

Chapter 4

Domestic trade control framework

4.1 Chapter 4 considers the absence of a domestic ivory and rhino horn trade control framework in Australia, and evidence that the market within Australia is unregulated and inadequately monitored by any Commonwealth, state and territory agency. It then examines the argument that if Australia does not establish a trade control framework, it risks organised crime groups using Australia's weaker domestic control framework to facilitate the trade in illegal ivory and rhino horn. The risk of this occurring is considered with respect to the antiques industry, auction industry and online marketplaces.

4.2 The chapter examines these three at-risk industries, their vulnerabilities, and steps they have taken to address the illegal trade. Finally, the chapter considers stakeholders' reflections about the impact societal and cultural change has had on demand for ivory and rhino horn products.

Elephant ivory and rhino horn: an unregulated domestic market

4.3 As discussed in chapter 2, regulation and enforcement of the trade in ivory and rhino horn is the responsibility of the Department of the Environment and Energy (DoEE) and Australia Border Force (ABF). A criticism of the current exotic wildlife trade framework in Australia, which includes ivory and rhino horn items, is that it inadequately monitors and regulates the trade within Australia. As discussed in the previous chapters, the Commonwealth government does not regulate the domestic trade in wildlife, including elephant ivory and rhino horn. However, it is an offence under section 303GN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to be in possession of ivory or rhino horn (and any other wildlife specimen) that has been illegally imported into Australia. Each state and territory governs the internal movement of wildlife species within its jurisdiction.¹ However, according to the International Fund for Animal Welfare (IFAW) the Australian Capital Territory, under the *Nature Conservation Act 2014* (ACT), is the only jurisdiction with legislation that prevents the trade in ivory and rhino horn.²

4.4 On that basis, advocates for a domestic trade ban challenge the view that the current regulatory framework is sufficient:

...regulators cannot say with absolute confidence that the Australian domestic market for ivory and rhinoceros horn and the potential illegal trade in items does not contribute to the poaching crisis in Africa.³

4.5 Australia's contribution to the poaching and illegal trade of ivory (and rhino horn) is a point of contention between the DoEE and civil society groups. As outlined

1 International Fund for Animal Welfare (IFAW), *Submission 65*, p. 10.

2 IFAW, *Submission 65*, p. 10.

3 IFAW, *Submission 65*, p. 2.

in chapter 2, the 17th Meeting of the Conference of the Parties (CoP17) agreed to the resolution that 'all Parties and non-Parties in whose jurisdiction where there is a legal domestic market for ivory that is contributing to poaching or illegal trade' be closed.⁴

4.6 The DoEE maintains there is minimal evidence to suggest Australia is contributing to the poaching of elephants and the illegal trade in their ivory.⁵ Correspondence from July 2017 between the then Environment Minister and the then South Australian Minister for Sustainability, Environment and Conservation detailed Australia's support for countries that have closed their 'domestic ivory markets that are driving poaching and illegal trade'.⁶ However, the Environment Minister wrote that 'Australia's small domestic ivory market is not significant to international illegal trade'.⁷

4.7 The DoEE reflected the former Environment Minister's comments:

Australia promotes and supports international commitments to strengthen wildlife trafficking laws including the closure of significant ivory markets which are contributing to poaching. The most effective measures to combat illegal trade in elephant and rhino are those taken by significant source, transit and destination countries.⁸

4.8 The DoEE added that of all the wildlife species, 'more is known about elephants population' and evidence from the most recent CITES Elephant Trade Information System assessed:

Australia's domestic ivory market...as being small and/or well-regulated. In addition, it's noted that most seizures of ivory in Australia is of small, worked items being traded as personal effects. That's what's legal in Australia. It's legal elsewhere in the world.⁹

4.9 On this basis, the DoEE reviewed the CoP17 resolution and its relevance to Australia, and concluded that the 'call for the ban was for parties that are driving poaching, and all of our assessments about our domestic trade are that it is not driving poaching'.¹⁰ The committee challenged the DoEE on this view, and pointed to reports of issues with its gathering and use of data.¹¹ In response, the DoEE explained that

4 CITES, 'Closure of domestic ivory markets that are contributing to poaching or illegal trade', *Notification to the Parties*, No.2017/077, 19 December 2017, <https://www.cites.org/sites/default/files/notif/E-Notif-2017-077.pdf> (accessed 27 August 2018).

5 Mr Paul Murphy, Department of the Environment and Energy (DoEE), *Proof Hansard*, 3 July 2018, p.16.

6 For the Love of Wildlife (FLOW), *Submission 54*, Attachment C, p. [9].

7 FLOW, *Submission 54*, Attachment C, p. [9].

8 DoEE, *Submission 30*, p. 19.

9 Mr Murphy, DoEE, *Proof Hansard*, 3 July 2018, p.16.

10 Mr Murphy, DoEE, *Proof Hansard*, 9 July 2018, p. 48.

11 The issue of data is considered further in Chapter 5 of this report. See Chapter 5, paragraph 5.39–5.59.

although issues of data integrity existed between it and the Department of Home Affairs:

...internationally it's very well known what drives the poaching of elephants and what drives the poaching of rhino, and Australia is not considered significant in any international way in the poaching of those animals. And the resolution is quite specifically worded around that. It is to close domestic markets that are leading to poaching.¹²

4.10 The committee heard other concerns regarding the current trade control framework and Australia's decision not to implement a domestic trade ban. The IFAW reported that it had consulted with Commonwealth and state and territory governments, and through this engagement 'revealed a lack of understanding as to who possesses the regulatory responsibility to deal with the domestic trade of exotic wildlife products' in Australia:

The federal government believe they lack the jurisdiction to regulate domestic trade of ivory and rhinoceros horn and see it firmly as a state responsibility. Queensland, South Australia and New South Wales governments are all of the opinion that it is the federal government who should be regulating and monitoring the trade.¹³

4.11 According to IFAW, it is these situations that 'provide[s] ideal cover for the illegal trafficking of ivory and rhinoceros horn to occur'.¹⁴

4.12 The DoEE refuted the IFAW's argument that 'Commonwealth and the states [are] pointing to each other'.¹⁵ The DoEE stated that there are only laws in place for the international trade, and 'there are no laws on domestic trade', therefore:

...it's not a matter of governments shirking responsibility or not enforcing laws. The laws that are in place are for international trade and they are in place at the Commonwealth level under the EPBC Act. I just want to make that very clear. There are no laws regulating domestic sale.¹⁶

