



# **A Guide to the Exhibition of Animals in New South Wales**

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## **Contents**

Introduction.....	1
Exhibited Animals Protection Act 1986 .....	1
Animal Display Establishments .....	2
Exhibition of Animals at Mobile Establishments .....	2
Additional Requirements .....	2
Permits Required for Certain Species .....	3
Issue Fees .....	3
The Exhibited Animals Advisory Committee.....	3
Standards for the Exhibition of Animals in NSW .....	4
Licensing.....	5
How Will Your Application be Assessed .....	5
What Happens if Your Application is Approved?.....	6
What Happens if Your Application is Refused?.....	7
Inspections .....	7
Animal Records .....	7
Alteration of a Display Establishment .....	7
Additional Information About Licences and Approvals.....	8
Appendix 1 .....	8
Appendix 2.....	9

## **Introduction**

In New South Wales the display of animals is regulated by the [Exhibited Animals Protection Act 1986](#) (EAPA). The Act was passed in 1986 due to public outcry over the poor conditions being provided for animals exhibited in some circuses and fauna parks, with licensing commencing in July 1989. Several standards were initially developed by staff of the Zoological Parks Board of New South Wales in consultation with the industry. Since 2001 that role has been undertaken by the Emergencies & Animal Welfare Unit of Industry & Investment NSW (initially NSW Agriculture and subsequently the Department of Primary Industries). The standards and Exhibited Animals Protection Regulation have been amended and expanded on several occasions since 1989.

The EAPA is unique to New South Wales in that it pertains to the exhibition of all vertebrate animals, irrespective of whether they are native, exotic or domestic. The Act currently falls within the portfolio of the Minister for Primary Industries, and the Director-General of Industry & Investment NSW is the licensing authority. Staff of the Emergencies & Animal Welfare Unit implement the legislation. The Leader Exhibited Animals is responsible for day to day administration of this Act and operates under delegations from the Director-General.

**Please note:** All forms referred to in this document are available at: <http://www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/exhibit> under the heading 'Forms'.

## **Exhibited Animals Protection Act 1986**

The Act covers all animal exhibition operations and includes permanent displays such as zoos, as well as exhibits at temporary establishments by circuses and other mobile displays, including reptile displays and mobile animal farms.

The display, and keeping for display, of all vertebrate animals, whether domestic, native or exotic is controlled by the [Exhibited Animals Protection Act 1986](#). There are a number of circumstances where the display of such animals is exempted from the Act. These circumstances are prescribed in the Clause 5 of the [Exhibited Animals Protection Regulation 2010](#). Clause 4 prescribes some additional situations that do not require licensing.

The Act requires an exhibitor of animals to hold an authority issued by the Director-General of Industry & Investment NSW. The quality of the animal exhibits and the facilities provided by the exhibitors are required to meet high standards of husbandry and presentation. Operators of zoos and fauna parks are required to hold an Animal Display Establishment License. People in charge of animals exhibited at circuses and other mobile animal displays must hold an Approval authorising the exhibition of those species. Persons exhibiting prescribed species (listed in Schedule 2 of the Regulation) must hold a Permit authorising the exhibition of the relevant prescribed species.

## **Animal Display Establishments**

An animal display establishment is a premises used for the exhibition of animals and includes a zoological park, fauna park and oceanarium. It also includes a bird aviary or other animal display in a council park and an animal display installed as an attraction. In order to obtain approval to build one of these establishments you will need to complete a [Form A - Application for Approval to Construct an Animal Display Establishment](#) (application fee in \$230). For the purposes of Section 12 of the EAPA, there is only one class of animal display establishment, which is “fixed establishments.” These are premises used for the exhibition of animals and include zoological parks, oceanariums, aquariums and similar institutions in which animals are displayed or kept for display for educational, cultural, scientific or recreational purposes.

## **Exhibition of Animals at Mobile Establishments**

Animals that are not displayed permanently at the one location, (i.e. they are displayed at premises occupied by temporary or movable structures used for the purposes of a circus, fair, fun-fair, amusement park or similar place of public entertainment or at a pre-school, school, TAFE establishment, university or other place of education) can only be exhibited under the authority of an Approval or Permit. A Permit is only required for animals of prescribed species (listed on Schedule 2 of the Regulation). See the section “Permits Required for Certain Species” on Page 3. All other animals (i.e. not of a prescribed species) can only be exhibited at a mobile establishment under the authority of an Approval. To obtain an Approval you will need to complete a [Form B – Application for an Approval to Exhibit Animals at Mobile Establishments](#) (application fee \$230).

