



TRADE IN CITES-LISTED
BIRDS TO AND FROM
NEW ZEALAND

Edited by J. Holden



TRAFFIC OCEANIA

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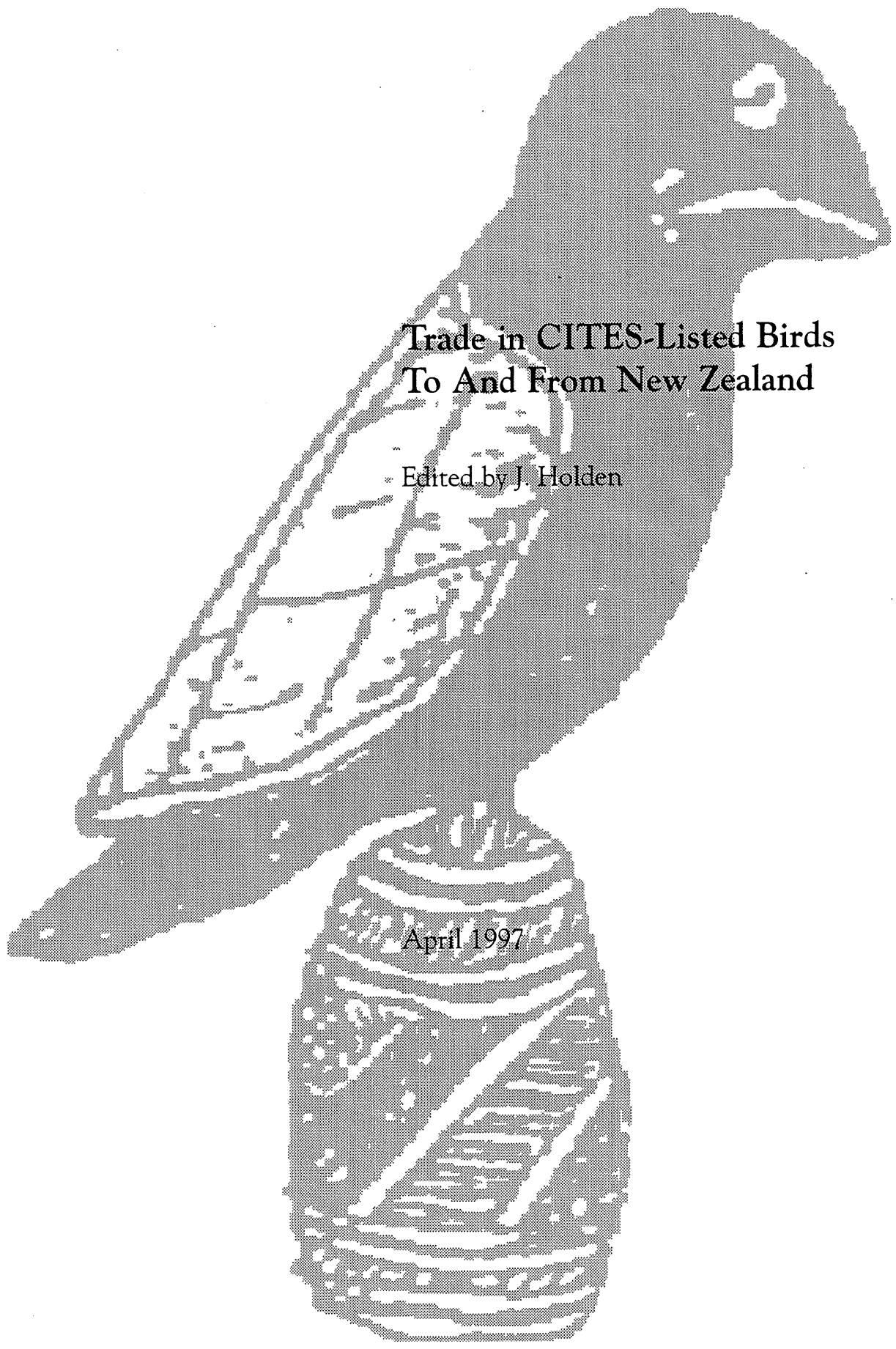
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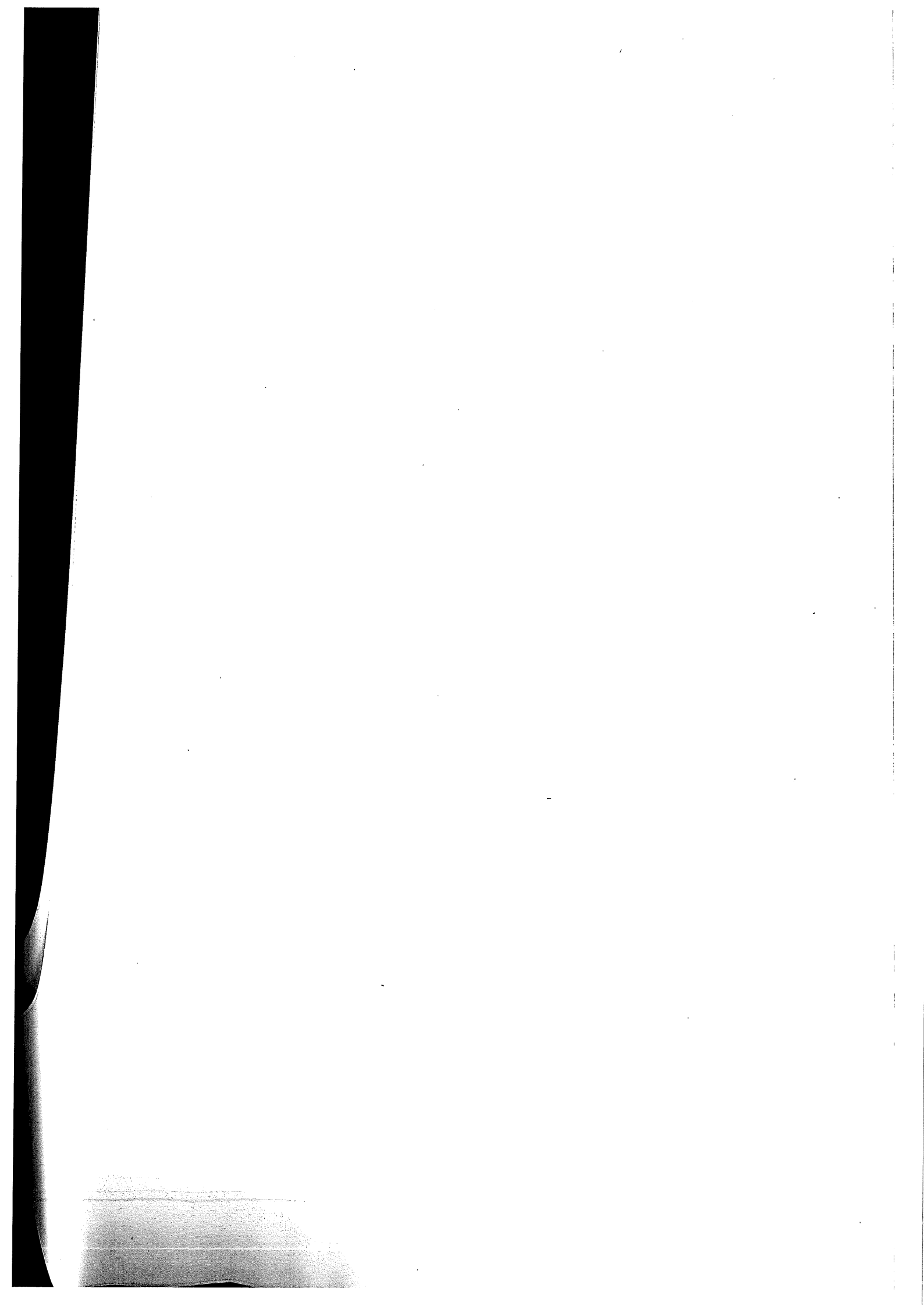
April 1997

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Executive Summary

Exports of birds listed on the Convention on International Trade In Endangered Species of Wild Flora and Fauna (CITES) from New Zealand have escalated rapidly since 1989, and currently number over 600 birds each year. The exported birds are primarily endemic Australian birds, destined for markets in Europe and the USA, and increasingly Japan. Although many of these birds are common in Australia, and are capable of being bred in captivity, some are restricted in range and difficult or unknown to breed in captivity. In addition, the commercial export of native birds from Australia has been banned since 1960, hence these birds attract high prices in overseas markets.

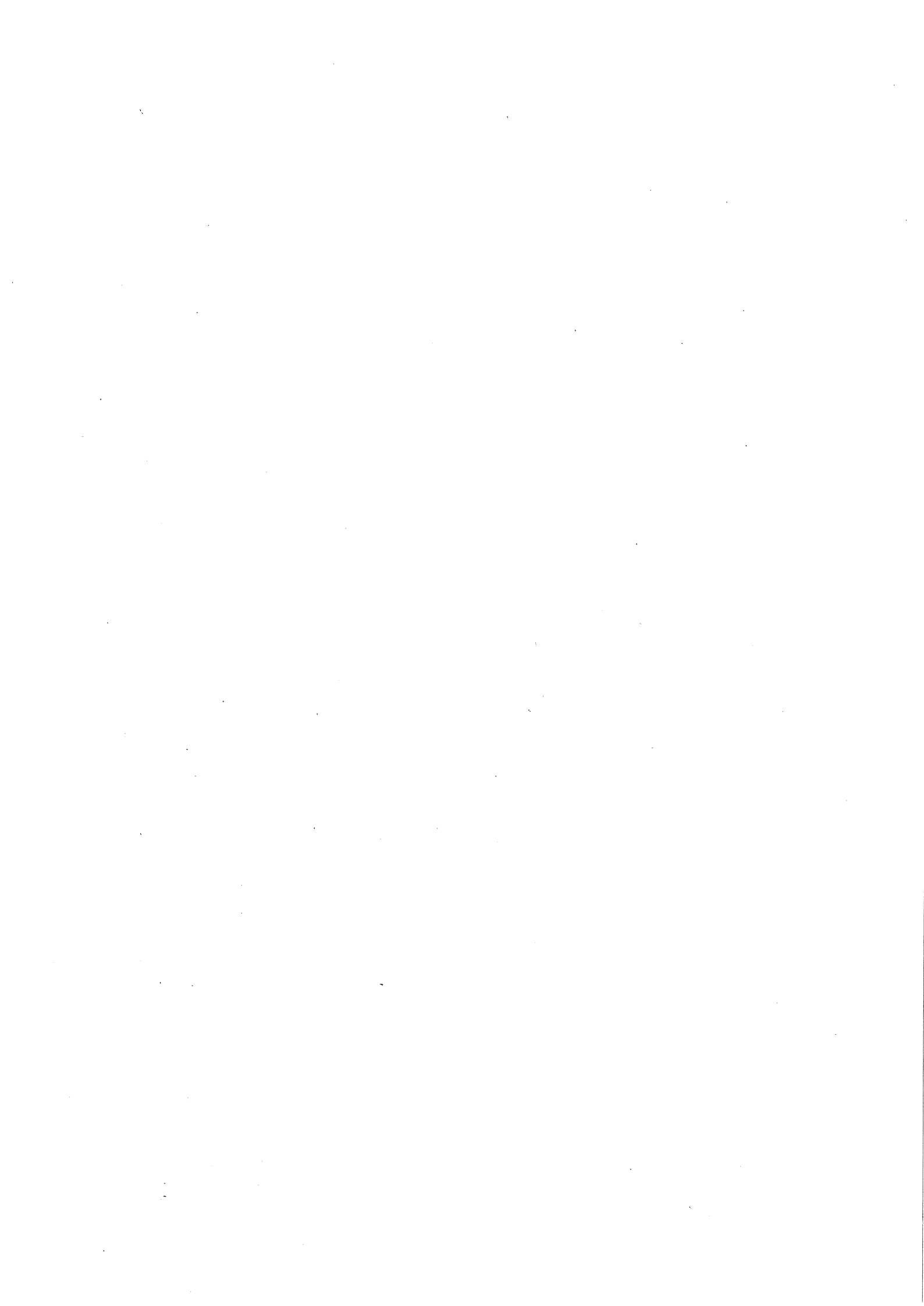
There has been a steady stream of exotic CITES-listed birds intercepted at the New Zealand border as their carriers attempt to smuggle them into New Zealand. This smuggling is facilitated by the close geographical proximity of Australia to New Zealand, and includes smuggling by light plane and the body packing of eggs. Case histories have revealed the operation of international smuggling networks, with links in Australia, New Zealand, the USA, the UK and South Africa. In addition, anomalies in the wording of the Trade In Endangered Species Act 1989 (TIES), the legislation implementing CITES in New Zealand, has meant prosecutions are generally unable to be brought under TIES for the import of CITES Appendix II-listed birds to New Zealand without export permits from the country of origin, or import permits from New Zealand. Prosecutors have been forced to rely on other less appropriate pieces of legislation. As TIES is the implementing legislation for CITES in New Zealand it is arguable New Zealand is not meeting its obligations under CITES.