4.13 For this reason the DoEE does not:

...monitor an unregulated market. It doesn't require—you're allowed; people are allowed to sell these items domestically. It's not a regulated market. There's nothing really for the department to be monitoring. If there is evidence that items have been illegally imported, then the department is very interested in that, because that is what we are regulating—imports and exports over Australia's border. So we don't have powers because it's not

12 Mr Murphy, DoEE, *Proof Hansard*, 9 July 2018, p. 48.

13 Ms Rebecca Keeble, IFAW, *Proof Hansard*, 3 July 2018, p. 2.

14 Ms Keeble, IFAW, *Proof Hansard*, 3 July 2018, p. 2.

15 Mr Murphy, DoEE, *Proof Hansard*, 3 July 2018, pp. 12–13.

16 Mr Murphy, DoEE, *Proof Hansard*, 3 July 2018, pp. 12–13.

regulated. There's almost no point. The people in the auction houses aren't necessarily doing anything that's illegal.¹⁷

4.14 Although targeting the ivory and rhino horn trade in high-risk countries is important, IFAW argued that strengthening Australia's domestic trade regulations through decisive government action on this matter would support the:

...efforts of 29 African range states to protect elephant populations for the future and implement a legislative ban on the domestic trade of elephant ivory and rhinoceros horn in Australia.¹⁸

4.15 The Animal Defenders Office (ADO) commented that 'a progressive country like Australia cannot justify playing a role, however small, in driving these magnificent animals to extinction',¹⁹ and for this reason was supportive of a:

...regulatory framework that with some reasonable and very limited exceptions prohibits the trade of elephant ivory and rhinoceros horn in all Australian states and territories—that is to say both across and within state and territory borders.²⁰

4.16 This support for a domestic trade ban, with limited exemptions, was conveyed by the vast majority of submitters and witnesses to this inquiry. For example, all but one non-government witness supported a domestic trade ban (with exemptions) on ivory and rhino horn items. The committee heard that failure to do so would result in an increased risk of criminal organisations exploiting Australia's weaker control framework, and the continued facilitation of the illegal trade of ivory and rhino horn through the domestic market.

Risk of displacement

4.17 Many witnesses highlighted that, if Australia fails to implement a domestic trade ban, actors involved in the illegal trade could move their operations to Australia to exploit its weaker control framework. This phenomenon is known as displacement.

4.18 The Born Free Foundation highlighted the issue of displacement in Asia, with reports that ivory traders from China are moving to unregulated markets, such as Vietnam and Laos. Born Free argued that the risk of displacement means the domestic trade issue 'should be seen less as a domestic affair and more as a global affair'.²¹

4.19 Both the Centre for Environmental Law and the Environmental Investigation Agency (EIA) shared the concern about displacement. The Centre for Environmental Law stated:

17 Mr Murphy, DoEE, *Proof Hansard*, 3 July 2018, pp. 14–15.

18 IFAW, *Submission 65*, p. 2.

19 Mr Scott Dempsey, Animal Defenders Office (ADO), *Proof Hansard*, 9 July 2018, p. 1.

20 Mr Dempsey, ADO, *Proof Hansard*, 9 July 2018, p. 1.

21 Mr Gabriel Fava, Born Free Foundation, *Proof Hansard*, 3 July 2018, p. 29.

...a common concern is that displacement will see the activities of these resilient criminal networks shift to states where legal rules are lax in substance or implementation or are ambiguous or non-existent.²²

4.20 The EIA stated that displacement is a key issue, and that:

For anybody who might suggest that perhaps the total amount of ivory and rhino horn trading in Australia is relatively low, now is your opportunity to prevent it from becoming any higher because of the displacement from those countries that have introduced bans.²³

4.21 The British High Commissioner to Australia, Her Excellency Menna Rawlings, also called for global action in order to combat displacement because:

...as we close down markets, [criminal groups] might shift to other places—is a risk that countries like Australia can and should be mindful of as they consider their own case for legislation. Annual figures for the illegal wildlife trade range from seven billion pounds to 17 billion pounds. We're talking about big transnational organised crime operations here. That's the illegal trade, and then obviously the legal trade might become more attractive here if it's more difficult in other places. It does create a global context in which the level of expectation for countries to look at some sort of domestic ivory trade ban becomes more and more important.²⁴

4.22 Environmental investigator Dr Sylvia Loh made clear that Australia needs to enact a domestic ban, in line with its international counterparts; otherwise, Australia will be viewed as vulnerable and subsequently exploited.²⁵ Mr Luke Bond echoed Dr Loh's comment, and added Australia is just another player in the international wildlife trade, and for that reason, needed to have a 'more global perspective on what [Australia's] role is and what [it] can do to make a difference'.²⁶ Whilst acknowledging that Australia is not a major destination or transit route for this trade, Mr Bond opined that it is Australia's role to be a leader in this space, to multiply the impact of a domestic trade ban across the globe.²⁷

4.23 These opinions were shared by Professor Grant Pink, who expressed the view that whilst this debate is a national issue, it is also global, and Australia does not:

...want to be seen as the weakest link where we create a market for people to trade illegally or around the margins. That's critically important, and I

22 Ms Zara Bending, Centre for Environmental Law, *Proof Hansard*, 3 July 2018, p. 18.

23 Mr Andrew Brown, Environmental Investigation Agency (EIA), *Proof Hansard*, 9 July 2018, p. 56.

24 Her Excellency Menna Rawlings, British High Commissioner to Australia, *Proof Hansard*, 9 July 2018, p. 23

25 Dr Sylvia Loh, EcoEnforce, *Proof Hansard*, 4 July 2018, p. 26.

26 Mr Luke Bond, EcoEnforce, *Proof Hansard*, 4 July 2018, p. 26.

27 Mr Bond, EcoEnforce, *Proof Hansard*, 4 July 2018, p. 26.

think that's why we're seeing leadership in those countries that you mentioned and the London declaration.²⁸

The legal trade: a conduit for illicit trade

4.24 The committee heard from civil society groups that warned an unregulated legal market is 'a conduit for illicit trade'.²⁹ According to IFAW, the illegal trade is facilitated by the parallel legal wildlife trade (worth an estimated US\$3 billion per year),³⁰ which provides 'an avenue for the supply-and-demand chain to continue and, with it, opens the door for laundering of illegal products'.³¹ The expansion of online markets further fuels the illegal trade, enabled by 'confusing wildlife trade laws, lack of enforcement and basic governance structures and fast developing economic markets'.³²