Obtaining a mobile approval authorises you to exhibit an approved list of species at premises occupied by temporary or movable structures used for one or more of the purposes referred to in Section 22(2) of the Act. There is no limit to the number of species that you can have listed on your Approval as long as you can demonstrate that the standards will be met.

## **Additional Requirements**

Authorised exhibitors must also obtain the Director-General’s approval prior to undertaking a number of activities. These include:

- Using additional animals that are not already on the Approval certificate for mobile exhibitors. Requires a *Form E: Part 1 - Application for a Variation to an Authority*.
- Acquiring or disposing of an animal of a prescribed species. Requires a [Form F - Application to Acquire or Dispose of Animals of a Prescribed Species](#).
- Building new enclosures or expanding premises. Requires a [Form G – Application for Approval to Construct or Alter an Animal Enclosure or Facility](#).
- Temporary removal of animals from licensed premises. Requires a [Form H - Application to Remove an Animal from Authorised Premises](#).

## **Permits Required for Certain Species**

Licence and Approval holders must additionally hold a permit to exhibit any species listed in Schedule 2 of the EAPA Regulation. Schedule 2 lists species that require a permit before they can be displayed or kept for display. Exhibitors of these species must meet particular standards because of the special nature of these animals. These animals are special because they meet one or more of the following criteria:

- They require specialist care.
- They pose a threat to keeper or public safety.
- They present a danger to agriculture or the environment.
- They are subject to studbook or cooperative conservation programs conducted under the Australasian Species Management Program (ASMP).

To apply for permission to exhibit a prescribed species (i.e. listed in Schedule 2 of the Regulation) use [\*Form D: Part 1 – Application for a Permit to Exhibit a Prescribed Species\*](#). Exotic species may also require the provision of an additional form: *Form D: Part 2 - Supplementary Information in Support of an Application to Acquire a Non-Indigenous Species for Exhibition*.

## **Issue Fees**

Issue fees are payable in addition to the application fees. You will be advised of these by Departmental staff as they are worked out on a prorata basis. See Clause 11 of the Regulation.

## **The Exhibited Animals Advisory Committee**

The Exhibited Animals Advisory Committee assists Industry & Investment NSW in the administration of the EAPA. The committee has two major functions that include:

- To advise the Director-General so that the administration of the Act by Industry & Investment NSW is coordinated with that of other government departments which administer legislation relating to the importation, control, care and welfare of animals.
- To monitor the effectiveness of the licensing scheme and recommend any necessary changes to the Director-General.

The Exhibited Animals Advisory Committee is a statutory body of six members appointed by the Minister.

Of the members:

- One is nominated by the Minister;
- One is selected by the Minister from a panel of persons nominated by the Board (i.e. the Zoological Parks Board of NSW);
- One is nominated by the Minister administering the *National Parks and Wildlife Act 1974*;

- One is nominated by the Minister administering the *Prevention of Cruelty to Animals Act 1979*;
- One is selected by the Minister from persons nominated by prescribed animal welfare organisations;
- One is selected by the Minister from persons nominated by prescribed organisations representing exhibitors of animals.

The Chairperson of the advisory committee can be any member of the Committee.

The prescribed animal welfare organisations are:

- Animal Welfare League
- Humane Society International
- Primates for Primates
- Royal Society for the Prevention of Cruelty to Animals
- World Wide Fund for Nature Australia

The prescribed organisations representing exhibitors are:

- Circus Federation of Australia
- Mobile Wildlife Educators Association
- NSW Fauna and Marine Parks Association
- Zoo and Aquarium Association

## **Standards for the Exhibition of Animals in NSW**

Standards and policies that apply specifically to the exhibition of the following groups of animals in NSW have been published by the Director-General include:

- [General Standards for Exhibiting Animals in NSW.](#)
- [Policy on Exhibiting Primates in NSW.](#)
- [Standards for Exhibiting Animals at Mobile Establishments in NSW.](#)
- [Standards for Exhibiting Animals During Temporary Removals in NSW.](#)
- [Standards for Exhibiting Australian Mammals in NSW.](#)
- [Standards for Exhibiting Bottle-nosed dolphins \(\*Tursiops truncatus\*\) in NSW.](#)
- [Standards for Exhibiting Captive Raptors in NSW.](#)
- [Standards for Exhibiting Carnivores in NSW.](#)
- [Standards for Exhibiting Circus Animals in NSW.](#)
- [Standards for Exhibiting Seals in NSW.](#)

Copies of these standards can be obtained from the Department's website at:

[www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/exhibit](http://www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/exhibit)

or from:           Emergencies & Animal Welfare Unit  
                           Industry & Investment NSW  
                           Locked Bag 21  
                           Orange NSW 2800  
                           Ph: 02 6391 3276  
                           Fx: 02 6391 3570

Standards currently being drafted that relate to the display of:

- Free-range native fauna in enclosed areas.
- Reptiles.

