captivity. It will be little extra trouble to require registration of eggs and the banding of newly hatched nestlings by a fauna conservation officer or by the breeder in the presence of an officer. The banding of uncommon species could be done by the aviculturist. This may involve some supervisory difficulties, but it would be necessary in case uncommon species had to be reclassified as endangered species, a change which would require continuous records. In the case of common or pest species close-ringing would be unnecessary.

122. In formulating legislation for the Commonwealth Territories, thought should be given to the feasibility of establishing a register of fauna, particularly birds, not native to Australia.

123. Evidence indicates that a significant number of exotic birds or their eggs are smuggled into this country. Two major problems can result. The exotic species may escape or

be deliberately released to become established as pests. The possibility exists of the introduction of exotic diseases. If holdings of exotic wildlife were registered, it would be difficult for irresponsible individuals to deliberately flout fauna laws. While no evidence exists that there is sufficient activity in the Commonwealth Territories to warrant immediate implementation of such a scheme, the complexities of such a project necessitate a long establishment period before full effectiveness is achieved.

124. If the Commonwealth Government demonstrates concern and a willingness to plan for future wildlife management requirements by commencing a registration scheme, the States might be expected to view more sympathetically a co-ordinated national approach to the problem.

125. The Committee considers that the Council of Nature Conservation Ministers (CONCOM) is the ideal forum for the draft Territorial legislation to be discussed and formulated. It is the view of the Committee that this legislation should be a model for complementary State legislation. The Committee therefore recommends that the Council of Nature Conservation Ministers, as a matter of urgency, consider uniformity and adequacy of legislation between the States and Territories so that neighbouring States and Territories have legislation that is not in conflict.

Rare and Endangered Species

126. While the enactment of uniform fauna legislation is a long term goal, there is one area where the Commonwealth can act

immediately. The classification and protection of rare and endangered species is an area where the Commonwealth has a clear obligation. Introduction of legislation in relation to rare and endangered species would be consistent with Australia's international responsibilities under the International Convention of Trade in Endangered Species of Fauna and Flora and other treaties and conventions relating to Australian wildlife. This action is possible under the terms of Section 71, sub-section 2(b) of the National Parks and Wildlife Conservation Act 1975 which provides for the making of regulations '.....providing for the protection and conservation of wildlife'. The Committee therefore recommends that the Commonwealth Government introduce and encourage the States to introduce legislation for the conservation and protection of all rare, endangered and other species which are subject to international agreements. The Committee believes that only through this measure can some native species be assured of survival.

Increased Penalties

127. The Committee has commented previously that penalties contained in fauna legislation act as little deterrent to fauna traffickers. In the case of penalties under the Customs Act 1901 the principals often pay the fines of couriers, and fines imposed often represent only a small proportion of the potential profit. The Committee believes that low fines and the general lack of provisions for imprisonment reduces considerably the deterrent value in prosecution.

128. The Committee therefore recommends that the Customs Act 1901 be amended to include increased fines and imprisonment for first offenders.

129. The Committee further recommends that the Council of Nature Conservation Ministers urgently review present State legislation to increase penalties for breaches of fauna laws.

Conservation of Fauna Habitat

130. The Report of the House of Representatives Select Committee on Wildlife Conservation in 1972 examined in some detail the effects of man's activities on native wildlife with particular reference to the modification or destruction of natural habitat. This Committee concludes from evidence that alteration of habitat constitutes a greater threat to the existence of endangered species of native fauna than commercial exploitation.

131. Each year clearing of land for urban development, agriculture, roads and forestry plantations alienates thousands of acres of fauna habitat. It is popular belief that fauna disturbed from its home ground will move to an adjacent area of suitable habitat. Unfortunately this is rarely the case as very few species can relocate themselves. For the remainder, the result is inevitable death.

132. The Committee considers that top priority must be given to the conservation of native species in their natural habitat. The Committee recommends that the Commonwealth

Government exercise its responsibilities in all matters affecting the habitat of rare and endangered fauna by requiring environmental impact statements on proposed Commonwealth Government financed or controlled development to include a specific analysis of its effects on fauna habitat and breeding grounds.

133. Conservation authorities, particularly the Department of Environment, Housing and Community Development and the South Australian National Parks and Wildlife Service, told the sub-committee that State and Commonwealth Governments can assist conservation through financing a program of education and the provision of direct grants and incentives to encourage landholders to establish or preserve wilderness areas on their properties. The Commonwealth Government can assist States by providing extra finance to State Governments to enable them to purchase areas containing unique habitat and rare fauna. The Committee is encouraged by the proposed programs of some States to purchase land for fauna conservation but is disturbed that implementation of those proposals has been wound down because of lack of funds. While the Committee must recognise current economic problems, it is felt that programs of habitat retention cannot be delayed without long term irreversible consequences.