TIES regulates the export of exotic CITES-listed birds from New Zealand, with its captive breeding provision being the most widely used by traders of exotic CITES-listed birds. Under this provision, once the exporter signs a statutory declaration that the birds have been bred in captivity in New Zealand, the onus shifts to the Department of Conservation (DoC) to prove or disprove the statement. However, there is no provision in TIES allowing DoC to conduct compulsory DNA testing to determine the parentage of the birds, and there is no register of aviculturists in New Zealand, or the numbers, species or breeding status of birds they hold which would allow DoC to effectively assess the claim. As a result, to date DoC has been unable to prove false even one claim that birds have been bred in captivity.

These circumstances suggest New Zealand may be being used as a laundering point for the legal export of native Australian CITES-listed birds smuggled into New Zealand. In view of this situation TRAFFIC recommends the following actions be taken:

1. The amendment of the *Trade In Endangered Species Act (1989)* to make it an offence to import CITES Appendix II-listed birds into New Zealand without an export permit from the relevant country of origin, and/or an import permit from New Zealand;
2. The amendment of the *Trade In Endangered Species Act (1989)* so as to allow the Department of Conservation to conduct DNA testing and Passive Integrator Transponder ("PIT") identification marking in appropriate cases. DNA testing should be mandatory for species most at risk from trade, and research should be undertaken to develop tests for those species where testing procedures have not yet been developed;

3. The development of improved communications between avicultural organisations, environmental organisations and government agencies;
4. Consideration be given to the establishment of an Exotic Bird Registration Scheme, taking advantage of successes and failures encountered in establishing the scheme in Australia;
5. Increased resources be provided to the New Zealand Wildlife Enforcement Group for enforcement activities;
6. Enforcement activities in Australia aimed at preventing native birds from being smuggled out of the country be increased and more effectively co-ordinated.



INTRODUCTION



The world trade in birds has increasingly been treated as a matter of concern within the international conservation community, including both government and non government organizations. The total legal trade in wild birds has been estimated at between two and five million birds each year, and the total illegal trade at a minimum of tens of thousands of birds per year (Thomsen *et al.*, 1992). Wild parrots are considered amongst the most fragile animals taken from the wild for commercial markets, with many dying before, during and after export, although actual figures are difficult to quantify (Nash 1990; Thomsen *et al.*, 1992).

The general lack of information on both wild bird populations and the size of the total bird trade makes it difficult to determine the impact of trade. However, international trade is regarded as the major factor in the declines of a number of bird populations including the Hyacinth Macaw *Anodorhynchus hyacinthinus* and the Spix Macaw *Cyanopsitta spixii*. The declines in the wild populations of these two species have been so severe, they are now threatened with extinction (Thomsen *et al.*, 1992; Nash, 1990).

The export of native birds from Australia has been banned since 1960; the only current exceptions under the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* are for zoological or scientific transfers, and the export of up to two pet birds for some specified native bird species. There has however been an ongoing illegal trade in birds from Australia, fueled by the high prices some endemic Australian species bring on the international market (Callister and Williams, 1995). Although the size of this trade has been found impossible to quantify, it is known to have reached the level of highly organized crime similar to that for other commodities, such as drugs and weapons (Halstead 1992; McDowell 1996). There is evidence of a high mortality rate for illegally transported birds, with many cases involving large numbers of drugged birds confined in tubes, suitcases and cargo containers for their covert movement. Apparently, because of the high profit margins involved, smugglers will generally accept a high mortality rate amongst the smuggled birds (McDowell, 1996).

There is in general too little information available to properly quantify the impact this illegal trade is having on the long term survival and viability of endemic Australian bird populations in the wild. However, it has been suggested this illegal trade could be the principle factor in the distribution contractions and population declines for the Eclectus Parrot *Eclectus roratus*, Superb Parrot *Polytelis swainsonii*, Naretha Blue Bonnet *Northiella haematogaster narethae*, Golden Shouldered Parrot *Psephotus chrysopterygius*, Swift Parrot *Lathamus discolor*, Palm Cockatoo *Probosciger aterrimus*, eastern sub-species of Glossy Black Cockatoo *Calyptorhynchus lathami lathami* and the White-tailed Black Cockatoo *Calyptorhynchus funereus latirostris* (Callister and Williams, 1995). Other species for which illegal trapping might pose a threat include the Black Breasted Button Quail *Turnix melanogaster*, a subspecies of the Black Throated Finch *Poephila cincta cincta* and the Crimson Finch *Neochima phaeton evengelinae* (Callister and Williams, 1995). The impact on the remaining bird populations in the wild may be further aggravated by the recent trend of smuggling eggs instead of live birds. Wildlife ranger and investigator records have documented that nest sites are often raided in a manner that destroys them for future use by the local bird populations (McDowell, 1996).

In contrast to the situation in Australia, the legal export of non-native CITES-listed birds from New Zealand has rapidly increased from 1989 onwards. Most birds exported are parrots, primarily species endemic to Australia. Many of these species are in high demand in international avicultural circles and are relatively difficult to breed, reflected in the high prices many of these birds bring on the overseas market. This has led both conservation groups and government officials to suspect some of these birds are not in fact being bred in New Zealand, instead being smuggled into New Zealand from Australia with smugglers using New Zealand as a laundering point for the legal export of illegally caught wild Australian parrots. Such suspicions were bolstered by the outcomes of joint USA/New Zealand/Australia enforcement operations in 1992 and 1994/1995, which uncovered major bird smuggling rings operating between the three countries.

This report reviews the legal export of non-native CITES-listed birds from New Zealand. It documents the scale, trends, history and control of the export of CITES-listed birds from Zealand in the last 10 years, and what is known of the illegal imports of CITES-listed birds into New Zealand. It then identifies options for improving the control of trade in CITES-listed birds to and from New Zealand.

CONTROL OVER TRADE IN CITES-LISTED BIRDS TO AND FROM NEW ZEALAND



The following legislation currently controls the import and export of CITES-listed birds to and from New Zealand:

- *The Wildlife Act 1953*
- *The Trade In Endangered Species Act 1989 and Regulations 1991*
- *The Biosecurity Act 1993*
- *The Customs and Exise Act 1996*

History

The export of CITES-listed birds from New Zealand was originally banned by the Secretary for Internal Affairs and later the Department of Conservation (DoC) acting under the *Wildlife Act 1953* and the *Conservation Act 1987*. However a High Court decision in June 1988 held that this blanket prohibition was not supported by either the Wildlife or Conservation Acts and gave permission for the wholesaler Birds Galore, who had brought the case before the High Court, to export a consignment of birds to the USA. This decision effectively required DoC to assess each application for export of birds on its merits, with refusal only based on a finding that the export would be detrimental to the survival of the species in the wild. This resulted in the beginning of a dramatic increase in the number of birds legally exported from New Zealand.

In 1989 New Zealand acceded to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). To implement CITES, the *Trade In Endangered Species Act (TIES)* was enacted in June 1989, establishing new criteria under which birds could be legally imported into and exported from New Zealand.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

CITES was drawn up in March 1973 to prevent the extinction of wild flora and fauna threatened by unregulated international trade (see Box 1).

All native Australian psittacines, with the exception of the budgerigar *Melapsittaccus undulatus*, and the cockatiel *Nymphicus hollandius*, are currently listed on CITES Appendix I or Appendix II (see Appendix 2 to this report for a list of all endemic Australian birds appearing on the CITES Appendices).

Trade In Endangered Species Act 1989 (TIES)

Import and export of CITES-listed species to and from New Zealand has been regulated by TIES since 1989. CITES Appendix I listed species are classified as “endangered” species under TIES, and listed on Schedule 1. CITES Appendix II species are classified as “threatened” and listed on Schedule 2, and CITES Appendix III species are classified “exploited” and listed on Schedule 3. Under TIES the Director General of DoC is the designated CITES Management Authority, and the designated CITES Scientific Authority consists of representatives from DoC, a university, a government scientific institution and the Ministry of Agriculture (MAF). The World Wide Fund for Nature (WWF) New Zealand participates as an observer.

BOX I

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

CITES regulates international trade in specimens of wild flora and fauna, ie export, re-export and import of live and dead animals and plants, including parts and derivatives thereof. This regulation is based on a system of permits and certificates which can be issued if certain conditions are met and which have to be presented before consignments of specimens are allowed to leave or enter a country. Each Party must designate a *Management Authority*, responsible for issuing these permits and certificates, subject to advice from a *Scientific Authority*, designated for that purpose (Wijnstekers 1995).

CITES *Appendix I* includes species, subspecies or populations threatened with extinction that are, or may be, affected by trade. International trade for commercial purposes in wild-caught or collected specimens of the species listed in Appendix I is prohibited. Other (non commercial) trade in these specimens is strictly regulated in order not to further endanger the survival of the species in the wild, and both import and export permits are required from the correct government authorities in the importing and exporting countries. Such trade can be authorized only in exceptional circumstances, for example scientific and conservation purposes, and inter-zoological exchanges.