The [General Standards for Exhibiting Animals in NSW](#) apply to all exhibited animals and include requirements such as:

- Staff experience
- Educational value.
- Visitor facilities.
- Animal enclosures.
- Public safety.
- Husbandry and management.
- Nutrition and hygiene.
- Capture, handling and transport.
- Health
- Behaviour.
- Breeding control.

Exhibitors must meet these standards as well as any other relevant standards for the exhibition of specific taxonomic groups. Where there are no existing standards for a specific species, the [General Standards for Exhibiting Animals in NSW](#) apply. Failure to comply with any of these standards is a breach of the licensing condition.

## **Licensing**

Applicants for a Licence, Approval or Permit must use the forms provided by the Emergencies & Animal Welfare Unit of Industry & Investment NSW. The forms are designed to ensure applicants have taken into consideration many of the factors that may impact on the success of their venture and their capacity to comply with the regulatory requirements. The applicants must demonstrate appropriate animal management experience and provide plans that indicate facilities for the animals will be constructed according to the standards.

The Leader Exhibited Animals and staff of the Emergencies & Animal Welfare Unit liaise with the applicant. If required, the applications are submitted to the Exhibited Animals Advisory Committee for consideration. The Director-General has delegated power to the Director of the Emergencies & Animal Welfare Unit and the Leader Exhibited Animals to issue licences.

## **How Will Your Application be Assessed**

Approval to construct an animal display establishment cannot be issued unless the Director-General of Industry & Investment NSW or his/her delegate is satisfied that the animal display establishment will conform to and be conducted in accordance with the prescribed standards.

An Approval to Exhibit an animal at a Mobile Establishment cannot be issued unless the Director-General is satisfied that the applicant has appropriate qualifications or experience, or both, to exhibit animals of that species.

A Permit to Exhibit a Prescribed Species cannot be issued unless the Director-General is satisfied that the animal will be exhibited in accordance with relevant prescribed standards.

You should ensure that you understand all applicable standards. These are listed in the [Exhibited Animal Protection Regulation 2010](#) and in the standards developed for the exhibition of particular animal groups.

Copies of the [Exhibited Animal Protection Act 1986](#) and the [Exhibited Animal Protection Regulation 2010](#) can be purchased from:

Salmat (Print on Demand)  
2 Military Road  
Matraville, NSW 2036  
Ph: 1300 656 986 or 02 9311 9899  
Internet: <http://www.salmat.com.au/>

If you have access to the internet these documents can also be downloaded from the NSW Legislation Website at: [www.legislation.nsw.gov.au/](http://www.legislation.nsw.gov.au/)

## **What Happens if Your Application is Approved?**

### *Animal Display Establishment*

- You are permitted to construct the facilities proposed in your application.
- On construction completion, contact the Leader Exhibited Animals on (02) 6391 3716 to arrange for an inspection.
- Following a satisfactory inspection, you will be required to pay the relevant issue fee (a proportion of \$285 for a Minor Exhibitor, otherwise \$1035 based on the number of months left in the licensing year).
- On receipt of your issue fee your licence will then be issued.
- You will only be permitted to acquire animals for exhibition after a licence has been issued.

### *Exhibit Animals at Mobile Establishments*

- Following a satisfactory inspection, you will be required to pay the relevant issue fee (a proportion of \$285 for a Minor Exhibitor, otherwise \$1035 based on the number of months left in the licensing year).
- On receipt of your issue fee your Approval will then be issued.
- You will only be permitted to acquire animals for exhibition after an Approval has been issued.

### *Exhibit a Prescribed Species*

- You do not have to pay an additional issue fee if you are already the holder of a Licence or an Approval.
- You will only be permitted to acquire a prescribed species for exhibition after a relevant Permit has been issued.

## **What Happens if Your Application is Refused?**

- You will be advised in writing as to the grounds for refusal.
- Your lodgement fee of \$285 is non-refundable.
- You are eligible to reapply or to appeal to the Administrative Decisions Tribunal within a prescribed period.

## **Inspections**

Inspections are carried out by an inspector authorised by the Minister or by an Exhibited Animals Advisory Committee member in the company of such an inspector. The aim of inspections includes assessing:

- 1) new applications for licences, approvals or permits to ensure that the appropriate standards are met.
- 2) new enclosures within existing facilities.
- 3) establishments on a routine basis to ensure compliance with appropriate standards.
- 4) the grounds of a complaint made against an exhibitor.