4.25 The SAVE African Rhino Foundation commented that the more the legal trade is restricted, the easier it is to determine whether trade is legal or illegal, and argued:

Wherever there is a legal market, it makes it harder to understand whether the movement of ivory or rhino horn is an illegal act. Essentially, the more holes that are shut up for that trade to occur anywhere in the world the easier it is to say it's illegal and that it's happening through that port or through that country or through that area. Wherever there's legal trade, it acts as a smokescreen to the illegal trade.³³

4.26 This risk was raised by Her Excellency Menna Rawlings, who explained that the UK domestic ban addresses the UK government's view:

...that any legal ivory market may contribute to the illegal trade. This is because any legal ivory market lends acceptability to the sale of ivory and provides opportunities for criminals to launder illegal, freshly poached ivory through a legal market, often passing it off as much older than it is to get around restrictions due to age.³⁴

4.27 These comments are consistent with the United Nations Office on Drugs and Crime (UNODC) recommendations in the 2016 *World Wildlife Crime Report* which found that the international illegal wildlife trade would decline if each country, under its domestic law, prohibited the 'possession of wildlife that was illegally harvested in, or illegally traded from, anywhere in the world' and that:

28 Professor Grant Pink, *Proof Hansard*, 9 July 2018, p. 9.

29 Ms Bending, Centre for Environmental Law, *Proof Hansard*, 3 July 2018, p. 18.

30 IFAW, *Submission 65*, p. 2.

31 Ms Keeble, IFAW, *Proof Hansard*, 3 July 2018, p. 1.

32 IFAW, *Submission 65*, p. 2.

33 Dr Cameron Murray, SAVE African Rhino Foundation, *Proof Hansard*, 5 July 2018, p. 6.

34 Her Excellency Rawlings, British High Commissioner to Australia, *Proof Hansard*, 9 July 2018, p. 16.

...current international controls regulating trade do not extend into national markets, so domestic environmental laws should be expanded to provide protection to wildlife from other parts of the world.³⁵

4.28 Several witnesses provided examples of how the legal and illegal trade exist in parallel to each other. Internationally, IFAW's representative from China, Ms Grace Ge Gabriel, spoke of a 2011 case where an owner of a licenced ivory carving factory had illegally imported seven tonnes of raw ivory into China from East Africa. The illegally sourced ivory was mixed with CITES sanctioned stocks, which complicated law enforcement agencies ability to identify the illegally sourced ivory.³⁶ Another example involved an Australian citizen and antique dealer, Mr Graham Chen, who in 2017 was found guilty in a US court for smuggling illegal ivory and rhino horn from the US into China.³⁷ Mr Chen reportedly smuggled goods worth AU\$911 120; US authorities worked with the Australian Federal Police (AFP) and the Attorney-General's Department to apprehend and extradite Mr Chen.³⁸

4.29 The UNODC referred to Operation Cash in the US.³⁹ Since 2011, this large-scale, ongoing and multi-law enforcement agency investigation has targeted the elephant ivory and rhino horn trade connected to international poaching and smuggling syndicates. As of October 2017, Operation Cash has charged more than 50 suspects, 38 of whom have been convicted. The operation has recovered over US\$7.8 million in fines and restitution, and the seizure of smuggled ivory and rhino horns worth an estimated US\$75 million.⁴⁰

4.30 According to the UNODC, the US experience has shown that 'law enforcement authorities didn't understand the full extent of the US implication in rhino horn and ivory trafficking until they began conducting the covert investigations'.⁴¹ The UNODC argued, '[g]iven the parallels between the [the US and Australia]', that similar risks and serious consideration of those risks is needed in Australia.⁴²

4.31 Similar examples have occurred in Australia. For example, the 2011–12 investigation by the Australian Crime Commission (ACC) named Project Aerostar. The purpose of Project Aerostar was to research 'the methodology and potential nexus between international trafficking syndicates of endangered species and serious

35 United Nations Office on Drugs and Crime (UNODC), *World Wildlife Crime Report*, 2016, p. 11.

36 Ms Grace Ge Gabriel, IFAW, *Proof Hansard*, 3 July 2018, p. 7.

37 Ms Ge Gabriel, IFAW, *Proof Hansard*, 3 July 2018, p. 7.

38 Mr Matt Young, 'An Australian man has faced a US court and admitted he was the mastermind behind a massive smuggling operation', *News.com.au*, 31 October 2017.

39 UNODC, *Submission 41*, p. 13.

40 UNODC, *Submission 41*, p. 13.

41 UNODC, *Submission 41*, p. 14.

42 UNODC, *Submission 41*, p. 14.

organised crime groups'.⁴³ According to the Australian Criminal Intelligence Commission (ACIC), that investigation revealed the activities of the syndicate and methods to circumvent international regulatory controls; it also 'exposed some second-hand, high-value antiques markets as being vulnerable to money laundering activities'.⁴⁴

4.32 Environmental investigator and former member of Project Aerostar, Mr Bond shared a number of key findings that highlighted how the legal market facilitates the illegal trade in ivory and rhino horn. Mr Bond explained that an individual targeted as part of Project Aerostar was found to have provenance documentation, including pre-CITES certificates, that were falsified to export ivory and rhino horn items from Australia to China.⁴⁵ Further, the individual was found to 'ingratiate himself to experts within the antique trade', and had groomed younger people working in the antiques industry as a means to assist with the production of falsified documentation.⁴⁶

4.33 Mr Bond stated that prior to Project Aerostar, the Department of Environment had identified antiques dealers and traders who were providing statutory declarations to confirm provenance and age of items without the expertise or knowledge to do so. These dealers took on face value the histories of these items, with many being sold for \$200 000 or \$300 000 apiece, with the antique dealers taking a commission of up to 40 per cent. Mr Bond concluded that '[t]here was not a great deal of due diligence around that process at that time'.⁴⁷

4.34 A consequence of Project Aerostar and the Department of Environment's investigations was a review of legislation, which led to a tightening of laws related to the importation of ivory and rhino horn in 2015. It also led to a stronger engagement with antiques traders and dealers across Australia to develop an awareness that law enforcement personnel were targeting premises in Sydney and Melbourne.⁴⁸ However, Mr Bond submitted that no one was prosecuted as a result of Project Aerostar.⁴⁹