Appendix II includes species, subspecies or populations which may be threatened if trade in them is not controlled and monitored. It can also include other "look alike" species, which although not necessarily threatened, must be subject to regulation in order that trade in Appendix I and II species can be brought under effective control. An export permit from the country of origin is required to trade internationally in Appendix II species. If the species is exported from a country other than where it is originated a re-export permit is necessary. Permits should only be issued once it has been determined that the specimen of the species concerned was legally obtained and export will not be detrimental to the wild population of that species.

Appendix III includes species which are being regulated by one Party, and for which other Parties co-operation is required. Countries nominate only their own populations of species, subspecies or populations for Appendix III listing, and the listing is specific to exports of species from these countries, though trade from other countries requires a certificate of origin.

Import

The import of "endangered" (CITES Appendix I) species is regulated by s14 of TIES. This section gives the Director General of DoC discretion to grant a permit when satisfied certain conditions have been met, including that permission to export or re-export the specimen was granted by the appropriate country of origin.

Permission to import "threatened" (CITES Appendix II) species is given under s18 of TIES. However the wording of this section, as interpreted by Judge Imrie in *R v Wayne Gilbert MacDonald* (unreported 7th February 1995), has rendered this section largely meaningless.

Section 18, (which applies to TIES Schedule 2 / CITES Appendix II listed species only) provides that if an export permit is required from the country of origin, an import permit is not necessary from New Zealand. If however an export permit is *not* required from the country of origin, DoC in New Zealand has discretion to grant an import permit. The loophole occurs where export permit is required from the country of origin, however has not been obtained by the exporter, ie the transaction from the country of origin is illegal. In these circumstances,

there is no offence under TIES for the importation of CITES Appendix II listed birds into New Zealand, without either an export permit from the country of origin, or an import permit from New Zealand.

The consequences of this were illustrated by the outcome in *R v Wayne Gilbert MacDonald*, which itself resulted from Operation ICARUS (see Box 2, page 8). Wayne MacDonald and others were caught smuggling at least 10 Gang-Gang Cockatoos, and 21 Major Mitchell Cockatoos into New Zealand from Australia by light plane. These birds are listed on CITES Appendix II, and therefore classified as “threatened” under TIES. An export permit is required to export these birds from Australia, but had not been granted, nor had an import permit been granted from New Zealand. This however was not considered to be an offence under TIES, forcing the prosecution to drop the charges under TIES, and proceed under the Crimes Act instead. TIES is thus arguably inadequate in controlling the illegal import of CITES-listed birds into New Zealand, and so is not meeting New Zealand’s obligations to implement CITES.

Export

Permission to export CITES-listed birds from New Zealand is given by the DoC under TIES in one of the following two ways:

- a) An application to export an “endangered” (CITES Appendix I), “threatened” (CITES Appendix II) or “exploited” (CITES Appendix III) species under sections 13, 17 or 21

Before granting a permit under these sections DoC must be satisfied that the export will not be detrimental to the survival of the species in the wild, and has not been obtained contrary to any legislation, including Australian legislation. If the species is “endangered” (CITES Appendix I) the country of import must have approved, and granted an import permit. The applications are also examined and assessed by the Scientific Authority to ensure the proposed export will not be detrimental to the survival of the species in the wild.

- b) An application for export of specimens bred in captivity under s31

This is the section under which most CITES-listed birds are exported from New Zealand (D. Hutchinson, *in litt.*, 1996). An export permit can be granted under s31 if the exporter can satisfy DoC the birds have been bred in captivity. Since 1991 this section only applies to “threatened” (CITES Appendix II), not “endangered” (CITES Appendix I) species. In practice DoC requires the exporter to sign a statutory declaration stating the birds have been bred in captivity. Once this has been done, in the case of suspicion the onus shifts to DoC to prove the information provided was false or deficient (D. Hutchinson, *in litt.*, 1996), however there is no practical way for DoC to do this (A. Baucke, *in litt.*, 1996). There is no explicit power in the legislation allowing DoC to require a DNA test, and so determine the parentage of the birds, and no existing registrar of exotic birds or breeders records against which the captive breeding claim could be checked. In consequence, to date DoC has not produced such proof with respect to any applications (D. Hutchinson, *in litt.*, and pers. comm. 1996).

Possession

Under the 1991 TIES regulations, any person holding or breeding parrots, when required to do so by an Endangered Species Officer, has to furnish the following information:

- a) Origin of the parrots held;
- b) Name and address of the supplier of the parrots;
- c) Proof of acquisition; and
- d) The number of any bands fitted.

Unfortunately the potential impact of these regulations was reduced by the inclusion of a proviso that answers do

not need to be given if they will incriminate the person. If a person does refuse to answer on this ground there is little DoC can do except continue investigations. To date it appears this regulation has only been used on one occasion to obtain a conviction for possession of a Noble Macaw *Ara nobilis* (D. Hutchinson, *in litt.*, 1996).

Enforcement

Three organizations are involved in enforcing controls on trade in CITES-listed birds. DoC issues import and export permits, and captive breeding certificates, the Ministry of Agriculture (MAF) has a quarantine responsibility and the New Zealand Customs Service has border responsibility. MAF and Customs staff inspect CITES-listed items at the border and refer undocumented CITES-listed items to DoC.

To facilitate enforcement of CITES, the Wildlife Enforcement Group (formerly the Interdepartmental Fauna and Flora Task Force), made up of a representative from each of DoC, Customs and MAF, was established in 1993. MAF also has an investigation unit called the Ministry of Agriculture Regulatory Authority Enforcement Unit (MAFRAEU), which along with the Wildlife Enforcement Group and Customs, is responsible for helping ensure that birds traded are of legal origin.

Penalties able to be imposed under TIES for illegally importing or possessing CITES-listed species include fines of up to \$NZ100,000 for individuals and \$NZ200,000 for corporate bodies, and up to five years imprisonment. However, it appears that the penalties given are usually substantially lighter than this, with fines mostly less than \$NZ10,000 and only short-term prison sentences imposed (see Table 1 below).

TRENDS AND SCALE OF TRADE IN EXOTIC CITES-LISTED BIRDS TO AND FROM NEW ZEALAND



Illegal Imports of CITES-listed Bird Species

There is serious concern amongst both conservationists and government officials that a large number of CITES-listed birds are smuggled into New Zealand and then claimed to be bred in New Zealand in order to obtain an export permit for these birds (Antram and Salisbury, 1991; Baucke, 1994; Ansley, 1995; Baucke, 1995). Birds can be smuggled into New Zealand in people's luggage, flown in on light planes or brought in as eggs concealed on a person's body. These birds are often drugged for the illegal movement, and there is some evidence of a high mortality rate and high levels of stress involved for the birds which survive the consignment (McDowell, 1996).

Table 1: Interceptions of and prosecutions for illegal imports of exotic CITES-listed birds into New Zealand 1990-1994

Year	Description of interception	Source Country	Convictions
June 1990	4 Moustached Parakeets <i>Psittacula alexandri</i> intercepted being body packed into Christchurch Airport.	Singapore	One person pleaded to one charge under TIES, and received three months imprisonment
April 1991	10 parrot eggs intercepted at Auckland Airport. The eggs were destroyed prior to detection but were possibly Macaws <i>Ara spp.</i> , Conures <i>Aratinge spp.</i> and Senegal parrots <i>Poicephalus senegalus</i> .	USA	Two people pleaded guilty to charges under the TIES Act and were each fined NZ\$2,500.

Year	Description of interception	Source Country	Convictions
June 1991	52 parrot eggs of thirteen different species intercepted at Auckland Airport.	USA	Three people pleaded guilty to charges under the TIES Act and were fined a total of NZ\$19,000.
January 1992	300 birds were seized in the USA and 57 parrots were seized in NZ as a result of Operation BAVIN (see Box 4).	Australia, USA	One person was convicted in New Zealand and paid cost of prosecution only. One person convicted in USA and sentenced to 14 months imprisonment with a US\$27,877 fine.
May 1993	Estimated 100 parrots flown in to Waharoa Airfield.	Australia	Combined offences with September incident included in the following entry.
September 1993	Light plane containing at least 31 parrots (21 Major Mitchell cockatoos and 10 Gang Gnag cockatoos) flown from Queensland to Waharoa Airfield (see Operation Icarus Box 2)	Australia	New Zealand 6 people convicted, receiving total prison sentences of respectively: 13 months, 6 months, 16 months, 8 months 6 months and 18 months (see Box 2 for more details). Australia 6 people convicted. 3 received prison sentences, 1 received a suspended prison sentence and 2 received good behaviour bonds (see Box 2 for more details).
September 1994	A New Zealand man was intercepted in Perth, Australia, at the home of an Australian. The New Zealander was wearing a singlet containing 27 bird eggs bound for New Zealand. Another 35 birds were found in an incubator in the Australian's house. Subsequent investigations lead to a further 66 hatchlings being seized in New Zealand, and the arrest of a further six people (see Operation Necropolis, Box 3, page 9).	Australia	Two persons were sentenced in Australia receiving respectively 11 months imprisonment and a AU\$4500 fine, and 48 months imprisonment. In New Zealand, three have been convicted for various charges under the Biosecurity Act, and one has been granted immunity to appear as a Crown witness against the final two, whose cases are still pending.

From N.Z. CITES Management Authority annual reports 1990-1994 and A. Baucke CITES Task Force, pers. comm. 1996

The incentive for smuggling Australian native birds to New Zealand lies in the very high prices endemic Australian birds attract on the international market, resulting in part from the total ban on the commercial export of native birds from Australia. Species such as the Glossy Black Cockatoo *Calyptorhynchus lathami* have been known to attract over US\$50,000 on the black market (Halstead, 1992). The ease with which export permits can be obtained in New Zealand makes it a convenient channel through which to launder smuggled birds. This smuggling is facilitated by the close geographical proximity of New Zealand to Australia, which for example, allows for smuggling by light plane (see Box 2).

BOX 2

OPERATION ICARUS; SMUGGLING BY LIGHT PLANE

Early on 16th September 1993 a number of cages and boxes containing native Australian birds including Major Mitchell cockatoos *Cacatua leadbeateri* and Gang Gang cockatoos *Callocephalon fimbriatum*, were loaded onto a light plane at Redcliffe Airfield in Queensland Australia. The plane, illegally modified to make the trip, was flown by an Australian commercial pilot David Cutmore, accompanied by a New Zealander Paul Lewin. The plane landed at Waharoa Airport in the North Island of New Zealand, where several people unloaded the boxes and took them to a nearby stud farm owned by Barry Ryan. From here the birds were distributed to the various parties involved including Wayne MacDonald and Ivan Baney. Wayne MacDonald was followed back to his property which was subsequently searched. During the search 21 Major Mitchell cockatoos still in his van were discovered and 10 Gang Gangs cockatoos in an aviary nearby. Ivan Baney left the property undetected, but the rental van he was driving was located the next day and found to contain bird droppings and feathers. David Cutmore was arrested and confessed, revealing a similar operation involving approximately 100 birds had taken place undetected in May 1993. As a result 6 people were convicted in New Zealand, and a further 6 in Australia. All but 2 received jail sentences.

