



New South Wales

Exhibited Animals Protection Amendment (Miscellaneous) Regulation 1996

under the

Exhibited Animals Protection Act 1986

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Exhibited Animals Protection Act 1986*.

RICHARD AMERY, M.P.,
Minister for Agriculture

Explanatory note

The object of this Regulation is to amend the *Exhibited Animals Protection Regulation 1995* in the four ways described below.

Definition of “exhibit”

The *Exhibited Animals Protection Act 1986* regulates the “exhibition” of certain animals.

Section 12 of the Act requires each occupier of premises used as an animal display establishment of a prescribed class to have a licence. (An animal display establishment is defined in section 5 (1) to mean premises used for the exhibition of animals.) Section 22 prevents the unauthorised exhibit of animals on certain other premises. Section 24 of the Act prohibits a person from exhibiting an animal of a prescribed species unless the person is the holder, or is supervised by the holder, of a permit authorising the holder to exhibit an animal.

The term exhibit is defined in section 5 (1) of the Act so as to exclude the display, or the keeping for display, of an animal solely in circumstances declared by the regulations not to constitute an exhibition of the animal for

the purposes of the Act. Clause 5 of the *Exhibited Animals Protection Regulation 1995* declares certain circumstances for this purpose.

Item [2] of the Regulation amends clause 5 so as to declare that the display of 10 or less animals of a type described in Schedule 4 for the purpose of the promotion of an agricultural product is one of the circumstances that does not constitute an exhibition of the animals for the purposes of the Act. Therefore, if an animal is displayed or kept for display in such circumstances, the keeping of the animal will not be an “exhibition” for the purposes of the Act, and will not require a permit or approval. Also, the premises used for the keeping or display of the animal will not be an “animal display establishment” and will not be required to be licensed.

Item [7] makes a consequential amendment.

Standard for exhibiting circus animals

Section 22 of the Act applies to those in charge of certain species of animals who exhibit the animals on premises occupied by temporary or moveable structures used for the purpose of a circus. Such persons are required to obtain an approval authorising the holder to exhibit animals of that species.

Item [5] provides that it is a condition of every such approval that the animal will be kept and exhibited in accordance with the “Standard for Exhibiting Circus Animals in New South Wales”.

Fees for minor exhibitors

The Table to clause 12 of the *Exhibited Animals Protection Regulation 1995* sets out the fees payable for the issue and renewal of licences, approvals and permits under the Act. Item [4] substitutes the Table of fees so as to impose fees for the issue of a permit for the display of animals (under section 24 of the Act). Items [1] and [3] update the definitions of *minor establishment* and *minor exhibitor*.

Exemptions from record-keeping obligations

Clause 34 of the *Exhibited Animals Protection Regulation 1995* requires the holder of an authority to keep animal records. Clauses 35 and 36 require certain other records to be kept by an exhibitor of animals. Item [6] inserts a new clause that allows the Director-General to grant exemptions from the relevant record keeping obligations.

This Regulation is made under the *Exhibited Animals Protection Act 1986*, including section 5 (1) (definition of exhibit), section 14 (standards), section 25 (issue of permits) and section 53 (the general regulation making power).

Exhibited Animals Protection Amendment (Miscellaneous) Regulation 1996

1 Name of Regulation

This Regulation is the *Exhibited Animals Protection Amendment (Miscellaneous) Regulation 1996*.

2 Commencement

This Regulation commences on 16 September 1996.

3 Amendment of Exhibited Animals Protection Regulation 1995

The *Exhibited Animals Protection Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit the definition of ***minor establishment***.

Insert instead:

minor establishment means premises, not being a temporary establishment, at which no more than 30 animals are exhibited.

[2] Clause 5 Exhibitions exempted from the operation of the Act

Insert after clause 5 (1):

- (m) that the animal, being an animal of a species listed in Schedule 4, and not being an animal kept pursuant to an approval or permit or at a licensed animal display establishment, is displayed, or kept for display, for the purposes of promoting an agricultural product derived from that species of animal and:
 - (i) the animal is one of no more than 10 animals displayed, or kept for display, for this purpose at any one time, and
 - (ii) any display lasts for no more than 2 days at a time and is conducted at least 5 days after any previous display of the animal, and
 - (iii) the animal is displayed near a display of the relevant agricultural product or shortly before or after such a display, and
 - (iv) the person who normally cares for the animal attends the animal for the duration of any display.

[3] Clause 12 Fees

Omit clause 12 (4). Insert instead:

- (4) In this clause:

minor exhibitor means a person who exhibits no more than 30 animals.

[4] Clause 12

Omit the Table to clause 12. Insert instead:

Table

Application for	Lodgment fee	Issue fee
Licence under section 18 of the Act	\$200	\$250 for minor establishments, otherwise \$900
Renewal of licence under section 18 of the Act	\$100	\$250 for minor establishments, otherwise \$900
Approval under section 22 of the Act	\$200	\$250 for minor exhibitors, otherwise \$900
Renewal of approval under section 22 of the Act	\$100	\$250 for minor exhibitors, otherwise \$900
Permit under section 24 of the Act	\$20 per species	nil if applicant holds current licence or approval, \$250 if the applicant is a minor exhibitor, otherwise \$900
Renewal of permit under section 24 of the Act	nil if applicant holds current licence or approval, otherwise \$20 per species	nil if applicant holds current licence or approval, \$250 if the applicant is a minor exhibitor, otherwise \$900
Approval under section 19 of the Act	\$40	nil
Transfer of licence under section 27 of the Act	\$200	\$250 for minor establishments, otherwise \$900
Variation of authority under section 27 of the Act	\$20	nil

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Schedule 1 Amendments

[5] Clause 17A

Insert after clause 17:

17A Exhibition of animals at circuses etc

It is a condition of every approval under Division 2 of Part 3 of the Act authorising the exhibition of an animal at a circus that the animal will be kept and exhibited in accordance with the Standard for Exhibiting Circus Animals in New South Wales approved and published by the Director-General.

[6] Clause 36A

Insert after clause 36:

36A Variation of record keeping obligations

The Director-General may, at the request of the holder of an authority or an exhibitor, exempt the holder or exhibitor from any obligation to keep records otherwise applicable to that holder or exhibitor under clause 34, 35 or 36.

[7] Schedule 4 Exemptions—animals displayed for certain agricultural and promotional purposes

Omit “(Cl. 5 (1))”. Insert instead “(Clause 5 (1) and (m))”.