134. The Committee therefore recommends that the Commonwealth Government take account of the financial capacity of the States to promote a program of land purchases and other measures for fauna conservation.

135. The Committee further recommends that the Department of Environment, Housing and Community Development promote a large scale, intensive education program to encourage land holders to establish or retain wilderness areas on their properties.

Research

136. The Committee has been made aware of the lack of detailed scientific data on the populations and distributions of species of indigenous fauna and was restricted in its ability to make judgments on conservation measures by this lack of information.

137. The need for a biological survey to establish the existence of species and sub-species, their populations, nature and distribution was discussed in some detail in the Report of the House of Representatives Select Committee on Wildlife Conservation 1972, as well as in the Report of the Committee of Inquiry into the National Estate in 1974, and in other reports of this Committee. The Committee strongly supports the findings and recommendations of those reports on the need for a thorough biological survey to be undertaken on a continuing basis by the Commonwealth Government, accepting that conservation programs will need to be implemented and developed before the results of such surveys become available.

138. The Departments of Environment, Housing and Community Development, Science and the Commonwealth Scientific and Industrial Research Organization have been actively pursuing

the recommendations and findings of these earlier inquiries and to date some promising progress has been made. As is so often the case, the greatest single handicap to the pursuit of these highly important research tasks, is the lack of finance. The response to the initiative taken by the Australian Biological Resources Study Interim Council's advertisements has been overwhelming and many projects have not been able to receive the necessary support. This is a great pity and the Committee believes there are strong grounds for the Study receiving substantially increased financial support.

139. The Committee therefore recommends that the Commonwealth Government give additional financial support to the Biological Resources Survey and to other surveys being conducted to firmly establish the extent of Australia's wildlife populations.

140. Research work should concentrate in the first instance on the species of indigenous fauna listed in Appendices I and II to the International Convention on Trade in Endangered Species of Fauna and Flora and upon those species of fauna classified by the Department of Environment, Housing and Community Development as being endangered for reasons other than commercial trafficking.

141. Some of this research has been done but the Sixteenth World Conference of the International Council of Bird Preservation held in Canberra in August 1974 was highly

critical of the way it has been co-ordinated and managed in the past. At present the CSIRO prefers to concentrate on what may be termed as 'fundamental research' into wildlife, leaving other types of research which they term as 'management research' to others more directly concerned with administration, such as the States. To illustrate, the CSIRO sees its role as investigating the detailed biology of a particular bird, that is, its habitat requirements, its eating habits, its breeding cycle, etc. It is, in their view, then up to the States to use that basic data in investigating means of managing that species in the wild.

142. The Committee agrees that this fundamental distinction is valid, but is not satisfied that co-operation and co-ordination between the various authorities is as effective as possible. Rationalisation is obviously required to ensure that effort is not wasted and that the basic biological data being gathered by the CSIRO, by Universities, by State authorities, and by institutions such as the Australian Biological Resources Study Interim Council, are used effectively at management levels. It is essential that this rationalisation be carried out quickly so that the national fauna survey already recommended can be effectively implemented.

143. A great deal of scientific research is done in Australia and overseas by scientific institutions and museums. The complaint was made that the export restrictions as they are currently administered served as an impediment to research.

They prevented the liberal interchange of specimens between overseas and Australian researchers. A scientist told the sub-committee that the Bureau of Customs was more reluctant to allow the export of Australian fauna for scientific purposes than they were for display purposes in foreign zoos. If this is the case the Committee agrees that the emphasis ought to be reversed with research being far more important than display. Without important fundamental research, much of which can be conducted overseas by reputable highly specialised institutions the conservation of Australian fauna may be considerably handicapped.

144. The point was made in evidence that under present administrative arrangements, scientific institutions such as natural history museums must receive the written approval of the Australian Department of Environment, Housing and Community Development before the Bureau of Customs will permit the export of dead animals, skins or relics to overseas institutions for scientific purposes, although the material is on loan only. It was considered unnecessarily inconvenient to Australian institutions not to be able to guarantee in advance that similar material borrowed from an overseas institution would be returned, to that institution. Such a return requires the approval of the Minister for Business and Consumer Affairs.

145. Both these matters are irksome details of administration which are being changed by the responsible Commonwealth Government departments. The Committee considers that the problems could be avoided by the delegation of authority for

the loan approvals, both import and export, to the chief scientific officer of the major institutions. Quarterly returns could be forwarded to the Department of Environment, Housing and Community Development for information.

Financing of Fauna Conservation and Enforcement

146. Throughout the course of the Committee's inquiry, one fact was continually encountered. Wildlife authorities and fauna management projects occupy a low priority in the allocation of funds and personnel. While the Committee recognises that the present economic situation necessitates restrictions in funding in some areas, Commonwealth support for fauna projects and authorities has been so neglected in the past that it is imperative that funding for some remedial action be undertaken immediately.