New Zealand

David Cutmore	Total 13 months imprisonment
Paul Lewin	Total 6 months imprisonment
John Banks	Total 16 months imprisonment
Ivan Baney	Total 8 months imprisonment and \$5000 fine
Wayne MacDonald	6 months imprisonment
Barry Ryan	Total 18 months imprisonment plus forfeiture of \$7000 van

Australia

David Cutmore	6 months suspended sentence
Gregory Vernon-Price	21 months imprisonment
Ann Marie Brodie	\$2000 good behavior bond
Ronald Prince	21 months imprisonment
Dallas (Jimmy) Hill	18 months imprisonment
Heidi Kiskinnin	\$3000 good behavior bond

(G. Redshaw Wildlife Enforcement Working Group, *in litt.*, 1996), K. Logan, Australian Customs Service Brisbane, pers. comm. October 1996)

The fact that illegal movements are being detected at the New Zealand border shows Australian birds are being smuggled into New Zealand (see Table 1). This situation is aggravated by the current condition of enforcement in Australia. The Australian *Wildlife Protection (Regulation of Exports and Imports) Act 1982* is administered by Environment Australia, Biodiversity Group (formerly the Australian Nature Conservation Agency), with enforcement handled by the Wildlife Protection Section (WPS). The functions and roles of the WPS include the co-ordination of intelligence gathering and investigative activities of the various Australian state agencies

and overseas agencies, the production of scientific expertise and evidence, and the maintenance of an intelligence database on wildlife trafficking (Halstead 1992). The WPS however, remains significantly under-resourced for these tasks, and can carry out very little independent enforcement and intelligence activities (McDowell 1996). Instead the Australian Customs Service (ACS) has traditionally taken the lead in wildlife investigations in Australia, however a recent policy change has resulted in the ACS scaling back the resources placed into wildlife investigations beyond the Australian entry barrier (Australian Customs Service Intelligence Branch, *in litt.*, 1996). Although each state has its own wildlife enforcement arrangements, the different priorities of the different states have led to non-unified and inconsistent approaches to enforcement (McDowell, 1996). There is an urgent need for Environment Australia to play a greater role in co-ordinating and harmonizing the enforcement activities of the various states and develop a greater investigative capacity (McDowell, 1996).

Although the numbers of illegal intercepts fluctuate from year to year, there has been an increase with over 100 birds or eggs being intercepted in both 1993 and 1994. It is not possible to determine what percentage this represents of the number of birds actually being illegally imported into New Zealand each year, or whether this represents an actual increase in illegal activity.

BOX 3

OPERATION NECROPOLIS

In September 1994 a man was apprehended at Perth Airport, Western Australia attempting to smuggle 29 eggs on his body to New Zealand. These were later identified as containing Major Mitchell cockatoos, White-tailed Black cockatoos *Calyptrorhynchus funereus latirostris*, Galahs and Eclectus parrots. This sparked investigation in New Zealand resulting in the seizure of a further 65 juvenile parrots and the arrest of six people. Of these three have been convicted for various charges under the Biosecurity Act, and one has been granted immunity to appear as a Crown witness against the final two. Evidence given by those tried suggests the existence of an international smuggling ring with links in Australia, New Zealand, the USA and South Africa.

(F. Sheehan (Wildlife Enforcement Group) *in litt.*, 1996.)

Legal Exports of Exotic CITES-listed Birds to and from New Zealand

The legal exports of exotic CITES-listed birds from New Zealand increased dramatically after the High Court decision in favor of Birds Galore in June 1988. Prior to 1989, the export rate was less than 50 live CITES-listed birds per year but this figure increased to an average of 470 per year (1990-1995), with 680 bird exported in 1995. The enactment of TIES in 1989, defined the rules and procedures by which CITES-listed birds could be legally exported from New Zealand. The difference between export figures before and after 1989, and the corresponding rapid increase in exotic bird exports after 1989, are illustrated in Figure 1.

Figure 1: Exports of live exotic CITES-listed Appendix II parrots or eggs from New Zealand

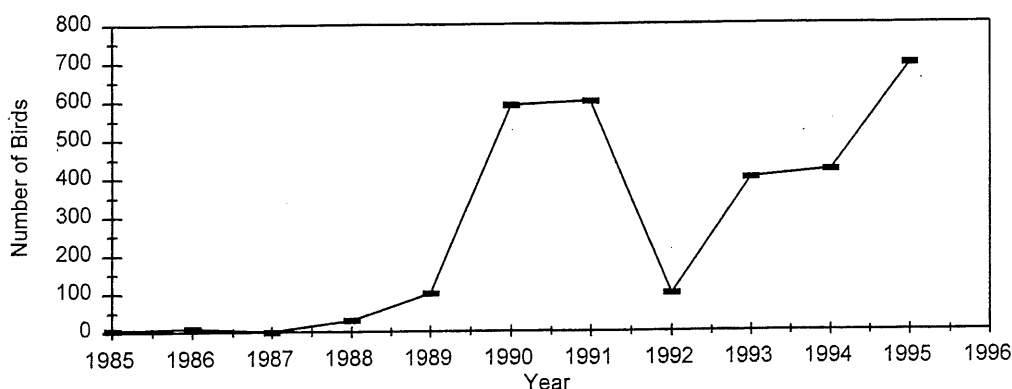


Figure 1 Data for August 1989-1995 from New Zealand CITES Management Authority annual reports, exports exclude re-exports. Data for 1985 - August 1989 from D. Hutchinson, Department of Conservation, represent all exports with permits only.

Figure 1 also shows a dramatic drop in exports in 1992 from approximately 600 birds to approximately 100 birds. The reason for this decrease cannot be conclusively determined. There is however, strong circumstantial evidence linking it to the outcome of Operation BAVIN in January 1992, which resulted in the arrest and conviction of a major exporter from New Zealand (see Box 4, page 11). Morrison alone had been responsible for the export of over 300 birds in 1990, ie over half the birds exported that year. The subsequent drop in bird exports may be an indication of the impact enforcement activities are capable of having on smuggling operations.

Analysis of CITES annual report data also revealed large discrepancies between the records of the importing countries and records of New Zealand. Even omitting obvious data entry errors, and entries crossing years, there were still an additional 144 birds in 1991, 179 birds in 1992 and 150 birds in 1993 recorded in the importing countries as exported from New Zealand, with no corresponding export records from New Zealand. There are a number of possible reasons for this; exporters may be presenting forged New Zealand export permits to the importing country, or the importing country could be incorrectly recording the source country as New Zealand. The problem could have also arisen from practices in New Zealand, if authorities are not properly recording all exports of birds from New Zealand, and /or issuing excess permits. Given the proportionately high numbers of birds this involves, it is recommended this matter is further investigated by authorities in New Zealand in conjunction with CITES Management Authorities in other countries (WCMC *in litt* 1997).

The species that formed the main basis of the export market, as a percentage of the birds exported from New Zealand between 1989 to 1995, were: Galahs *Eolophus roseicapillus* (25.3%), Sulphur-Crested Cockatoos *Cacatua galerita* (24.7%), Eastern Rosellas *Platycercus eximius* (10.8%), Major Mitchell Cockatoos *Cacatua leadbeateri* (9.9%), Rainbow lorikeets *Trichoglossus haematodus* (5.9%), Musk Lorikeets *Glossopsitta concinna* (5.4%), Rose-ringed Parakeets *Psittacula krameri* (4.6%), and Scaly-Breasted Lorikeets *Trichoglossus chlorolepidotus* (4.3%), (see Table 2) (WCMC, *in litt.*, 1997). All these species, with the exception of the Rose-ringed parakeet, are endemic to Australia. It has been claimed all of these species have been bred in captivity in New Zealand, although exported Sulphur-Crested Cockatoos and Eastern Rosellas are often stated to be wild-caught from feral New Zealand populations (see Box 5). Other Australian species of birds exported included Gang Gang Cockatoos *Callocephalon fimbriatum*, Yellow-tailed Black Cockatoos *Calyptrorhynchus funereus funereus*, Short billed Corellas *Cacatua sanguinea*, and Eclectus Parrots (see Table 2).

BOX 4

OPERATION BAVIN

Operation BAVIN was the result of a three year undercover operation investigating the illegal trade in exotic birds to and from New Zealand. On the 18 /19th of January 1992 simultaneous searches were conducted over the premises of dozens of bird keepers in Australia, New Zealand and the USA. Hundreds of birds were seized and large quantities of papers were obtained.

In New Zealand, Customs, MAF and DoC officials executed seven search warrants in Auckland, the Bay of Plenty and Taranaki. Thirty five exotic birds were seized including both native Australian and American species, as well as three keas *Nestor notabilis*. Australian Customs, National Parks and Wildlife, and State Fauna Squad Officers raided a number of premises around Australia. They seized parrots and documents, primarily from the Sydney and Brisbane Regions. US Fish and Wildlife Law Enforcement Officers searched premises in California, Florida, Illinois, Louisiana and New York, seizing hundreds of parrots and many documents.

Wildlife enforcement officials in all three countries stated that the Operation had cracked a major international smuggling ring. Their investigations revealed that Australian cockatoos were smuggled into New Zealand and re-exported to the USA with documents claiming they had been captive bred in New Zealand. Fertile eggs of Australian parrots were also smuggled into New Zealand where they were subsequently hatched and re-exported in this manner. New Zealand was also used for transporting fertile eggs between the USA and Australia.

The investigation lead to the arrest at Los Angeles Airport of Phillip Morrison when he arrived on a flight from New Zealand. He was alleged to have been the ringleader of the smuggling operation, and was subsequently convicted in the USA, receiving 14 months imprisonment and a US\$27,877 fine.

Sources TRAFFIC Bulletin Vol. 13 No.1 (1992), McDowell (1996)

Table 2: Imports, exports and alleged breeding status of exotic CITES-listed bird species traded through New Zealand, 1989-1995.