4.35 With respect to online marketplaces, the IFAW investigation into the illegal sale of wildlife online resulted in the Department of Environment executing:

...two search warrants at properties of a Sydney-based online trading company, where they found and seized a large number of carved ivory ornaments and jewellery with an estimated value of \$80 000.⁵⁰

43 Mr Jeremy Johnson, Australian Criminal Intelligence Commission (ACIC), *Proof Hansard*, 9 July 2018, p. 46.

44 Mr Johnson, ACIC, *Proof Hansard*, 9 July 2018, p. 47.

45 Mr Bond, EcoEnforce, *Proof Hansard*, 4 July 2018, pp. 20–21.

46 Mr Bond, EcoEnforce, *Proof Hansard*, 4 July 2018, p. 22.

47 Mr Bond, EcoEnforce, *Proof Hansard*, 4 July 2018, p. 21.

48 Mr Bond, EcoEnforce, *Proof Hansard*, 4 July 2018, p. 25.

49 Mr Bond, *Submission 2*, p. 2.

50 IFAW, *Click to Delete: Australian websites selling endangered wildlife* (Click to Delete), 2013, p. 4.

At-risk industries

4.36 The legal elephant ivory and rhino horn trade in Australia is primarily conducted through three industries: the antiques⁵¹ industry, auction industry, and online marketplaces. Consequently, the committee heard these industries are at a high-risk of enabling the illegal trade of ivory and rhino horn.

4.37 Investigations conducted by IFAW have revealed vulnerabilities for these industries. For example, the committee heard evidence about IFAW's most recent investigation into the antiques industry, which demonstrated the inadequacy of mechanisms in place to minimise the risk of ivory and rhino horn being illegally traded by antiques dealers. It also highlighted a lack of understanding about the current trade control framework (CITES); in some cases, incorrect advice or advice contrary to current law had been provided to customers concerning existing trade controls. As discussed earlier, Project Aerostar revealed how the antiques industry had been used by criminal groups to launder illegal wildlife, including ivory and rhino horn items.

4.38 Some industry participants have made considerable efforts to reduce their handling of ivory and rhino horn, and have taken an ethical stance on this matter. For example, Leonard Joel was the first auction house to implement a self-imposed ban on the sale of ivory and rhino horn in 2017, and in 2018, the Auctioneers and Valuers Association of Australia (AVAA) board formally agreed to support a domestic trade ban.⁵² Online marketplaces have implemented terms of use provisions that prohibit the sale of CITES-listed species on their platforms. In 2018, online marketplaces such as Alibaba, eBay and Facebook joined with international environmental groups to form a Global Coalition to End Wildlife Trafficking Online by 80 per cent in 2020.⁵³

4.39 The following sections considers each of these industries, their vulnerabilities, efforts to address the illegal trade, and views concerning a domestic ban on the trade in ivory and rhino horn in Australia.

Antiques industry

4.40 The antiques industry was identified as a high-risk industry for facilitating the illegal trade in ivory and rhino horn. This risk was highlighted in IFAW's most recent investigation⁵⁴ into the ivory and rhino horn trade in antique stores across Australia. This investigation included stores located in Sydney, Melbourne, Perth, Hobart, Adelaide, Canberra and Brisbane. Investigators also attended the Australian Antique & Art Dealers Association (AAADA) fair in Melbourne.⁵⁵ The investigation revealed

51 This includes second-hand and pawn shop enterprises.

52 See John Albrecht, Leonard Joel, *Proof Hansard*, 3 July 2018, p. 44; and Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, p. 35.

53 Facebook, *Submission 73*, p. [2].

54 The committee was advised that IFAW had provided the DoEE with a copy of the report. At the time, the DoEE had not concluded whether criminal offences had been made under the EPBC Act. See Mr Murphy, DoEE, *Proof Hansard*, 9 July 2018, p. 43.

55 Ms Josey Sharrad, IFAW, *Proof Hansard*, 3 July 2018, p. 4.

that ivory items were readily available in all antique stores visited by IFAW; 72 of the 121 shops sold ivory items, which ranged from a single piece to large collections. IFAW did not identify any rhino horn items.⁵⁶

4.41 In addition to the availability of ivory in antiques stores, IFAW sought to investigate the knowledge sellers had regarding the CITES framework. This was done by the investigator, Miss Josey Sharrad, who posed as a British tourist wanting to buy an ivory item to take to the UK. Miss Sharrad informed the committee that she asked questions that related to the age of an item and whether proof of an item's provenance was needed to take the item back to the UK.⁵⁷

4.42 Miss Sharrad reported that she received 'varying and conflicting levels of advice' with some sellers informing her of CITES regulations, and others not aware of there being laws concerning the international ivory trade. Some sellers either unknowingly or knowingly provided Miss Sharrad with advice contrary to current law; others informed her of the CITES framework but then suggested ways to circumvent customs controls. This advice included recommendations to wear or carry the item on her person, hide the item in her luggage or declare it as bone or xyconite, and offering to write a receipt supporting this false claim. One shop was found to have falsely labelled the ivory items as bone.⁵⁸

4.43 The investigation found that only one antique seller of the 121 sellers investigated provided detailed and correct advice; that is, ivory items must have provenance documentation, including a pre-CITES certificate issued by the DoEE, to be exported from Australia.⁵⁹

4.44 Whilst IFAW's investigation highlighted significant shortcomings with the industry's regard to the current legal framework, the peak industry body, the AAADA, submitted that 'the antiques trade is well regulated, with the import of any ivory works of art requiring a certificate that the ivory components date from before the adoption of the CITES Treaty'.⁶⁰ The President of the AAADA, Dawn Davis, advised the committee that its members⁶¹ only deal with items that are dated pre-1947, and not much past the 1920s and 1930s.⁶²

4.45 The committee put to the AAADA allegations made that antique dealers were providing incorrect and advice contrary to current law to potential buyers. In response, the AAADA asserted its members abide by its code of practice,⁶³ which members

56 Ms Sharrad, IFAW, *Proof Hansard*, 3 July 2018, p. 4.

57 Ms Sharrad, IFAW, *Proof Hansard*, 3 July 2018, p. 4.

58 Ms Sharrad, IFAW, *Proof Hansard*, 3 July 2018, p. 5.

59 Ms Sharrad, IFAW, *Proof Hansard*, 3 July 2018, p. 5.

60 The Australian Antique & Arts Dealers Association (AAADA), *Submission 60*, p. [2].

61 The AAADA has 103 members from across Australia. See AAADA, *Submission 60*, p. [2].

62 Dawn Davis, AAADA, *Proof Hansard*, 4 July 2018, pp. 37–38.

63 Mrs Keren Lewis, AAADA, *Proof Hansard*, 4 July 2018, p. 39.

agree to adhere to when they join the AAADA.⁶⁴ Dawn Davis added that AAADA has a:

...membership of about 100 antique dealers. We are the peak industry body. We do not represent every antique dealer in Australia, and there are lots of second-hand dealers, antique dealers, that are outside our jurisdiction. But we're saying that, as an organisation, we maintain that our members do adhere to our strict policy and, on that basis, that is how we put in our submission—based on our membership, saying that we believe that our members are able to discern between modern and antique ivory. As such, we have this system in place whereby they have to provide certification and a proper receipt and valuation with every item that they sell, not only antique ivory items but every item that they sell.⁶⁵

4.46 With regard to antique dealers providing buyers with advice on how to avoid customs detection, the AAADA reassured the committee that it believes its members comply with the code of practice and would refute otherwise. The AAADA emphasised it would expel a member if AAADA found them not to comply with the code of practice.⁶⁶ However, AAADA acknowledged concerns that some antiques dealers 'have a very colourful background',⁶⁷ but efforts to reform the industry has led to a 'change in the reputation of antique dealers'.⁶⁸

4.47 Subsequently, the AAADA recommended that the committee consider the licensing arrangements for second-hand dealers and pointed out that dealers are not required to obtain a license in all jurisdictions. The AAADA argued if this was to change, it could lead to better regulation of the sector.⁶⁹

4.48 The prospect of a domestic ban in Australia was also discussed with the AAADA. In its submission, the AAADA stated that it supported a domestic trade ban on non-worked post-CITES elephant ivory, but did not support a total ban or the restriction of 'fair trade in pre-CITES worked ivory'.⁷⁰ Dawn Davis opined that 'banning all trade in ivory and rhino horn would be highly counterproductive', and warned that it would force the trade underground, and not 'necessarily stop the illegal trade in modern ivory'.⁷¹ She called for a distinction:

64 Dawn Davis, AAADA, *Proof Hansard*, 4 July 2018, p. 39.

65 Dawn Davis, AAADA, *Proof Hansard*, 4 July 2018, pp. 39–40.

66 Dawn Davis, AAADA, *Proof Hansard*, 4 July 2018, p. 40.

67 Dawn Davis, AAADA, *Proof Hansard*, 4 July 2018, p. 43.

68 Mrs Lewis, AAADA, *Proof Hansard*, 4 July 2018, p. 43.

69 Mrs Lewis, AAADA, *Proof Hansard*, 4 July 2018, p. 43.

70 AAADA, *Submission 60*, p. [2].

71 Dawn Davis, AAADA, *Proof Hansard*, 4 July 2018, p. 37.

...between the market for ivory as a substance...and the market for works of art, whose significance lies in their status as works of art and not what they are made of.⁷²

4.49 The AAADA also argued that:

Much if not most of the works of art were created from the ivory of elephants who died of natural causes. This is the same with all items crafted from natural animal materials.⁷³

4.50 This position was challenged by both the committee and the AVAA. The committee questioned AAADA's guarantee that its members do not sell items made from poached ivory and only from elephants that have died from natural causes (mortality ivory), especially when there is no way to make such a determination. In response, Dawn Davis said there is no way to prove 'that it wasn't from natural causes' and 'therein lies the issue'.⁷⁴

4.51 The AVAA also disagreed with the AAADA's view that most works of ivory sold by its members were mortality ivory, and that these 'items have a legitimate right of trade'.⁷⁵ The AVAA commented that AAADA's statement was both problematic and disingenuous, because although there is 'no way to tell if the ivory used in a bona fide antique carving came from a found tusk or from a slain elephant',⁷⁶ historical evidence demonstrates global demand for ivory led to the extinction of the Syrian elephant and increased poaching of elephants in Africa.⁷⁷

4.52 The committee asked about the financial implications of a domestic trade ban on the antiques industry. When asked whether there was an AAADA member that depends on the sale of ivory for their survival, Dawn Davis responded that there were none.⁷⁸ Ms Therese Howard from Bloomsbury Antiques shared this sentiment. She declared that only one per cent of her business was invested in ivory and when asked whether a domestic ban would affect her business' bottom line, Ms Howard responded with '[a]bsolutely not'.

4.53 Jane Raffan of the AVAA refuted claims that a commercial ban would 'be disastrous for the industry'.⁷⁹ She referred to a 2017 investigation into the antiques and auction trade in the UK that revealed that ivory lots sold at auction houses only comprised of 0.7 per cent of annual sales.⁸⁰

72 Dawn Davis, AAADA, *Proof Hansard*, 4 July 2018, p. 37.

73 AAADA, *Submission 60*, p. [4].

74 Dawn Davis, AAADA, *Proof Hansard*, 4 July 2018, p. 40.

75 Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, pp. 35–36.

76 Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, pp. 35–36.

77 Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, p. 36.

78 Dawn Davis, AAADA, *Proof Hansard*, 4 July 2018, p. 45.

79 Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, p. 35.

80 Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, p. 35.

4.54 The committee received no evidence that a domestic trade ban would have significant adverse financial implications on the antiques industry. However, this concern has been expressed in other forums, especially in the context of the UK ivory ban. In July 2018, the Chairman of the British Antique Dealers' Association (BADA) reported that it and the Association of Art & Antiques Dealers (LAPADA) had raised \$125 000 pounds to conduct a judicial review of the legality of the UK ivory ban.⁸¹

Auctioneers

4.55 In 2016, IFAW released a report titled *Under the hammer: Are auction houses in Australia and New Zealand contributing to the demise of elephants and rhinos?* (Under the hammer report). This report investigated cases of ivory and rhino horn being sold at Australian and New Zealand auction houses. The IFAW identified '2772 ivory items for sale at 175 auctions in 21 auction houses' with 78 per cent of these items being sold.⁸² At the time, only seven of the 21 auction houses had written policies on their websites, and only two referred to the trade in endangered species. Of further concern, the IFAW found that only eight per cent of ivory items were accompanied by provenance documentation, such as information on the item's origin, its history and authenticity.⁸³

4.56 The report highlighted that ivory and rhino horn were 'readily available for sale in auction houses' and '[d]emand for these products and final sale prices remain high'.⁸⁴ IFAW surmised that despite international and national laws governing the trade in ivory and rhino horn, 'auction houses provided an astounding lack of information regarding the provenance, authenticity and legality of these items',⁸⁵ a concern validated by the auction house, Leonard Joel.⁸⁶

4.57 According to Leonard Joel's Chief Executive Officer, John Albrecht, the auction and antiques industries should, in theory, ensure items meet the regulatory framework and are not illegally imported. However, in reality, the industry rarely ensures the legality of items.⁸⁷ Leonard Joel added that compliance occurs in the '*very rare occasion* when they believe the piece might attract enough public attention to warrant selling the item lawfully'.⁸⁸

4.58 A consequence of IFAW's Under the Hammer report was Leonard Joel implementing a Voluntary Cessation Policy in 2017; the first auction house in

81 Mr Michael Cohen, 'On the battle for antique ivory: an appeal from BADA's chairman', *Antiques Trade Gazette*, 2 July 2018, <https://www.antiquetrade gazette.com/news/2018/on-the-battle-for-antique-ivory-an-appeal-from-bada-s-chairman/> (accessed 10 August 2018).

82 IFAW, *Under the hammer*, September 2016, p. 2.

83 IFAW, *Under the hammer*, September 2016, p. 2.

84 IFAW, *Under the hammer*, September 2016, p. 3.

85 IFAW, *Under the hammer*, September 2016, p. 3.

86 Leonard Joel, *Submission 51*, pp. [2]–[3].

87 Leonard Joel, *Submission 51*, pp. [2]–[3].

88 Leonard Joel, *Submission 51*, p. [3].

Australia to do so. At the time, Leonard Joel was the largest trader of ivory products in the country.⁸⁹ The policy meant Leonard Joel no longer auctioned rhino horn (both worked and unworked) irrelevant of an item's age, and all unworked elephant ivory. Then over a two year period, Leonard Joel phased out all items that were wholly, primarily and predominately made of ivory,⁹⁰ and no longer sold items with a post-date of 1921. As of 1 January 2018, Leonard Joel only traded in ivory items that met its de minimis principle (discussed previously in chapter 3).⁹¹

4.59 Leonard Joel's decision to no longer trade in elephant ivory and rhino horn items was based on the principle that international efforts to address the slaughter of elephants and rhinos will continue to be undermined as long as monetary value is derived from the sale of ivory and rhino horn items.⁹²

4.60 John Albrecht advised the committee that since the 2017 ban, there had been no negative commercial or human resource impact on Leonard Joel, and its business and staff numbers have since increased.⁹³ Leonard Joel reported a mixed response to its voluntary policy. John Albrecht spoke of two auctioneers adopting a similar position, anger from some collectors, and disdain from other auction houses. However, Leonard Joel has received overwhelming public support for its policy.⁹⁴

4.61 Further momentum towards an ivory and rhino horn ban across the auction industry occurred in March 2017, with the board of the AVAA,⁹⁵ in consultation with IFAW, considered its position on the Australian trade in ivory and rhino horn. Initially, the AVAA board was unable to reach consensus, however, with the release of the UK's Ivory Bill in May 2017, and the commencement of the committee's inquiry into this matter, the board released a position statement in support of both the UK's proposed legislation for ivory, and a complete ban on the trade in rhino material.⁹⁶ Although not an outright ban, the position statement has meant AVAA encourages its members 'to adopt those principles and ethics in their own practices'.⁹⁷

4.62 Whilst Leonard Joel and the AVAA supported the implementation of a domestic trade ban, Barsby Auctions argued against a ban, stating that '[t]here is no proof that [a] ban would have any effect' and that the 'sale of antique ivory is an easy

89 John Albrecht, Leonard Joel, *Proof Hansard*, 3 July 2018, p. 44.

90 Leonard Joel, *Submission 51*, p. [1].

91 John Albrecht, Leonard Joel, *Proof Hansard*, 3 July 2018, p. 45.

92 John Albrecht, Leonard Joel, *Proof Hansard*, 3 July 2018, p. 44.

93 John Albrecht, Leonard Joel, *Proof Hansard*, 3 July 2018, p. 44.

94 John Albrecht, Leonard Joel, *Proof Hansard*, 3 July 2018, p. 49.

95 The Auctioneers and Valuers Association of Australia (AVAA) represents 180 members from across the auction house and antique industry. See Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, p. 37.

96 Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, p. 35.

97 Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, p. 40.

target for fixing a difficult problem'.⁹⁸ Mr David Barsby, the Director of Barsby Auctions, argued that the ivory trade was not worth a significant amount, and therefore of no interest to organised crime. Further, he expressed the view that there is no market for newly poached ivory in Australia; instead, demand is for antique ivory.⁹⁹

4.63 Mr Barsby said the current laws were working well, but called for a licensing system for dealers of CITES products because '[a]uction houses are currently not regulated in any way'.¹⁰⁰ Mr Barsby also held the view that public opinion should be permitted to bring an end to the ivory trade, rather than a legislative ban.¹⁰¹

4.64 One concern expressed by Mr Barsby was that the destruction of ivory items would increase their rarity, and subsequently lead to higher prices and an increased risk of poaching and criminal activity.¹⁰² Another concern was the financial implication for collectors under a domestic ban, preventing people from selling their legally acquired ivory items.¹⁰³ John Albrecht challenged the latter concern, arguing that he had not come across a collector whose 'business and family depends on their ivory collection', and that ivory tended to be 'incidental to the collection or a small component of it'; John Albrecht was unaware of a client whose 'commercial wellbeing depended on the sale of their ivory'.¹⁰⁴

4.65 Despite Mr Barsby's concerns, he advised the committee that his auction house sold approximately \$100 000 worth of ivory in a year, which was not a significant amount. Further, Mr Barsby agreed with John Albrecht that if Barsby Auctions did not trade in ivory, 'financially it wouldn't affect' his business.¹⁰⁵

Online marketplaces

4.66 In 2013, IFAW released a report entitled *Click to Delete: Australian websites selling endangered wildlife* (Click to Delete report) which investigated online marketplaces and the illegal trade in wildlife in Australia. The report found a 266 per cent increase in the number of endangered wildlife items traded on Australian websites between 2008 and 2013.¹⁰⁶ One of the primary drivers of the rise in endangered wildlife trade was the number of elephant ivory items listed for sale, the number one wildlife item traded via online marketplaces in 2013.¹⁰⁷

98 Mr David Barsby, Barsby Auctions, *Proof Hansard*, 3 July 2018, p. 44.

99 Mr Barsby, Barsby Auctions, *Proof Hansard*, 3 July 2018, p. 44.

100 Mr Barsby, Barsby Auctions, *Proof Hansard*, 3 July 2018, p. 44.

101 Mr Barsby, Barsby Auctions, *Proof Hansard*, 3 July 2018, p. 44.

102 Mr Barsby, Barsby Auctions, *Proof Hansard*, 3 July 2018, p. 44.

103 Mr Barsby, Barsby Auctions, *Proof Hansard*, 3 July 2018, p. 45.

104 John Albrecht, Leonard Joel, *Proof Hansard*, 3 July 2018, p. 46.

105 Mr Barsby, Barsby Auctions, *Proof Hansard*, 3 July 2018, p. 49.

106 IFAW, *Submission 65*, p. 8.

107 IFAW, *Submission 65*, p. 8.

4.67 At that time, eBay Australia was responsible for the largest number of ivory items for sale, with two-thirds of the 145 ivory items listed found on eBay. Two rhino horns were for sale during IFAW's investigation: one via Quicksales and the other on the online auction site eBid.¹⁰⁸ IFAW calculated that the total value of all illegal wildlife traded on the investigated online marketplaces was \$637 387, with \$175 568 of that total coming from Australian sellers.¹⁰⁹

4.68 Since the release of the Click to Delete report, IFAW has seen improvements in the way online marketplaces manage this problem, motivated by a recognition:

...that distinguishing legal from illegal trade online was virtually impossible, and it didn't make a good business model for them. The amount of resources that they would have to invest to distinguish what was legal from what was illegal just wasn't viable...So the companies went above and beyond the law by introducing holistic bans—initially ivory bans and now bans in endangered and threatened wildlife on CITES Appendix I.¹¹⁰

4.69 For example, eBay has strictly prohibited the sale of ivory on its website, and submitted that 'it makes explicitly clear that sellers and buyers review our guidelines and follow applicable laws before listing items'.¹¹¹ eBay added that:

Unfortunately, legal trade in ivory has for too long made it difficult to combat the illegal trade. Distinguishing legal from illegal ivory is extremely complex and time consuming, making enforcement of a particle ban impractical. We therefore support banning all trade in ivory.¹¹²

4.70 To highlight the extent of the problem, eBay informed the committee that in 2017 it had 'blocked or removed over 45 000 listings' that violated its policy on endangered or threatened species.¹¹³ eBay's efforts, together with those of civil society groups, have meant that 80 per cent of wildlife items identified on eBay were not sold.¹¹⁴

4.71 Facebook confirmed that it too has policies in place that prohibits the 'poaching or selling of endangered species and their parts', including both ivory and rhino horn.¹¹⁵ The committee heard that if a user identifies content that breaches Facebook's community standards, then it can be reported to Facebook's community operations team who will review and remove content within 24 hours if it is found to have breached those standards.¹¹⁶

108 IFAW, Click to Delete, 2013, p. 4.

109 IFAW, Click to Delete, 2013, p. 4.

110 Ms Tania McCrea-Steele, IFAW, *Proof Hansard*, 9 July 2018, p. 63.

111 eBay, *Submission 70*, p. [1].

112 eBay, *Submission 70*, p. [2].

113 eBay, *Submission 70*, p. [2].

114 Ms McCrea-Steele, IFAW, *Proof Hansard*, 9 July 2018, p. 63.

115 Facebook, *Submission 73*, p. [2].

116 Mr Max Slackman, Facebook, *Proof Hansard*, 16 August 2018, p. 7.

4.72 Facebook was not able to provide the committee with evidence about the number of listing it had removed from its platforms.¹¹⁷ When challenged on the effectiveness of its policy and the measures in place to identify and remove content such as ivory, Facebook commented that it was:

...working to try to make sure we can effectively enforce our policies, including through the partnerships that we have. I wouldn't want to represent that it's a perfect system, as I think you have ably demonstrated, but it's something where we will continue to try improve to make sure we're able to actively enforce our policies. Another challenge we face is that bad actors are very determined and will often iterate their strategies. So we also need to adapt. This where working with community partners and having users report content brought to us can help us continue to stay up to speed.¹¹⁸

4.73 In March 2018, online marketplaces such as eBay, Facebook and Alibaba, along with the IFAW, World Wildlife Fund (WWF), TRAFFIC and Interpol formed the Global Coalition to End Wildlife Trafficking Online (the Global Coalition). The purpose of this coalition is to develop an 'industry-wide approach to reduce wildlife trafficking online by 80 [per cent] by 2020'.¹¹⁹

4.74 Facebook advised the committee that since joining the Global Coalition it has developed training materials and doubled its security and content review teams from 10 000 to 20 000 in the past 12 months. Further investment has also been made into Facebook's use of smart technology, which uses machine learning and artificial intelligence to identify 'and stop bad actors of all kinds on the platform', including organised wildlife trafficking.¹²⁰

4.75 Civil society and individuals also play an important part in the monitoring of online sales. The committee heard that IFAW regularly monitors online marketplaces, along with a large number of supporters who identify wildlife items, who contact the online marketplaces and request that the item be taken down, or inform the DoEE and IFAW.¹²¹ According to IFAW, these collaborations between civil society groups and online marketplace companies show that it is essential:

...when you're implementing these bans or when you're working with companies to go above and beyond the ban, that we take a cross-sector collaborative approach to addressing this issue. It's so large that enforcers alone won't be able to tackle the problem without the support and engagement of companies.¹²²

4.76 However, despite best efforts, IFAW recommended that:

117 Mr Slackman, Facebook, *Proof Hansard*, 16 August 2018, p. 8.

118 Mrs Mia Garlick, Facebook, *Proof Hansard*, 16 August 2018, p. 10.

119 Facebook, *Submission 73*, p. [2].

120 Mr Slackman, Facebook, *Proof Hansard*, 16 August 2018, p. 9.

121 Ms Keeble, IFAW, *Proof Hansard*, 3 July 2018, p. 6.

122 Ms McCrea-Steele, IFAW, *Proof Hansard*, 9 July 2018, p. 63.

...there should be a complete ban on the sale of ivory pieces online. Purchases should be made in person at auctions and antique dealers' premises. Personal inspection, rather than basing decisions on online descriptions, will assist purchasers in identifying whether ivory is legal and, perhaps more importantly, will make it more difficult for sellers to launder illegal ivory. If online trade is to continue, there should be specific measures for online trade: for example, sellers should provide access to copies of documentation and website operators must publicise relevant legislation and remove postings that fail to comply.¹²³

