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DRAFT SUMMARY RECORD

STANDING COMMITTEE

COUNCIL OF NATURE CONSERVATION MINISTERS

EIGHTEENTH MEETING

MELBOURNE 24 OCTOBER 1980

PRESENT

Victoria

Representative: Mr J.C. Wharton,  
Director,  
Fisheries and Wildlife Division,  
Ministry for Conservation.  
(Chairman).

Advisers: Mr R. Lambert.  
Mr S.J. Cowling.  
Mr G. Clarke.

Commonwealth of Australia

Representatives: Mr T. Richmond,  
Assistant Director,  
Australian National Parks and  
Wildlife Service.

Dr R.J. Millington,  
Chief,  
CSIRO Division of Land  
Use Research.

Advisers: Dr G. Wilson.  
Mr J.R. Sands.  
Mr P. Ilyk.

Australian Capital Territory

Representative: Mr F.R. Gnauck,  
Assistant Director (Environment),  
Conservation and Agriculture Branch,  
Department of the Capital Territory.

Adviser: Dr M. Braysher.

Northern Territory

Representative: Mr M.A. Elliott,  
Executive Officer (Parks and Wildlife),  
Conservation Commission of the  
Northern Territory.

Queensland

Representative: Dr G.W. Saunders,  
Director,  
National Parks and Wildlife  
Service.

Adviser: Mr T.J. Arthur.

New South Wales

Representative: Mr J.R. Giles,  
Assistant Director (Wildlife),  
National Parks and Wildlife  
Service.

Advisers: Mr D. Cook.  
Mr N. Shepherd.  
Mr R. Gleeson.

Tasmania

Representative: Dr I. Eberhard,  
Chief Wildlife Officer,  
National Parks and Wildlife  
Service.

South Australia

Representative: Mr N.C. Gare,  
Director,  
National Parks and Wildlife  
Service.

Advisers: Mr L.B. Delroy.  
Mr S.J. Tobin.  
Mr S. Churches.

Western Australia

Representative: Mr A.J. Mearns,  
Secretary,  
Department of Fisheries  
and Wildlife.

Advisers: Mr D.W. Arnold.  
Mr B.A. Carmichael.

Secretariat

Mr D. McAllister,  
Secretary to Standing  
Committee.

Mr M. Mathews.

AGENDA

1. Welcome and apologies.
2. Adoption of agenda.
3. Summary records of last meetings of Standing Committee and Council.
4. Reports from States and Territories on current situation regarding interstate movement of fauna and flora.
5. Development of uniform approach to controlling interstate movement of fauna and flora.
6. Preparation of recommendations to Council.
7. Other business.
  - (a) Census of protected species.
  - (b) Issue of export and import permits.
  - (c) Bird bands.
  - (d) Freckled duck research.
  - (e) Representation at CITES meeting.
8. Next meeting of Standing Committee.

Agenda Item 1 - Welcome and apologies

The Chairman, Mr Wharton, opened the meeting and welcomed all participants.

He advised that apologies had been received from:

- . Prof. J.D. Ovington, who was being represented by Mr Richmond.
- . Dr B.H. Pratt, who was being represented by Mr Gnauck.
- . Dr G.A. Letts, who was being represented by Mr Elliott.
- . Mr D.A. Johnstone, who was being represented by Mr Giles.
- . Mr P. Murrell, who was being represented by Dr Eberhard.
- . Dr P.W. Ellyard, who was being represented by Mr Gare.
- . Mr B.K. Bowen, who was being represented by Mr Mearns.

Agenda Item 2 - Adoption of agenda

Standing Committee adopted the provisional agenda for the meeting without alteration.

The Chairman emphasised that in accordance with the wishes of Council the business of the meeting would be restricted as far as possible to the development of a uniform regulatory approach to controlling the interstate movement of indigenous fauna and flora.

Agenda Item 3 - Summary records of last meetings of Standing Committee and Council

Standing Committee confirmed the summary record of its seventeenth meeting as an accurate account of the proceedings.

Standing Committee also noted the draft summary record of the meeting of Council held in Perth in July.

Agenda Item 4 - Reports from States and Territories on current situation regarding interstate movement of fauna and flora

Standing Committee noted and discussed in detail the reports provided by members outlining the present position in each State and Territory in relation to the interstate movement of indigenous fauna and flora, with particular reference to:

- (i) Existing legislative controls.
- (ii) Recurring enforcement problems.
- (iii) Significant conservation problems.



Agenda Item 5 - Development of uniform approach to controlling interstate movement of fauna and flora

Standing Committee considered at length the options for implementing a uniform national approach to controlling the interstate movement of indigenous fauna and flora, and in order to facilitate the development of such an approach resolved that:

- (i) The Victorian Fisheries and Wildlife Division, in close consultation with the Victorian Crown Law Office, would produce a "model statement" in respects of Victoria which would incorporate:
  - . A summary of relevant State legislation which related to the protection of fauna and flora.
  - . Details of the practical problems which had been created by the decisions of the High Court on Section 92 of the Constitution, in particular those in the cases of Ferguson versus Stevenson in 1951 and Smith versus Capewell in 1979. (It was agreed that this section would contain a summary of the problems perceived in relation to the effectiveness of the relevant State legislation in the light of Section 92 and the High Court decisions thereon).
  - . An expression of the desired policy objectives (for example, maintaining the standard of the management regimes applicable to the wildlife populations of the State).
- (ii) The Victorian "model statement" would be sent by the Fisheries and Wildlife Division to the CONCOM member agencies in the other States and Territories as a guide to assist them in compiling corresponding statements of their own in the same format and to the same standard.
- (iii) All State and Territory statements would be returned to the Secretariat for collation and submission to a meeting of a special working group, consisting of members of Standing Committee or their nominees, which would further refine the statements and incorporate them into a final document for examination by Council.
- (iv) The final document would be forwarded to individual members of Council by correspondence for their consideration and comment, with a recommendation that having been endorsed by Council it be referred to the Standing Committee of Attorneys-General for advice regarding the legal means by which the agreed policy objectives might be achieved.
- (v) All members of Council would be briefed by their Standing Committee delegates concerning the course of action which was being undertaken.