Name	Breeding in New Zealand	Export	Intercepted Illegal Imports
<i>Agapornis roseicollis</i> (Peach-faced lovebird)	Y	10	
<i>Alisterus scapularis</i> (Australian king parrot)	Y	45	
<i>Amazona aestiva</i> (Blue-fronted Amazon)	U		1
<i>Amazona ocreocephala</i> (Yellow-crowned Amazon)	U		3
<i>Amazona farinosa</i> (Mealy Amazon)	U	1	
<i>Aprosmictus erythropterus</i> (Red-winged parrot)	U	3	
<i>Aquila audax</i> (Wedge tailed Eagle)		1	
<i>Ara aranauna</i> (Blue and yellow macaw)	U		3
<i>Ara macao</i> (Scarlet macaw)	U		1
<i>Ara sp.</i> (Macaw)	U		7
<i>Aratinga aurea</i> (Golden conure)	U		3
<i>Aratinga sp.</i> (Conure)	Y/U?		8
<i>Barnardius barnardi</i> (Mallee ring-necked parrot)	Y	12	
<i>Cacatua ducorpsii</i> (Ducorp's cockatoo)	U	2	
<i>Cacatua galerita</i> (Sulphur-crested cockatoo)	Y	749	
<i>Cacatua leadbeateri</i> (Major Mitchell's cockatoo)	Y	299	20
<i>Cacatua pastinator</i> (Western corella)	U	6	
<i>Cacatua sanguinea</i> (Short-billed corella)	U	5	
<i>Cacatua tenuirostris</i> (Long-billed corella)	Y	28	
<i>Callocephalon fimbriatum</i> (Gang-gang cockatoo)	N/R?	19	11
<i>Calyptorhynchus banksii</i> (Red-tailed Black cockatoo)	R	8	
<i>Calyptorhynchus funereus funereus</i> (Yellow-tailed black cockatoo)	N	1	
<i>Eclectus roratus</i> (Eclectus parrot)	Y		3
<i>Eolophus roseicapillus</i> (Galah)	Y	768	
<i>Glossopsitta concinna</i> (Musk lorikeet)	Y	161	
<i>Lorius chlorocercus</i> (Yellow-bibbed lory)	U	9	
<i>Neophema pulchella</i> (Turquoise parrot)	Y	5	
<i>Pionites melanocephala</i> (Black-headed caique)	U		4
<i>Pyrhura frontalis</i> (Maroon bellied parakeet)	U	2	
<i>Platycercus eximius</i> (Eastern rosella)	Y	318	
<i>Platycercus flaveolus</i> (Yellow rosella)	Y	2	
<i>Poicephalus senegalus</i> (Senagal parrot)	U		10
<i>Polytelis alexandrae</i> (Princess parrot)	Y	12	
<i>Polytelis swainsonii</i> (Superb parrot)	Y	4	
<i>Psephotus haematonotus</i> (Red-rumped parrot)	Y	9	
<i>Psittacidae sp.</i> (Parakeets)	U		25
<i>Psittacula alexandri</i> (Moustached parakeet)	U	2	4
<i>Psittacula eupatria</i> (Alexandrine parakeet)	Y	15	
<i>Psittacula krameri</i> (Slaty-headed parakeet)	Y	137	
<i>Psittacus erithacus</i> (Grey parrot)	U	1	3
<i>Purpureicephalus spurius</i> (Red-capped parrot)	Y	4	
<i>Trichoglossus chlorolepidotus</i> (Scaly-breasted lorikeet)	Y	127	
<i>Trichoglossus haematodus</i> (Rainbow lorikeet)	N/Y?	173	

Notes

Exports are all exports from New Zealand under a permit. Imports are all illegal imports recorded into New Zealand. Import and export data are from the WCMC [check] Breeding status is compiled from Antram and Salisbury (1991) and A. Baucke Wildlife Enforcement Group (pers. comm. 1996). Y = known to breed in New Zealand, U = breeding status unknown, N = no evidence of breeding in New Zealand, R = rarely breeds, ? following a category indicates conflict between the sources.

The six most important export destinations of CITES-listed birds from New Zealand between 1989 and 1995 were the USA (27.3%), Japan (16.0%), Germany (14.1%), the Netherlands (12.7%), Belgium (10.7%), the UK (4.3%) and South Africa (4.2%). Less important export destinations in order of significance included: Italy, Canada, Thailand, Philippines and Malaysia. A breakdown of destinations for each key species is provided in Table 3.

No definitive list of CITES-listed bird species presently in New Zealand, or their breeding status exists. However, a list has been compiled from different sources to form a preliminary species list of 129 CITES-listed bird species known to be present in New Zealand. This indicates 78 of those species are known to have been legally imported into New Zealand (Appendix 1). Those species not indicated as confirmed legal origin did not necessarily arrive through illegal means. It is difficult to be certain which species arrived illegally due to the large influx of birds that came from Australia pre-1960 that were not well documented or were possibly mis-identified.

BOX 5

FERAL POPULATIONS OF *CACATUA GALERITA* (SULPHUR-CRESTED COCKATOOS) AND *PLATYCERCUS EXIMIUS* (EASTERN ROSELLAS) IN NEW ZEALAND

Feral populations of Sulphur-crested Cockatoos have been established in New Zealand in three areas; the Turakina Valley near Wanganui, ranging to Hunterville and Marton in the lower Waikato-Raglan area and in the Wellington area. These have probably been introduced into New Zealand by escape from captivity, but could have been self introduced (Ornithological Society of New Zealand 1990). In 1985 the total population was estimated at approximately 1000 birds (New Zealand Wildlife Service, quoted in IUCN 1988). Although there are no recent population estimates, the population is considered to have expanded, with the range increasing in some areas in Wellington and the Bay of Plenty (D. Hutchinson, *in litt.*, 1997).

Eastern Rosellas have also been introduced into New Zealand by escape from captivity. They are now considered well established in settled districts, native forests and forest remnants from Awanui (Northland) to Waingaro (lower Waikato). They are also found in Wairarapa, Waikanae, upper Hutt Valley and Otago (Ornithological Society of New Zealand, 1990), however there are no population estimates currently available.

The Potential for Aviculturists to Produce Captive Bred Birds for Export

Currently no comprehensive records exist of the numbers of aviculturists in New Zealand, or the numbers, species and breeding status of the birds which they hold. Without this information, the potential of New Zealand aviculturists to produce captive bred birds for export cannot be determined. An example of this is highlighted in the 1995 legal export of six Red-tailed Black Cockatoos *Calyptrorhynchus magnificus* from New Zealand under s31 of TIES. There is no evidence of the species ever legally entering New Zealand, however they are now present in small numbers. Red-tailed Black Cockatoos are difficult to care for and only rarely breed in aviaries – outside of Australia breeding success is even rarer and has only been recorded on a few occasions (Sweeney, 1996; Crome and Shields 1992). The only successful breeding the Wildlife Enforcement Group was aware of had taken place at Auckland Zoo (A. Baucke, *in litt.*, 1996). Therefore, it is possible the birds were not bred in New Zealand, however as DoC had no means by which to confirm this, permission to export was granted (A. Baucke, *in litt.*, 1996).

This lack of information is further illustrated in Table 2 which shows that only 21 of 37 bird species traded in New Zealand are known to breed in captivity in New Zealand. There is no information available on the breeding status of 14 species and two species allegedly do not breed in captivity in New Zealand, (note there are discrepancies between the sources of this table as to the breeding status of Gang Gang Cockatoos and Rainbow Lorikeets). Of those species which do breed in captivity there are some which only breed with difficulty, and for which little success has been noted (A. Baucke, *in litt.*, 1996).

Table 3: Major export destinations for key species of exotic birds exported from New Zealand

Species	Major export destinations
Galah	USA (30.3%) Belgium (20.8%), Germany (19.8%)
Sulphur-crested Cockatoo	Netherlands (23.4%) USA (21.9%), Japan (15.0%)
Eastern Rosellas	Japan (45.9%) USA (31.4%), Italy (15.7%)
Major Mitchell Cockatoo	Japan (39.4%) Belgium (18.4%), Netherlands (14.7%)
Rainbow Lorikeet	Germany (28.9%) USA (27.8%), UK (12.1%)
Musk Lorikeet	Netherlands (20.5%) Germany (19.3%), South Africa (13.7%)

Figures compiled from CITES Annual Report Data 1989 - 1995

These figures reflect the large exports to the United States, which occurred primarily between 1989 and 1992. The enactment of the USA *Wild Bird Conservation Act* in 1992 severely limited further importation of wild birds to the USA, while the exports of birds to Japan and Europe have increased. For example in 1989, 96% of birds were exported to the USA, and there were no exports to either Europe or Japan, whereas in 1995 43% birds were exported to Japan and 47.5% of birds were exported to Europe, while only 0.4% were exported to the USA (CITES Annual Report Data). Prices for key endemic Australian species on the overseas market are listed on Table 4.

Table 4: Price range 1991 - 1996 in the UK and the USA for key species of endemic Australian birds exported from New Zealand

Species	Year	UK Price range per individual(i) / price per pair(p) (number of records) ₁ [prices in UK £]	US Price range per individual(i) (price per pair(p) (number of records) ₂ [prices in US\$]
Galahs	1991	825 - 1250i (16) 1600 - 2650p (17)	1850i (1)
	1992	950 - 1400i (4) 2000 - 2250p (2)	
	1993	575 - 1000i (12) 1750 - 1800p (2)	3500 - 5250p (*)
	1994	850 - 1100i (7)	
	1995	750 - 950i (3)	
	1996	695 - 1000i	1800 - 2500 (5)
Major Mitchell Cockatoos	1991	1750-2500i (7) 7500p(1)	
	1992	1600 - 1800i (2) 5000p (1)	
	1993	1095i (1) 6000-9500p (2)	7200i (*) 9500-15000p(*)
	1994	2500-4000i (2)	
	1995	6000p (1)	8000p (1)
	1996		4500 - 8000i (5)
Sulphur Crested Cockatoos	1991		
	1992	800i (1) 1300p(1)	
	1993	625i(1) 1400p(1)	2500 - 3000 i (*) 1500 - 5000p(*)
	1994	550 - 750i(3)	
	1995-1995	No price information available	No price information available
Red-tailed Black Cockatoos	1991-1993, 1995 -1996	No price information available	No price information available ((1989) 20,000i (1))
	1994	4500i (1)	

Species	Year	UK Price range per individual(i) / price per pair(p) (number of records) ₁ [prices in UK £]	US Price range per individual(i) (price per pair(p) (number of records) ₂ [prices in US\$]
Yellow-tailed Black Cockatoos	1991-1993, 1995-1996	No price information available	No price information available
	1994	7000i (1)	
Gang Gang Cockatoos		No price information available	No price information available
Rainbow Lorikeets	1991	120 - 125p (2)	89i (1)
	1992		
	1993	120 - 145i (2) 180 - 200p (2)	
	1994		
	1995	70 - 125i (6) 140p (2)	
	1996	55 - 90i (4) 120-140p (2)	165 - 200i (1) 350-450p (1)
Scaly-Breasted Lorikeets	1991-1995	No price information	No price information
	1996		350i (1) 800p (1)
Musk Lorikeets	1991 -1996	No price information available	No price information available
Eastern Rosellas	1991	175-250p (2)	No price information available
	1992		
	1993	25i (1)	
	1994		
	1995	55i(1)	
	1996	37 - 80i (5)	

1. Sources of prices UK: Breeder Advertisements in various publications, primarily Cage & Aviary Journal; Crawford Allan TRAFFIC International

2. Sources of prices US: Various dealer price lists and dealer interviews, 1993 US Fish and Wildlife Service Survey, 1996 dealer advertisements found on the Internet.

* refers to 1993 survey carried out by Bruce Weisgold of the US Fish and Wildlife Service.

IMPROVING THE CONTROL OF TRADE IN CITES-LISTED BIRDS TO AND FROM NEW ZEALAND



There are increasing numbers of endemic Australian CITES-listed birds being legally exported from New Zealand, to markets in the USA, Europe and Japan. New Zealand aviculturists are capable of breeding some exotic CITES-listed birds for export, however DoC currently has no means of differentiating between those birds which have been legitimately bred in captivity, and those which have been illegally smuggled into New Zealand. Suggested options available to rectify this situation and enable the legitimate export of CITES-listed birds bred in captivity in New Zealand are outlined below.

DNA Fingerprinting

DNA fingerprinting is a potentially valuable tool for controlling the trade in CITES-listed birds to and from New Zealand. It has been used extensively outside New Zealand to determine the paternity of birds based on the analysis of blood and feather samples (Burke and Bruford, 1987; Burke, 1989; Dixon *et al.*, 1994; Rave, 1995; Austin and Parkin, 1996). DNA fingerprinting techniques have been successfully employed in Australia to curb the illegal taking and holding of Black Cockatoos (Mell and Wetherall, 1992), which resulted in a dramatic drop in the number of declared progeny, and an increase in the market value of "clean birds" (Halstead, 1992). A negative DNA result (where birds for export are tested against their alleged parents) does not confirm that the birds have been illegally smuggled into New Zealand but it does render the statutory declaration (signed by the exporter) false. This would give grounds to reject an application for export and potentially prosecute. It is likely that the very existence of such a technique would also act as a deterrent to illegal traffickers.

Under the existing legislation, DoC can request, but cannot require a DNA test be carried out (D. Hutchinson, *in litt.*, 1996). Without this ability to establish a direct link between the export birds and their alleged parents, it is exceedingly difficult to prove "beyond reasonable doubt" that the exported birds were not bred in captivity in New Zealand. To remove this obstacle, TIES should be amended to allow the DoC to require DNA-testing for all birds exported from New Zealand on the grounds of being bred in captivity, with tests mandatory for species most at risk from illegal trade, and for which testing procedures are well developed, such as the Black Cockatoos. Other species could be added to the mandatory testing list as further tests are developed.

This proposal has already received some support from the avicultural community. The Avicultural Society of New Zealand has indicated support for mandatory DNA testing for all export applications, suggesting this would put an immediate stop to established breeding pairs being used to legitimise smuggled stock (B. Caldwell, *in litt.* to Dick Hutchinson, 1997).

Three unsuccessful attempts have been recently made to introduce legislation into New Zealand requiring the exporter to identify the breeding stock of birds to be exported, and allowing verification of this by DNA fingerprinting. These proposed reforms were however initially given low priority within DoC, and then at the ministerial level (second and third attempts), preventing the proposed legislation from reaching parliament.

The costs and time frames associated with DNA fingerprinting of CITES-listed birds in New Zealand still need to be determined. This should take into account the fact that the methodology needs to be fine-tuned for each species under consideration. In particular a library of DNA profiles for each species needs to be established, and appropriate restriction enzyme probes (used to analyse the DNA) identified and evaluated (Burke, 1989; Mell and Wetherall, 1992; Halstead, 1992). Currently DNA fingerprinting where appropriate DNA profiles and probes have already been developed costs approximately AU\$60 -100 per test, although it is much more for species for which tests have not yet been developed (D. Mell, pers comm. 1996). DNA fingerprinting is a relatively new research field that is fast developing; so faster, simpler and less expensive techniques may be generated (Hay, 1992). It is appropriate for the costs of the tests, including development costs, to be carried by the exporters of the exotic CITES-listed birds in the cost of an export permit.

PIT Tags

Small glass-encapsulated microchip transponders called PIT "passive integrated transponder" tags are becoming increasingly used to identify individual animals. They are injected subcutaneously, intramuscularly, or intra-abdominally using a modified hypodermic syringe. Each tag has an individual code that can be read by an external scanner. A literature search found no published reference to their use in parrots but they have been used to tag a large variety of wildlife from snakes (Jemison *et al.*, 1995) to penguins (Fraser and Trivelpiece, 1993), and are widely used in the fields of animal husbandry (livestock and pets) and in captive breeding programmes. PIT tags offer a valuable, relatively cheap, tool to permanently mark and identify individuals. This would allow exotic CITES-listed bird being imported into New Zealand, and those already present and breeding in captivity in New Zealand to be permanently identified and tracked, through a register maintained by the DoC. Again the absence of a tag will not disprove a captive breeding claim, however it may provide grounds for reasonable doubt, and so refusal of an export permit.

Aviculturists have indicated some support for the introduction of compulsory PIT tagging, noting many already tag expensive birds for security reasons (Caldwell, *in litt.* to Dick Hutchinson, 1997). Complete security of the tags may, however, be diminished by the theoretical possibility of removal of the tags from one bird and injection into another. The tags may also be unsuitable for smaller birds (R. Kingston, President Australian Finch Society, pers. comm., 1997), suggesting DNA fingerprinting is a more secure method of tracking and identifying individual birds (Halstead, 1992). DNA testing can be expensive, and may be impracticable in certain circumstances, and PIT tags offer a useful complementary mechanism. Compulsory use of PIT tags in New Zealand also requires a legislative amendment to TIES.

An Exotic Bird Registration Scheme

An Exotic Bird Registration Scheme, first proposed in New Zealand by the Wildlife Enforcement Group in 1994, involves the compilation of a comprehensive list of exotic birds found in New Zealand. Formal registration of either the owners / traders of the exotic birds, or the birds themselves would then be required and compulsory record keeping introduced. Such compulsory record keeping would include: whom the species were purchased from, date of purchase, breeding details, species sold and to whom they were sold. The accuracy of record keeping could be cross checked by DNA testing and/or PIT tags used to individually mark birds (see above). Appropriate penalties would be required to ensure compliance by owners / traders with the scheme. Such an Exotic Bird Registration Scheme would not prevent the legal import of new species of CITES-listed birds, but it would enable the authorities to identify species that had been brought into New Zealand illegally and in future provide the legal basis for confiscation and prosecution. It would also facilitate the rejection of import applications where birds are considered to potential environmental or agricultural pests.

An amnesty would be required to allow breeders to register the different species that they hold. This would need to be well planned to ensure that the time frame involved was short (for example three months) thereby limiting the opportunity in which to smuggle in new species before the scheme is implemented.

An Exotic Bird Registration Scheme has been recently introduced in Australia with the aims of controlling the illegal import of birds into Australia and meeting Australia's obligations under CITES. The owners of all exotic birds in Australia are required to be registered with Environment Australia unless the species of bird held has been specifically exempted from the scheme. The Exotic Bird Committee, legislatively established to oversee the registration scheme, advises the Minister for the Environment on which species of bird should be exempted. The Committee can also recommend specific measures be adopted for particular species such as DNA fingerprinting and PIT marking. Record keeping and annual returns on registration are required by aviculturists and very high penalties are imposed on anyone holding birds while unregistered to do so and without a legitimate excuse within the legislative exceptions.

The Australian scheme has however proved problematic in some areas, and it would be advisable to ensure these mistakes are not repeated in New Zealand. Long delays in establishing the scheme lead to an obvious flood of

illegal imports into Australia with over 50 new species appearing recently (Baucke, 1995). The interim Exotic Bird Committee was unevenly composed, containing one non-Government environmental representative, compared to five aviculturists, four Government representatives, and two representatives from zoological parks. No explicit criteria were established by which bird species would be exempted from the scheme, and the current exemption list includes both Appendix I and Appendix II CITES-listed species.

Many aviculturists in Australia have shown enthusiasm and support for the Australian Exotic Bird Registration Scheme (B. Devnie, 1996). To secure support from the avicultural community in New Zealand, however, it may be important to ensure the information held in the scheme is confidential. John Warne (*in litt.*, 1996), the president of the Parrot Society of New Zealand Inc., noted that when he endeavoured to compile a register of what species of parrot members kept, for security reasons members would not abide by the request, a concern also voiced by the Avicultural Society of New Zealand (B. Caldwell, *in litt.* to Dick Hutchinson, 1997).

The scheme does however offer breeders the advantage of legitimising their current stock provided they comply with the amnesty. It is also being used in Australia to disseminate breeding information and match up regional breeders.

Improving Communications Between Aviculturists and Government Agencies

Improved communication between aviculturists and government agencies would be likely to have positive outcomes for all involved. The detection of illegal activities is largely dependent on access to information, which Government agencies are more likely to obtain by establishing strong communication links with the avicultural community. Regulation of the avicultural community (assuming that an Exotic Species Registration Scheme was adopted) would be more easily achieved by working with the community rather than trying to impose legislation upon the community. Presently no formal channels of communication exist between aviculturists and government agencies however both parties have said they would be interested in establishing better communication. The establishment of meetings between elected representatives of key avicultural organizations (e.g. the Avicultural Society of New Zealand Inc., and the Parrot Society of New Zealand Inc.) and a representative from the Wildlife Enforcement Group, DoC, the Scientific Authority, the New Zealand Royal Forest and Bird Society and WWF New Zealand would provide a structured means of establishing better communications between all involved.

Legislative Reform

In addition to the legislative reforms previously mentioned, a specific amendment is needed to allow for the prosecution under TIES for illegal import of CITES Appendix II listed species into New Zealand. As outlined above, the current wording of TIES has created an anomaly whereby no offence has been created for the import of CITES Appendix II listed species into New Zealand without a permit from either the country of export or New Zealand. To rectify this, a legislative amendment is needed to make it an offence to trade or attempt to trade in any specimen of threatened (CITES Appendix II) species without the appropriate permit or certificate granted by the relevant country of export. Such an amendment would ensure New Zealand met its international obligations in implementing CITES.

CONCLUSIONS AND RECOMMENDATIONS



The circumstances outlined in this report suggest New Zealand may be used as a laundering point for the legal export of illegally obtained non-native CITES listed birds. The fact that illegal movements are being detected at the New Zealand and Australian borders shows Australian birds are being smuggled into New Zealand. Although actual extent of this activity cannot be ascertained, case history has revealed a highly organised international crime, and the operation of international smuggling networks. Increasing numbers of non-native CITES-listed birds are being legally exported from New Zealand under the claim they have been bred in captivity; a claim of which there is currently no feasible legal means of challenging. These birds are primarily Australian native parrots, and fetch high prices in the markets in Europe, the USA and Japan. In addition, anomalies in the wording of the Trade in Endangered Species Act 1989 has hindered prosecutions being brought against illegal importers of CITES Appendix II listed species.

A number of solutions have been canvassed in this Report to address this situation. Clearly TIES must be amended to allow successful prosecutions of illegal importers of CITES Appendix II listed birds, and bring New Zealand in line with the requirements of CITES. It is also important that provision be made enabling DoC to require DNA testing to confirm the parentage of captive bred birds which are being exported. DNA testing should be mandatory for those species most at risk through international trade, and research should be carried out for species for which DNA tests are not yet developed.

Utilisation of PIT tags is also important, for the identification and tracking of non-native CITES listed birds being imported into, and already in captivity in, New Zealand. This relatively cheap, but less reliable identification tool, would compliment DNA testing in cases where it is impracticable, and will also require further legislative amendment.

It is further recommended consideration be given to the introduction of an Exotic Bird Registration Scheme similar to the one recently introduced successfully into Australia. Such a scheme, in conjunction with DNA testing and PIT marking will provide the tightest control over non-native CITES-listed birds in New Zealand.

RECOMMENDATIONS:

1. The amendment of the *Trade In Endangered Species Act (1989)* to make it an offence to import CITES Appendix II-listed birds into New Zealand without an export permit from the relevant country of origin, and/or an import permit from New Zealand;
2. The amendment of the *Trade In Endangered Species Act (1989)* so as to allow the Department of Conservation to conduct DNA testing and Passive Integrator Transponder ("PIT") identification marking in appropriate cases. DNA testing should be mandatory for species most at risk from trade, and research should be undertaken to develop tests for those species where testing procedures have not yet been developed;
3. The development of improved communications between avicultural organisations, environmental organisations and government agencies;
4. Consideration be given to the establishment of an Exotic Bird Registration Scheme, taking advantage of successes and failures encountered in establishing the scheme in Australia;
5. Increased resources be provided to the New Zealand Wildlife Enforcement Group for enforcement activities;
6. Enforcement activities in Australia aimed at preventing native birds from being smuggled out of the country be increased and more effectively co-ordinated.

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APPENDIX I: EXOTIC CITES-LISTED BIRD SPECIES ALLEGEDLY PRESENT IN NEW ZEALAND

Compiled from Antram and Salisbury (1991)¹; Andrew Baucke², CITES Task Force, pers. comm.; Dick Hutchinson³, DoC, pers. comm.

Scientific Name	Common Name
<i>Agapornis cana cana</i> * ³	Grey-headed lovebird
<i>Agapornis fischeri</i> * ^{2,3}	Fischer's lovebird
<i>Agapornis lilianae</i> * ^{2,3}	Nyasa lovebird
<i>Agapornis personata</i> * ^{2,3}	Masked lovebird
<i>Agapornis roseicollis</i> * ^{2,3}	Peach-faced lovebird
<i>Agapornis swinderniana</i> * ³	Black-collared lovebird
<i>Alisterus scapularis</i> * ^{1,2,3}	Australian king parrot
<i>Amazona aestiva</i> * ³	Blue-fronted Amazon
<i>Amazona ochrocephala</i> ^{2,3}	Yellow-crowned Amazon
<i>Amazona ochrocephala parvipes</i> ³	Yellow-naped Amazon
<i>Aprosmictus erythropterus</i> * ^{1,2,3}	Red-winged parrot
<i>Ara ararauna</i> ^{2,3}	Blue and yellow macaw
<i>Ara auricollis</i> ^{2,3}	Yellow-collared macaw
<i>Ara chloroptera</i> ^{2,3}	Green-winged macaw
<i>Ara macao</i> * ^{2,3}	Scarlet macaw
<i>Ara militaris</i> ^{2,3}	Military macaw
<i>Ara nobilis</i> ²	Red-shouldered macaw
<i>Ara rubrognys</i> ^{2,3}	Red-fronted macaw
Hybrid* ³	Harlequin macaw
<i>Aratinga aurea aurea</i> * ^{2,3}	Peach-fronted conure
<i>Aratinga guarouba</i> * ^{2,3}	Golden conure
<i>Aratinga jandaya</i> * ^{2,3}	Jandaya conure
<i>Aratinga nandayus</i> ²	Nanday conure
<i>Aratinga patagonus</i> ²	Patagonian conure
<i>Aratinga pyrrhura frontalis</i> ²	Maroon-bellied conure
<i>Aratinga pyrrhura molinae</i> ²	Green-cheeked conure
<i>Aratinga solstitialis</i> * ^{2,3}	Sun conure
<i>Cacatua alba</i> ^{2,3}	White cockatoo
<i>Cacatua ducorpsii</i> * ³	Ducorp's cockatoo
<i>Cacatua galerita</i> * ^{1,2,3}	Sulphur-crested cockatoo
<i>Cacatua goffini</i> * ³	Goffin's cockatoo
<i>Cacatua leadbeateri</i> * ^{1,2,3}	Major Mitchell's cockatoo
<i>Cacatua moluccensis</i> ^{2,3}	Salmon-crested cockatoo
<i>Cacatua pastinator</i> ²	Bare-eyed corella

<i>Cacatua pastinator sanguinea</i> * ³	Short-billed corella
<i>Cacatua sulphurea</i> ²	Lesser sulphur-crested cockatoo
<i>Cacatua sulphurea citrinocristata</i> ³	Citron-crested cockatoo
<i>Cacatua tenuirostris</i> * ^{2,3}	Long-billed corella
<i>Callocephalon fimbriatum</i> * ^{2,3}	Gang-gang cockatoo
<i>Calyptorhynchus funereus funereus</i> * ^{2,3}	Yellow-tailed cockatoo
<i>Calyptorhynchus funereus latirostris</i> * ³	White-tailed cockatoo
<i>Calyptorhynchus funereus</i> * ³	Black cockatoo
<i>Calyptorhynchus magnificus magnificus</i> ^{2,3}	Red-tailed Black cockatoo
<i>Carduelis cucullata</i> * ³	Red siskin
<i>Chalcopsitta cardinalis</i> ²	Cardinal lory
<i>Cyanoliseus patagonus</i> ³	Patagonian conure
<i>Cyanoramphus malherbi</i> * ³	Orange-fronted parakeet
<i>Cyclopsitta diophthalma coxeni</i> * ³	Coxen's fig parrot
<i>Cyclopsitta diophthalma virago</i> * ³	Double-eyed fig parrot
<i>Eclectus roratus polychloros</i> * ³	Red-sided eclectus parrot
<i>Eclectus roratus</i> * ^{1,2,3}	Eclectus parrot
<i>Eolophus roseicapillus</i> * ^{2,3}	Galah
<i>Eos bornea bornea</i> * ^{2,3}	Red lory
<i>Eos squamata</i> ²	Violet-necked lory
<i>Gallicolumba luzonica</i> * ³	Bleeding heart pigeon
<i>Geoffroyus geoffroyi</i> * ^{1,3}	Red-cheeked parrot
<i>Geoffroyus simplex</i> * ³	Blue-collared parrot
<i>Glossopsitta concinna</i> * ^{1,2,3}	Musk lorikeet
<i>Glossopsitta porphyrocephala</i> * ^{1,2,3}	Purple-crowned lorikeet
<i>Glossopsitta pusilla</i> * ^{1,2,3}	Little lorikeet
<i>Lathamus discolor</i> * ^{1,3}	Swift parrot
<i>Lorius chlorocercus</i> ^{2,3}	Yellow-bibbed lory
<i>Lorius garrulus</i> ²	Chattering lory
<i>Lory lorius</i> ²	Black-capped lory
<i>Melopsittacus undulatus</i> ²	Budgerigar
<i>Myiopsitta monachus</i> * ^{2,3}	Monk parakeet
<i>Nandayus nenday</i> * ³	Nanday conure
<i>Neophema bourkii</i> * ^{1,2,3}	Bourke's parrot
<i>Neophema chrysogaster</i> ¹	Orange bellied parrot
<i>Neophema chrysostoma</i> * ^{1,3}	Blue-winged parrot
<i>Neophema elegans</i> * ^{1,2,3}	Elegant parrot
<i>Neophema petrophila</i> * ^{1,2,3}	Rock parrot
<i>Neophema pulchella</i> * ^{1,2,3}	Turquoise parrot
<i>Neophema splendida</i> * ^{1,3}	Scarlet-chested parrot
<i>Northiella haematogaster</i> * ^{1,2,3}	Blue-bonnet
<i>Nymphicus hollandicus</i> ²	Cockateil

<i>Pavo muticus</i> ³	Green peafowl
<i>Pionus maximiliani</i> ^{2,3}	Scaly-headed parrot
<i>Pionus menstruus</i> ^{2,3}	Blue-headed parrot
<i>Pionus senilis</i> ^{2,3}	White-capped parrot
<i>Platycercus adelaidae</i> ^{*1,3}	Adelaide rosella
<i>Platycercus adscitus</i> ^{*1,2,3}	Pale-headed rosella
<i>Platycercus barnardi</i> ^{*1,2,3}	Mallee ring-necked parrot
<i>Platycercus caledonicus</i> ^{*1,2,3}	Green rosella
<i>Platycercus elegans</i> ^{*1,2,3}	Crimson rosella
<i>Platycercus eximius</i> ^{*1,2,3}	Eastern rosella
<i>Platycercus flaveolus</i> ^{*1,2,3}	Yellow rosella
<i>Platycercus icterotis</i> ^{*1,3}	Western rosella
<i>Platycercus venustus</i> ^{*1,2,3}	Northern rosella
<i>Platycercus zonarius</i> ^{*1,2,3}	Port Lincoln parrot
<i>Poicephalus meyeri</i> ²	Meyer's parrot
<i>Poicephalus senegalus</i> ^{2,3}	Senegal parrot
<i>Polytelis alexandrae</i> ^{*1,2,3}	Princess parrot
<i>Polytelis anthopeplus</i> ^{*1,2,3}	Regent parrot
<i>Polytelis swainsonii</i> ^{*1,2,3}	Superb parrot
<i>Prosopieia personata</i> ^{2,3}	Masked shining parrot
<i>Prosopieia tabuensis</i> ²	Red shining parrot
<i>Psephotus chrysopterygius dissimilis</i> ^{*1,2,3}	Hooded parrot
<i>Psephotus chrysopterygius</i> ^{*2,3}	Golden-shouldered parrot
<i>Psephotus haematonotus</i> ^{*1,2,3}	Red-rumped parrot
<i>Psephotus varius</i> ^{*1,2,3}	Mulga parrot
<i>Psittacula alexandri</i> ²	Moustached parakeet
<i>Psittacula cyanocephala</i> ^{*2,3}	Plum-headed parakeet
<i>Psittacula derbiana</i> ^{*2,3}	Derbyan parakeet
<i>Psittacula eupatria</i> ^{*2,3}	Alexandrine parakeet
<i>Psittacula himalayana</i> ^{*2,3}	Slaty-headed parakeet
<i>Psittacula krameri</i> ^{*2,3}	Rose-ringed parakeet
<i>Psittacus erithacus timneh</i> ²	African grey parrot
<i>Psittacus erithacus</i> ^{*2,3}	Grey parrot
<i>Purpureicephalus spurius</i> ^{*1,2,3}	Red-capped parrot
<i>Pyrrhura leucotis</i> ^{*3}	White-eared conure
<i>Rhea americana</i> ^{*3}	Argentine greater rhea
<i>Trichoglossus chlorolepidotus</i> ^{*1,2,3}	Scaly-breasted lorikeet
<i>Trichoglossus haematodus</i> ^{*1,2,3}	Rainbow lory
<i>Trichoglossus versicolor</i> ^{*1,2,3}	Varied lorikeet

* Confirmed legal import into New Zealand (Dick Hutchinson pers. comm.)

APPENDIX 2
ENDEMIC AUSTRALIAN BIRDS ON CITES APPENDICES

SPECIES NAME	COMMON NAME	APPENDIX . NO	RANGE COUNTRIES
PSITTACIFORMES			
<i>Trichoglossus haematodus</i>	Rainbow Lorikeet	II	AU, NC, PG, SB, VU
<i>Trichoglossus h. rubritorquis</i>	Red-collared Lorikeet	II	AU
<i>Trichoglossus chlorolepidotus</i>	Scaly-breasted Lorikeet	II	AU
<i>Trichoglossus versicolor</i>	Varied Lorikeet	II	AU
<i>Glossopsitta concinna</i>	Musk Lorikeet	II	AU
<i>Glossopsitta pusilla</i>	Little Lorikeet	II	AU
<i>Glossopsitta porphyrocephala</i>	Purple Crowned Lorikeet	II	AU
<i>Probosciger aterrimus</i>	Palm Cockatoo	I	AU, PG, ID
<i>Calyptorhynchus funereus</i>	Black Cockatoo	II	AU
<i>Calyptorhynchus funereus funereus</i>	Yellow-tailed Black Cockatoo	II	AU
<i>Calyptorhynchus funereus baudinii</i>	White-tailed Black Cockatoo	II	AU
<i>Calyptorhynchus funereus latirostris</i>	White-tailed Black Cockatoo	II	AU
<i>Calyptorhynchus magnificus</i>	Red-tailed Black Cockatoo	II	AU
<i>Calyptorhynchus lathami</i>	Glossy Black Cockatoo	II	AU
<i>Callocephalon fimbriatum</i>	Gang-Gang Cockatoo	II	AU
<i>Eolophus roseicapillus</i>	Galah	II	AU
<i>Cacatua leadbeateri</i>	Major Mitchells Cockatoo	II	AU
<i>Cacatua galerita</i>	Sulphur-crested Cockatoo	II	AU, PG, ID
<i>Cacatua sanguinea</i>	Little Corella	II	AU, PG, ID
<i>Cacatua tenuirostris</i>	Long-billed Corella	II	AU
<i>Opopsitta diophthalma</i>	Double-eyed Fig Parrot	II	AU, PG, ID
<i>Opopsitta diophthalma coxeni</i>	Coxen's Fig Parrot	I	AU
<i>Geoffroyus geoffroyi</i>	Red-cheeked Parrot	II	AU, PG
<i>Eclectus roratus</i>	Eclectus Parrot	II	AU, PG, ID
<i>Alisterus scapularis</i>	Australian King Parrot	II	AU
<i>Aprosmictus erythropterus</i>	Red-winged Parrot	II	AU, PG
<i>Polytelis swainsonii</i>	Superb Parrot	II	AU

<i>Polytelis anthopeplus</i>	Regent Parrot	II	AU
<i>Purpureicephalus spurius</i>	Red-capped Parrot	II	AU
<i>Barnardius barnardi</i>	Mallee Ringneck Parrot	II	AU
<i>Barnardius zonarius</i>	Port Lincoln Parrot	II	AU
<i>Platycercus caledonicus</i>	Green Rosella	II	AU
<i>Platycercus elegans</i>	Crimson Rosella	II	AU, NZ (intro)
<i>Platycercus flaveolus</i>	Yellow Rosella	II	AU
<i>Platycercus adalaidae</i>	Adelaide Rosella	II	AU
<i>Platycercus eximius</i>	Eastern Rosella	II	AU, NZ (intro)
<i>Platycercus adsitus</i>	Pale-headed Rosella	II	AU
<i>Platycercus venustus</i>	Northern Rosella	II	AU
<i>Platycercus icterotis</i>	Western Rosella	II	AU
<i>Psephotus haematonotus</i>	Red-rumped Parrot	II	AU
<i>Psephotus varius</i>	Mulga Parrot	II	AU
<i>Psephotus haematogaster</i>	Blue Bonnet	II	AU
<i>Psephotus chrysopterygius</i>	Golden-shouldered Parrot	I	AU
<i>Psephotus c.dissimilis</i>	Hooded Parrot	I	AU
<i>Psephotus pulcherrimus (p.e)</i>	Paradise Parrot	I	AU
<i>Cyanoramphus novaezelandiae</i>	Red-fronted Parakeet	I	AU; NZ, NC
<i>Neophema bourkii</i>	Bourke's Parrot	II	AU
<i>Neophema chrysostoma</i>	Blue-winged Parrot	II	AU
<i>Neophema elegans</i>	Elegant Parrot	II	AU
<i>Neophema petrophila</i>	Rock Parrot	II	AU
<i>Neophema chrysogaster</i>	Orange-bellied Parrot	I	AU
<i>Neophema pulchella</i>	Turquoise Parrot	II	AU
<i>Neophema splendida</i>	Scarlet-chested Parrot	II	AU
<i>Lathamus discolor</i>	Swift Parrot	II	AU
<i>Pezoporus wallicus</i>	Ground Parrot	I	AU
<i>Geopsittacus occidentalis</i>	Night Parrot	I	AU
PELECANIFORMES			
Bulidae			
<i>Sula abbotti</i>	Abbott's Booby	I	AU
Fregatidae			

<i>Fregata andrewsi</i>	Christmas Island Frigatebird	I	AU
FALCONIFORMES			
Pandionidae			
<i>Pandion haliaetus</i>	Osprey	II	AU,NC,PG,SB, almost cosmopolitan
Accipitridae			
<i>Aviceda subcristata</i>	Crested Baza	II	AU, PG, SB, ID
<i>Elanus notatus axillaris</i>	Australian Black-shouldered Kite	II	AU
<i>Elanus scriptus</i>	Letter-winged Kite	II	AU
<i>Lophoictinia isura</i>	Square-tailed Kite	II	AU
<i>Hamirostra melanosternon</i>	Black-breasted Buzzard Kite	II	AU
<i>Milvus migrans</i>	Black Kite	II	AU,PG
<i>Haliastur sphenurus</i>	Whistling Hawk	II	AU,NC,PG,SG
<i>Haliastur indus</i>	Brahminy Kite	II	AU,PG,SG, IN to CN
<i>Haliaeetus leucogaster</i>	White-bellied Sea Eagle	II	AU,PG, ID, IN -CN
<i>Circus assimilis</i>	Spotted Harrier	II	AU
<i>Circus aeruginosus</i>	Marsh Harrier	II	AU,FJ,NC,NZ,PG TO, VU,WF
<i>Erythrotriorchis radiatus</i>	Red Goshawk	II	AU
<i>Accipiter cirrhocephalus</i>	Collared Sparrow Hawk	II	AU,PG, ID
<i>Accipiter fasciatus</i>	Australian Goshawk	II	AU,NC,PG,SB VU, ID
<i>Accipiter novehollandiae</i>	White Goshawk	II	AU,PG,SB, ID
<i>Aquila audax</i>	Wedge-tailed Eagle	II	AU,PG
<i>Hieraaetus morphnoides</i>	Little Eagle	II	AU,PG, ID
Falconidae			
<i>Falco cenchroides</i>	Australian Kestrel	II	AU,PG, ID
<i>Falco berigora</i>	Brown Hawk	II	AU, PG, ID
<i>Falco longipennis</i>	Australian Hobby	II	AU,PG, ID
<i>Falco hypoleucos</i>	Grey Falcon	II	AU, PG
<i>Falco subniger</i>	Black Falcon	II	AU

<i>Falco peregrinus</i>	Peregrine Falcon	I	AU,FJ,NC,PG, U, WS, AF
GRUIFORMES			
Turnicidae			
<i>Turnix melanogaster</i>	Black-brested Button Quail	II	AU
Pedionomidae			
<i>Pedionomus torquatus</i>	Plains Wanderer	II	AU
Gruidae			
<i>Grus rubicunda</i>	Brolga	II	AU, PG, ID
Rallidae			
<i>Gallirallus sylvestris</i>	Lord Howe Wood Rail	I	AU
Otididae			
<i>Ardeotis australis</i>	Australian Bustard	II	AU,PG, ID
STRIGIFORMES			
Tytonidae			
<i>Tyto alba</i>	Barn Owl	II	AU,AS,FJ,NU, PG, SB,TO,VU,WF,WS, almost cosmopolitan
<i>Tyto novaehollandiae</i>	Masked Owl	II	AU,PG, ID
<i>Tyto tenebricosa</i>	Sooty Owl	II	AU,PG, ID, JA
<i>Tyto longimembris</i>	Eastern Grass Owl	II	AU,FJ,NC,PG ID, IN, CN
Strigidae			
<i>Ninox rufa</i>	Rufous Owl	II	AU,PG, ID
<i>Ninox strenua</i>	Powerful Owl	II	AU
<i>Ninox connivens</i>	Barking Owl	II	AU,PG, ID
<i>Ninox novaeseelandiae</i>	Boobook Owl	II	AU,NZ,PG,ID
<i>Ninox novaeseelandiae undulata</i>	Norfolk Island Boobook Owl	I	AU
<i>Ninox squamipilia natalis</i>	Christmas Island Boobook Owl	I	AU
PASSERIFORMES			
Atrichornithidae			
<i>Atrichornis clamous</i>	Noisy Scrub Bird	I	AU
Muscicapidae			
<i>Dasyornis broadbenti litoralis</i> (p.e.)	Lessor Rufous Bristlebird	I	AU

<i>Dasyornis longirostris</i>	Long Billed Bristlebird	I	AU
Zosteropidae			
<i>Zosterops albogularis</i>	White-Chested White Eye	I	AU
Meliphagidae			
<i>Lichenostomus melanops cassidix</i>	Helmeted Honeyeater	I	AU
Estrildidae			
<i>Poephila cincta cincta</i>	Southern Black-throated Finch	II	AU
Paradisaeidae			
<i>Manucodia keraudrenii</i>	Trumpet Bird	II	AU,PG,ID
<i>Ptiloris paradiseus</i>	Paradise Riflebird	II	AU
<i>Ptiloris victoriae</i>	Queen Victoria Riflebird	II	AU
<i>Ptiloris magnificus</i>	Magnificent Riflebird	II	AU,PG,ID

Abbreviations

(p.e) = Presumed extinct

(intro) = Introduced

AU - Australia

NR - Nauru

AF - Africa

NU - Niue

AS - American Samoa

NZ - New Zealand

CK - Cook Islands

PG - Papua New Guinea

CN - China

SB - Solomon Islands

FJ - Fiji

TK - Tokelau

ID - Indonesia

TO - Tonga

IN - India

TV - Tuvalu

JA - Japan

VU - Vanuatu

KI - Kiribati

WF - Wallis and Fortuna

NC - New Caledonia

WS - Western Samoa

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