147. The States presently possess National Parks and Wildlife Services or similar agencies. Given the constraints of their small staff and financial allocations, these services are remarkably efficient. They simply cannot, however, effectively carry out all the tasks demanded of them now, and they certainly would be unable to cope with the extra work demands should recommendations of this Committee be adopted.

148. The Committee therefore recommends that the Commonwealth Government take account of the financial capacity of the States to expand their wildlife services.

149. The Committee considers that there is a need for a national enforcement body, similar to the Narcotics Squad, within the Bureau of Customs. Such a force, the National Fauna Squad, already exists in a limited form. The State authorities and the Bureau of Customs both believe the Squad is a success.

150. Much of the value of a centralised enforcement agency, such as the Bureau of Customs, lies in its ability to collect and assess intelligence information about current and future criminal activity. This intelligence, which comes from a variety of sources such as informants, State police forces and foreign law enforcement agencies, is of prime value when linked by experts to other information received from other sources. A specialist intelligence gathering and assessing unit would be invaluable to the Bureau for all types of customs work, particularly detection of illegal exporting activities. The value of the unit would be greatly enhanced if the State enforcement agencies were involved. The Bureau should be allocated the resources to enable the establishment of an intelligence network with both input and accessibility capabilities for the various State authorities.

151. The Committee therefore recommends that the Commonwealth Government establish within the Bureau of Customs

- (a) a permanent full-time National Fauna Squad; and
- (b) a central fauna trafficking intelligence unit.

(J.C. HODGES)
Chairman

September 1976

APPENDIX 1

LIST OF WITNESSES

BATES, Mr H.	Assistant Secretary Investigation Branch Bureau of Customs Department of Business and Consumer Affairs CANBERRA. A.C.T.
BEATTIE, Mr A.R.	Bird Dealer MELBOURNE. VIC.
BROOKMAN, Mr G.B.	Aviculturist IPSWICH. QLD.
BROWN, Mr R.F.	Honorary Secretary South Australian Ornithological Association ADELAIDE. S.A.
BURFIELD, Mr C.C.	Council Member Royal Zoological Society of South Australia ADELAIDE. S.A.
CASAGRANDE, Mr S.	Bird Dealer MELBOURNE. VIC.
COOMBE, Mr G.N.	Inspector National Parks and Wildlife Service of South Australia ADELAIDE. S.A.
COTO, Miss T.E.	Member Conservation Sub-committee Bird Observers Club of Victoria MELBOURNE. VIC.
DAWSON, Mr S.W.	GLENGARRY. VIC.
DEMPSTER, Mr J.K.	Officer-in-Charge Wildlife Research Fisheries and Wildlife Division MELBOURNE. VIC.

EVES, Mr B.M.	Senior Inspector National Parks and Wildlife Service of South Australia ADELAIDE. S.A.
ELLIOTT, Mr M.A.	Senior Biologist Conservation and Agricultural Branch Department of the Capital Territory CANBERRA. A.C.T.
FORSTER, Mr M.E.	Honorary Secretary Australian Federation of Aquarium Fish Importers and Traders SYDNEY. N.S.W.
FRITH, Dr H.J.	Chief Division of Wildlife Research CSIRO CANBERRA. A.C.T.
GNAUCK, Mr F.R.	Biologist in charge Wildlife and National Parks Section Department of the Northern Territory DARWIN. N.T.
HASTINGS, Mr R.Y.	MYRNING. VIC.
HILL, Mr T.A.	Senior Investigator National Parks and Wildlife Service of New South Wales SYDNEY. N.S.W.
HIRST, Mr M.J.	Secretary Dalby Branch Wildlife Preservation Society of Queensland DALBY. QLD.

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LEWITZKA, Mr F.E.	BROADVIEW, S.A.
LYNCH, Mr W.D.	Chief Fisheries and Wildlife Officer for Victoria MELBOURNE. VIC.
LYONS, Mr R.G.	Director National Parks and Wildlife Service of South Australia ADELAIDE. S.A.
MANWELL, Professor C.	NORMANVILLE. S.A.
MATTINSON, Mr J.S.	FAIRY MEADOW, N.S.W.
MILNE, Mr N.D.	SYDNEY. N.S.W.
MCCULLOCH, Mrs E.M.	Secretary Bird Observers Club of Victoria MELBOURNE. VIC.
NANCARROW, Mr D.A.	Chief Inspector Prevention and Detection Operations Special Services Branch Australian Department of Customs and Excise* CANBERRA. A.C.T.

