

The Auctioneers and Valuers Association of Australia (AVAA) Releases Position Supporting the UK's Ivory Ban

The AVAA is Australia's peak body for auctioneers and valuers of fine art, antiques, material cultural heritage and collectable items, and for auctioneers and valuers of plant, equipment, goods and chattels.

Today, the AVAA announced that it is releasing its position on the Australian trade in ivory, supporting the UK's new legislation, publicised as "the world's toughest."

The Australian federal government's *Parliamentary Joint Committee on Law Enforcement* (PJCLE) is conducting an inquiry into Australia's trade in ivory and rhino products, and is reviewing this trade with respect to its obligations under the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES), to which it is a signatory. The deadline for submissions is 7 June 2018.

AVAA's Vice President, Jane Raffan, comments:

"The Board of the AVAA has been considering, consulting and deliberating on the Australian ivory trade issue since March 2017, when we attended the International Fund for Animal Welfare (IFAW) industry roundtable on the matter."

"The public release of the UK's *Ivory Bill*, which was presented to parliament on 23 May, is timely in light of the Australian government's PJCLE review, to which the AVAA will make a formal submission supporting the UK's bill."

The *Ivory Bill*, which has notable exclusions, prohibits dealing in ivory across all commercial primary, secondary and for-hire markets, and also prohibits the import and export of ivory for sale or hire.

Exclusions pertain to rare items, and items that contain ivory in small overall proportions, or what is known in the industry as a '*de minimis*'¹ ratios. In the case of the UK Bill, this ratio is 10% for decorative arts, and 20% for musical instruments.

Raffan notes that the UK's *de minimis* ratio is far tougher than other countries that have instigated ivory trade bans, including France and the USA, and comments that the UK's exclusions are well founded:

"The UK's stance is strict. Musical instruments such as pianos and violins etc will fall within the required *de minimis* ratio, as will certain furniture items with small amounts of ivory inlay, but many items of decorative art will not. Rare and important antiques of historical significance will be exempt, with provisions, as will portrait miniatures painted on slivers of ivory, and museums will still be able to buy and lend precious antique ivory works across international borders."

¹ An abbreviated form of the Latin '*de minimis non curat lex*', meaning '*the law cares not for small things*' - used in legal doctrine to define/dismiss trifling matters

Raffan acknowledges that the difference between ratios in categories of items is potentially problematic, especially for antiques dealers, but concludes:

“The point of the UK’s *Ivory Bill*, and the 10% *de minimis* ratio in particular, is to ensure that value for decorative arts and other material being traded is not tied to the ivory component. Devaluing ivory through restricting trade is a significant benchmark of conservation efforts and the AVAA supports this endeavour.”

Raffan also notes that, while the winding back of trade may impact certain commercial dealers and auctioneers, it won’t necessarily impact their bottom line:

“Australian auction house *Leonard Joel* took an ethical stance and leadership position on this issue in 2017 and commenced a self-imposed ban on ivory and rhino horn trade through their business. In 2018 they announced that this ban had not resulted in loss of earnings for their decorative arts department, which had, in fact, increased turnover. This is an especially significant point, as Joel’s was previously the largest trader of ivory at auction in Australia.”

China has closed its ivory carving factories and commercial trade in ivory, and Hong Kong, the world’s largest legal market, has announced trade will cease by 2021. These actions follow the late 2016 resolution adopted unanimously by CITES, which recommended that all members close down their domestic markets for ivory. The US is currently doing that, state by state, and France has already done so. Raffan comments:

“Australia has adopted necessary regulatory standards under CITES regarding the import and export of ivory and rhino horn, and has also adopted stricter measures than the Convention requires for certain species. The AVAA believes the current federal PJCLE review will result in endorsing a strict approach to the local trade in ivory and will likely support the UK’s *Ivory Bill* ban in principle, if not the exact *de minimis* ratios and the proposed connected regulatory measures in practice.”

Raffan further points out that the UK’s consultation process was lengthy, broad and achieved overwhelming public support for a ban, at 88%, commenting:

“The AVAA is proud to take a leadership position on this issue in Australia. Pressure and momentum for change is growing internationally and *status quo* policy positions within commercial decorative arts markets worldwide are coming under increased scrutiny and challenge. The UK is one of the largest traders of ivory items outside Asia, and its new position on this issue is a clarion call.”

END (2 pp, plus attachment)

Attachment: ‘A Bill to prohibit dealing in ivory, and for connected purposes’ (*Ivory Bill*),
United Kingdom, 23 May 2018

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