(Resolution 1)

Standing Committee agreed that the special working group to review the State and Territory statements would be convened by Victoria and that the Secretariat would seek nominations for representation from the other member agencies in due course.

Standing Committee instructed the Secretariat to ascertain the meeting schedule of the Standing Committee of Attorneys-General with a view to timing the referral of the CONCOM document so that the advice requested would be available for consideration by Council at its meeting in July 1981.

Agenda Item 6 - Preparation of recommendations to Council

Standing Committee agreed that the question of framing specific recommendations to Council has been covered under the previous agenda item.

Agenda Item 7 - Other business

(a) Census of protected species

Standing Committee considered a proposal that the CSIRO Division of Land Use Research investigate the feasibility of taking a census of protected species held in captivity in Australia, and resolved to support the proposal and to pledge the co-operation of State and Territory agencies to the Division in carrying out the investigation.

(Resolution 2)

(b) Issue of export and import permits

Standing Committee again considered the operation of a system of export and import permits to control the movement of fauna between States, in particular the consequences of the resolution of the July meeting of Council that no permits be issued for the movement within Australia of the following species, except for scientific research at a recognised institution or display purposes at an approved zoo:

- . Gang gang cockatoos.
- . Golden-shouldered parrots.
- . Hooded parrots.
- . Orange-bellied parrots.
- . Fig parrots.
- . Naretha blue-bonnet parrots.
- . Eclectus parrots.
- . Red-cheeked parrots.

Standing Committee acknowledged that strict adherence to this resolution would cause significant legal problems for some States, and therefore resolved to:

- (i) Inform Council that there were legal impediments to putting the resolution into effect, and that a successful court challenge in this regard could jeopardise the action proposed to develop a uniform national approach to controlling the interstate movement of protected fauna.

- (ii) Recommend to Council that implementation of the resolution be at the discretion of individual agencies, pending removal of the legal impediments, in view of the present inconsistencies in the relevant legislation in some States and the uncertain operation of Section 92 of the Constitution.

(Resolution 3)

Standing Committee also noted a number of submissions received by the Secretariat from avicultural organisations as a result of the action proposed by Council to prevent the interstate movement of the above species.

Standing Committee noted advice of problems caused by inadequate communication between the various State and Territory officers responsible for the issue of permits for the interstate movement of fauna, and accordingly resolved to request the ad hoc Working Group on Law Enforcement to develop procedures for rapid and effective liaison between these officers in connection with applications for and issue of permits.

(Resolution 4)

(c) Birds bands

Standing Committee recognised the urgent need by State and Territory agencies for a non-reuseable leg band to enable aviary-bred birds of protected species to be distinguished from illegally caught wild stock, and resolved to accept an offer by the Australian National Parks and Wildlife Service to investigate the availability of suitable bands and advise individual members of Standing Committee through the Secretariat.

(Resolution 5)

Standing Committee resolved that a meeting of the ad hoc Working Group on Law Enforcement be held as soon as practicable to consider, inter alia:

- (i) A review of the list of bird species in which interstate trade should be prohibited (as referred by the July meeting of Council).
- (ii) The introduction of procedures for liaison between State and Territory enforcement officers in relation to export and import permits.
- (iii) The development of a non-reuseable bird band.
- (iv) The development of a standardised application form for permits to collect protected fauna (as referred by the previous meeting of Standing Committee).

(Resolution 6)

Standing Committee agreed that the meeting be convened by Victoria.



(d) Freckled duck research

Standing Committee discussed the report of the special Working Group set up to examine the conservation status of freckled duck in Australia, and resolved to endorse the recommendations of the Working Group that:

- (i) The South Australian National Parks and Wildlife Service be requested to prepare, in close consultation with the relevant agencies in Queensland, New South Wales and Victoria, a detailed proposal for a research program on freckled duck.
- (ii) The objective of the program be to determine the present status of freckled duck populations within the eastern sector of the range of the species by assessing the distribution and abundance of these populations and their habitat.
- (iii) The proposal be submitted to an appropriate funding organisation such as World Wildlife Fund Australia.

(Resolution 7)

Standing Committee noted the preliminary draft of a submission to the World Wildlife Fund tabled by South Australia and advice that a revised version would be circulated to all members for information as soon as it had been finalised.

(e) Representation at CITES meeting

Standing Committee resolved to endorse the nomination of Mr Wharton as the States' representative on the Australian delegation attending the meeting of the Conference of Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora to be held in New Delhi in February 1981.

(Resolution 8)

Agenda Item 8 - Next meeting of Standing Committee

Standing Committee agreed to hold its next meeting in Melbourne during March 1981, and that the Secretariat would canvass all members in due course to determine a suitable date.

The Chairman closed the meeting and thanked all participants for their co-operation.