O'CONNOR, Mr D.	Director Prevention and Detection Special Services Branch Department of Customs and Excise* CANBERRA. A.C.T.
OVINGTON, Professor J.D.	First Assistant Secretary Department of Environment** CANBERRA. A.C.T.
POLLARD, Mr B.M.	Inspector National Parks and Wildlife Service of South Australia ADELAIDE. S.A.
RHODES, Mr P.A.	Senior Fisheries and Wildlife Officer Fisheries and Wildlife Division MELBOURNE. VIC.
RIX, Mr C.E.	Council Member Royal Zoological Society of South Australia ADELAIDE. S.A.
ROFF, Mr C.R.R.	District Fauna Ranger Fauna Conservation Branch Queensland Department of Primary Industries BRISBANE. QLD.
RUSHTON, Mr D.K.	HUGHES. A.C.T.
SCHORER, Mr J.T.	Vice-President Avicultural Society of Australia MELBOURNE. VIC.
SINDEL, Mr S.R.	FAIRFIELD. N.S.W.
SMITH, Mr S.J.	Committee Member Avicultural Society of Australia MELBOURNE. VIC.

SPRY, Mr J.E.	Convenor Conservation Sub-committee Bird Observers Club MELBOURNE. VIC.
STEEL, Mr W.S.	Assistant Director (Wildlife) National Parks and Wildlife Service of N.S.W. SYDNEY. N.S.W.
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VAUGHAN, Mr J.F.	President Avicultural Society of N.S.W. SYDNEY. N.S.W.
WADLAND, Mr B.D.	Committee Member Avicultural Society of Australia MELBOURNE. VIC.
WHEELER, Mr N.R.	Chairman Australian National Section International Council for Bird Preservation MELBOURNE. VIC.
WHELPTON, Mr A.	President Australian Federation of Aquarium Fish Importers and Traders and Managing Director of Toy Fisheries SYDNEY. N.S.W.
WILKINSON, Mr B.F.	Assistant-Director Imports-Exports Branch Department of Customs and Excise* CANBERRA. A.C.T.
WILSON, Mr G.R.	Principal Environmental Officer (Wildlife) Department of Environment** CANBERRA. A.C.T.

WORDLEY, Mr E.G.

ZANN, Dr R.A.

PORT NOARLUNGA. S.A.

Council Member
Royal Australasian Ornithologists
Union
MELBOURNE. VIC.

* Now the Department of Business and Consumer Affairs

** Now the Department of Environment, Housing and Community
Development

APPENDIX 2

PROSECUTIONS FOR FAUNA SMUGGLING

Year	<u>Imported Fauna</u>		<u>Exported Fauna</u>	
	Prosecutions	Penalties	Prosecutions	Penalties
	no.	\$	no.	\$
1967	2	170	4	3596
1968	3	1995	2	498
1969	7	1834	4	1723
1970	6	3654	12	4805
1971	8	941	2	2040
1972	3	414	11	7421
1973	9	2563	12	11565
1974	7	1917	8	2227
Total	45	13,488	55	33,875

Source: Bureau of Customs

APPENDIX 3

EXAMPLES OF SMUGGLING OPERATIONS

Case 1

Information received from a police officer in Derby, Western Australia resulted in Customs investigators uncovering a plan to export 600 birds by light aircraft from Derby.

The birds to be exported were collected and held in Adelaide and from there taken by hired truck to Katherine, Northern Territory. The driver then contacted a pilot in Port Pirie, South Australia and advised him of the location of an airstrip just out of Katherine. Subsequently the aircraft arrived but the pilot advised switching the operation to Derby as the Air Force was exercising in the Katherine area. The pilot then flew to Darwin to await developments.

The remaining two conspirators drove their truck to Derby and located an airstrip approximately 35 miles from the town. They were apprehended before being able to contact the pilot in Darwin or a third conspirator who was awaiting the arrival of the shipment in Singapore.

Over 600 birds had been trucked from Adelaide to Katherine. Half had died. Approximately 350 more had been flown from Port Pirie to Katherine as replacements. In all, only about 350 birds survived to be seized.

Case 2

Information was obtained by the Bureau of Customs which indicated that a number of persons had arranged to illegally export Australian birds and reptiles valued at \$100,000 in a 50 ft ferro-cement motor vessel from Broome in Western Australia.

The vessel loaded some reptiles in Cairns and proceeded to Darwin where it was kept under surveillance by Customs Officers. No action was taken as it was planned to apprehend most of the conspirators while loading the major shipment, birds, in Broome. The vessel departed with clearance for Broome but instead the vessel sailed directly to Dili and from there to Bali - it was later ascertained the Broome operation had been cancelled. Most of the reptiles on the vessel became diseased and had died before reaching Bali.

A shipment of exotic birds and a few monkeys were loaded at Bali for the return trip. Many died before reaching Broome but approximately 300 birds and two monkeys were landed. By the time the offenders were apprehended in the Northern Territory, the number of surviving birds had dwindled to 40. The partially burnt remains of 138 birds were found in a truck-bay fireplace near Broome.

Source: Bureau of Customs