## **Animal Records**

Animal exhibitors in NSW are required to keep an up-to-date record of all the vertebrate animals they hold. Changes in holdings (acquisitions, births, departures, deaths etc) are recorded in an Animal Record Book supplied by Industry & Investment NSW. Additional records must be kept for:

- any illness, disease, injury or other poor health of animals.
- the day to day progress or regress of animals.
- the treatment, medical or otherwise administered to the animals.

In May each year exhibitors must forward a copy of their animal record pages to Industry & Investment NSW and their authority renewal application. This information is then entered into a computer database operated by staff of the Emergencies & Animal Welfare Unit. The software used checks record sheets for errors, prints error reports, monitors animal transactions and produces species and licence holder reports. It also generates registers summarising changes in the population of the species exhibited in NSW over a selected period. It is envisaged that the software will enhance the ability of the Emergencies & Animal Welfare Unit to identify areas where husbandry deficiencies may be affecting animal welfare. The system is designed to facilitate the provision of information to individual exhibitors so they can better understand the role of their animal collection in the wider industry.

## **Alteration of a Display Establishment**

Authorised exhibitors may not alter or extend their premises without the approval of the Director-General. Exhibitors wishing to make such changes to exhibits must provide clear plans in support of their applications. The applications are reviewed for compliance with species-specific standards, safety, presentation and other standards.

To apply for such approval use [Form G: Application for Approval to Construct or Alter an Animal Enclosure or Facility](#).

## **Additional Information About Licences and Approvals**

### **Age limit**

It is Emergencies & Animal Welfare Unit policy not to issue exhibitor authorities to persons under 18 years of age.

## **Appendix 1**

### **Other Industry & Investment NSW Legislation that impacts on the EAPA.**

In addition to the EAPA, another five acts administered by Industry & Investment NSW have an impact on the exhibition of animals in this state:

#### **[Non-Indigenous Animals Act 1987](#)**

This Act aims to control and regulate the introduction into NSW of certain species of animals and the movement and keeping of these species within the State. The main purpose of the Act is to ensure the security of certain species of animals that are not native to Australia, but are capable of becoming a major threat to agriculture, the environment or public safety.

#### **[Fisheries Act 1935](#)**

NSW Fisheries has control over all 'fish' species that includes all forms of marine, estuarine and freshwater animal life. Fisheries legislation also governs the sale, acquisition and possession of fish as well as minimum size limits for protected species.

#### **[Prevention of Cruelty to Animals Act 1979](#)**

This Act prohibits any action by a person that would result in an animal experiencing unreasonable, unnecessary or unjustifiable pain or distress. The main offences relating to the ill treatment of animals include cruelty and aggravated cruelty. The Act is administered by the Emergencies & Animal Welfare Unit of Industry & Investment NSW, but is primarily enforced by non-government charitable organisations, particularly the Royal Society for the Prevention of Cruelty to Animals (RSPCA). The Animal Welfare League and the NSW Police Service also have enforcement powers under the Act.

#### **[Rural Lands Protection Act 1998](#)**

This Act controls the movement of stock on rural land and the control of noxious pests on this land. It is normally necessary to obtain approval from the Minister for Primary Industries to keep animals defined as noxious for the purposes of this Act.

#### **[Stock Diseases Act 1923](#)**

This Act relates to the control of disease and the spread of disease in stock. The exhibited animal industry needs to be aware of this legislation when moving stock within the State or over state borders.

## **Appendix 2**

### **Liaison with other Government bodies**

Administration of the EAPA requires liaison with other State and Commonwealth Government departments that administer relevant legislation. Other legislation that must be considered includes:

#### ***NSW National Parks and Wildlife Act 1974***

This Act is administered by the Department of Environment, Climate Change and Water NSW. This Act makes it an offence to take or kill protected or endangered fauna and also makes it an offence to buy, sell or possess protected fauna without a licence. This Act is relevant to exhibitors who wish to trade native animals with a person who is not an exhibitor. Any interstate movement of native animals also requires approval from the Department of Environment, Climate Change and Water NSW.

#### ***Quarantine Act 1908***

This Act is administered by the Australian Department of Agriculture, Fisheries and Forestry and controls the importation of animals into Australia with the objective of excluding diseases and pests.

#### ***Environment Protection and Biodiversity Conservation Act 1999***

This Act is administered by the Australian Government's Department of Sustainability, Environment, Water, Population and Communities. It applies to the export of Australian native species and the export and import of species included in the Appendices to Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES).