

## **Information for auction houses**

### **Requirements for the legal trade of international wildlife products**

Extract from Letter from Department of the Environment, Water, Heritage and the Arts.

#### **National environment law**

Under Australia's national environment law, *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the international movement of wildlife is regulated using a permit system. The law is designed to meet Australia's international obligations under CITES<sup>1</sup> and to ensure the export of Australian native wildlife occurs in an ecologically sustainable way.

#### **National cultural heritage law**

Some wildlife products may also be considered an Australian protected object under Australia's cultural heritage law, *Protection of Movable Cultural Heritage Act 1986* (PMCH Act). This law regulates the export of such objects through an export permit system for some cultural heritage objects. The criteria used to define an Australian protected object is outlined on the National Cultural Heritage Control List. It includes natural science objects, as well as fine or decorative art. Some of these may be made from wildlife products.

#### **What is wildlife?**

According to Australian laws, wildlife includes live and non-live animals and plants, as well as any parts or derivatives. Wildlife can be found in a wide range of products commonly sold by auction houses.

Examples include:

Clothing	(e.g. some fur skins used in coats, some leather belts, feathers in hats)
Jewellery	(e.g. some corals and shells, some leather watch straps)
Furniture	(e.g. certain timbers and materials used in manufacture)
Cutlery	(e.g. handles made using animal bone or tusk)
Musical instruments	(e.g. pianos containing ivory)

#### **When do I need a permit?**

Generally, a permit issued by the department is required to:

- import or export a CITES-listed specimen (both live and non-live)
- export a native specimen (both live and non-live)
- import a live animal
- export an Australian protected object made from or manufactured using wildlife products, or
- export flora or fauna type specimens and palaeontological objects that are significant to Australia and not adequately represented in public collections in Australia.

#### **Lawful importation of wildlife products**

It is an offence to be in possession of wildlife that has not lawfully been imported into Australia. If you are in possession of CITES-listed wildlife, you should have the appropriate documentation to show it has been lawfully imported. If you can prove that a wildlife product pre-dates the listing of that species on CITES, then this product may be legally traded without a permit. The department will need to see the appropriate certificates before this happens.

#### **Domestic trading of wildlife products**

Wildlife products that have been lawfully imported into Australia may be traded domestically without regulation by this department. However, it is recommended that you contact state and territory authorities regarding the movement of wildlife products that may cross state/territory borders.

<sup>1</sup> CITES is the Convention on International Trade in Endangered Species of Wild Fauna and Flora. It lists species that are or may be threatened by trade and aims to ensure that the international trade of wild animals and plants, or their by-products, does not threaten their survival. It formed in 1975 and has over 170 nations as members. For more information, go to [www.cites.org](http://www.cites.org).

### **What must auction houses do to ensure compliance with the law?**

The department requests auction houses:

- ensure only wildlife products that have been legally imported are included in any auction
- inform buyers they need to obtain a permit if a product is to be exported after auction and is made from or manufactured using a CITES-listed or native wildlife product, is a significant natural science object, or is an Australian protected object, and
- report to the department any incidents that may be a breach of an Australian law. All information is treated as confidential.

### **What happens if I break the law?**

Breaches of national environment law can result in fines of up to \$110,000 or up to 10 years in jail.

Breaches of national cultural heritage law can result in fines of up to \$110,000 and up to 2 years in jail.

### **Where can I get more information?**

If you would like more information about national environment law and permits under this law, email [wildlifetrade@environment.gov.au](mailto:wildlifetrade@environment.gov.au), or phone +61-2-6274 1900. You can also visit our website [www.environment.gov.au/wildlife-permits](http://www.environment.gov.au/wildlife-permits). If you would like more information national cultural heritage law and permits under this law, email [movable.heritage@environment.gov.au](mailto:movable.heritage@environment.gov.au) or phone +61-2-6274 1810. These details may also be passed on to buyers for their information.