Transfer to the darknet and black market

4.77 A related matter discussed during the inquiry was the risk that a ban would transfer the ivory and rhino horn market to the darknet. The committee raised this matter with a number of stakeholders who all largely dismissed this concern. Nature Needs More acknowledged that if a ban were implemented, there would be a percentage of people that would use underground resources to access these items. However:

There are always those individuals in the market. But there are an awful lot of customers who feel, because of the openness of trade, because of the ease of trade, because of what they're told from the people they're buying it from, that it's completely legitimate to do that. I think those are the individuals who will not access the dark web or go to underground resources to get hunter ivory. Many of them are simply buying it because it's so easy to buy. Yes, there will be a small percentage of individuals who can access the dark web and go underground, but that's a relatively small percentage, when you speak to customers who just think it's perfectly legal given what they're seeing in the Australian retail and auction sector.¹²⁴

4.78 The Born Free Foundation highlighted that 'there is already a criminal activity' and stressed 'that domestic markets stimulate demand. They propagate demand. They sustain it quite actively. That's what needs to be addressed'.¹²⁵ The Centre for Environmental Law emphasised that legitimate online marketplaces are facilitating much more wildlife trafficking than the darknet; however, the Centre also spoke of reports of darknet:

...users giving advice as to how to fool Border Force, what to put on a label, quantities, the type of packaging and how to make it look less suspicious. Anecdotally I've heard of similar instructions being given with respect to wildlife in relation to mail as well.¹²⁶

4.79 More broadly, the committee was advised by IFAW that it regularly comes up against the argument that a domestic ban would drive the trade to the black market. It rebuts this view, on the grounds that the trade is already underground, and a 'black

123 Environmental Investigation Agency (EIA), *Submission 33*, pp. 8–9.

124 Dr Lynn Johnson, Nature Needs More, *Proof Hansard*, 4 July 2018, p. 19.

125 Mr Fava, Born Free Foundation, *Proof Hansard*, 3 July 2018, p. 27.

126 Ms Bending, Centre for Environmental Law, *Proof Hansard*, 3 July 2018, p. 20.

market in these items exist' and is helped by the current situation 'that there are so many of these sellers and so much of this trade going on all across the country and no-one is regulating it'.¹²⁷

Societal and cultural change

4.80 A point raised by many stakeholders, including those from the auction and antiques industries, is the impact and influence of societal and cultural change on demand for ivory and rhino horn items. Most importantly, customers' views about the ethics of the trade is shaping the behaviour of both consumers and retailers, as has previously been demonstrated in the fashion industry¹²⁸ and its use of fur, or the trade in Indigenous artwork.¹²⁹

4.81 Ivory crush events, including the 2016 Melbourne Crush, are symbolic of the change in public opinion concerning the sale of ivory and rhino horn items. At these events, individuals voluntarily destroy ivory items to raise public awareness of the impact of their trade on elephant populations.¹³⁰ A global survey commissioned as part of the global crush events revealed 77 per cent of Australians already think it is illegal to sell ivory in Australia, and when told the trade remains legal in Australia, 86 per cent expressed the view that it should be banned.¹³¹ An IFAW Galaxy poll showed that '76 per cent of Australians surveyed support the federal government banning the trade altogether'.¹³²

4.82 The high degree of public support for an end to the domestic ivory trade has influenced those that trade in ivory and rhino horn items. Jane Raffan spoke of traders experiencing 'push-back from the citizenry' and subsequently realising that the trade in ivory and rhino horn material 'isn't as high or important to them as goodwill from the public, which is going to ensure a much greater flow of material to them'.¹³³ Leonard Joel experienced 'overwhelming support from [its] client base and the public generally' in response to its self-imposed ivory and rhino horn policy, a policy that 'resonates with what we called the new collector, who are younger collectors'.¹³⁴ Further, Leonard Joel's policy is reinforced by 'profound changes in taste that are occurring based on living environments and ethics and how we all want to live and respect the environment'.¹³⁵

127 Ms Keeble, IFAW, *Proof Hansard*, 3 July 2018, p. 6.

128 See Collette Dinnigan, *Proof Hansard*, 4 July 2018, p. 14.

129 Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, p. 36.

130 Ms Dinnigan AO, *Submission 5*, Attachment 1, p. 1.

131 Ms Dinnigan AO, *Submission 5*, Attachment 1, p. 1.

132 Ms Keeble, IFAW, *Proof Hansard*, 3 July 2018, p. 4.

133 Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, p. 43.

134 John Albrecht, Leonard Joel, *Proof Hansard*, 3 July 2018, p. 49.

135 John Albrecht, Leonard Joel, *Proof Hansard*, 3 July 2018, p. 49.

4.83 When asked if a time will come when ivory and rhino horn items are no longer seen in auction and antique stores, Jane Raffan responded:

The reason there are so many of these things sitting in antique stores is that half the time no-one wants to buy them. They sit there and they sit there. You go in and you see rows of silver-plated knives with ivory handles. There's the public revulsion, you can't put them in a dishwasher et cetera. Times change. People's thinking about the world changes. People don't like putting heavy brown furniture in their house anymore. There's a natural process going on with regard to this material and people's divorce from it; it's just not going on fast enough.¹³⁶

4.84 One important ethical consideration, highlighted by Jane Raffan, is the principle of intergenerational equity. She stated that the responsibility of the present generation is to ensure 'the health, diversity and productivity of the environment is maintained or enhanced for the benefits of future generations'.¹³⁷

4.85 Although societal and cultural change has reduced demand for ivory and rhino horn items in Australia, complacency and reliance upon this cultural shift should not be relied upon, primarily because of globalisation and the fluidity of human movement across the globe. The Centre for Environmental Law spoke of how commercial ties between countries facilitate the illegal trade of wildlife. In the case of Australia, its 'significant commercial ties with China' and its multicultural society with a 'number of diaspora communities' demonstrate the risk of ongoing demand for ivory and rhino horn within Australia.¹³⁸

136 Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, p. 43.

137 Jane Raffan, AVAA, *Proof Hansard*, 3 July 2018, p. 37.

138 Ms Bending, Centre for Environmental Law, *Proof Hansard*, 3 July 2018, p. 20.