

1995—No. 478

**EXHIBITED ANIMALS PROTECTION ACT 1986—
REGULATION**

(Exhibited Animals Protection Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 105 of 1 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Exhibited Animals Protection Act 1986, has been pleased to make the Regulation set forth hereunder.

R. S. AMERY,
Minister for Agriculture.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Exhibited Animals Protection Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definition

3. In this Regulation:

“**authorised premises**” means premises to which an authority relates, including any land occupied by the holder of the authority for, or in connection with, the exhibition of animals in accordance with the authority;

“**authority**” means a licence, an approval under section 22 of the Act or a permit;

“**cetacea display establishment**” has the meaning it has in section 34 of the Act;

“drive-through area” means any part of an animal display establishment in which there is exhibited an animal and through which the public may be permitted to drive motor vehicles without being separated from the animal by a fence, moat or cage forming part of the establishment;

“enclosure” includes a cage or other structure in which an exhibited animal is kept or is treated for illness or injury;

“fence” includes a wall or other barrier;

“licensed premises” means premises to which a licence relates;

“minor establishment” means premises, not being a temporary establishment:

- (a) at which not more than 30 animals are displayed, being not more than 20 birds and not more than 10 mammals; and
- (b) at which all animals displayed are of a bird or a mammal species listed in Schedule 1 or of any combination of those species;

“permit animal” means an animal of a species set out in Schedule 2;

“pet shop” means premises in which animals are kept primarily for sale as pets in the course of a trade, business or profession;

“temporary establishment” means premises occupied by temporary or movable structures used for one or more of the purposes referred to in section 22 (2) of the Act;

“the Act” means the Exhibited Animals Protection Act 1986.

PART 2—ANIMAL DISPLAY ESTABLISHMENTS

Exemptions from licensing requirements

4. For the purposes of section 4 (1) of the Act, an animal display establishment is exempt from the requirement to be licensed if the only animals exhibited at the establishment are freshwater fish that are kept:

- (a) in a decorative or landscaped pond or ponds of any size; or
- (b) in an aquarium that has a capacity of less than 2,000 litres or aquaria that have a total capacity of less than 2,000 litres.

Exhibitions exempted from the operation of the Act

5. For the purposes of paragraph (c) of the definition of “exhibit” in section 5 (1) of the Act, it is declared that the display, or keeping for display, of an animal in the following circumstances does not constitute an exhibition of the animal for the purposes of the Act:

- (a) that the animal is a free-living animal in its natural habitat;
- (b) if the animal is in an enclosed area—that it is in a wild state and does not depend on human interaction for its welfare or upkeep;
- (c) that the animal is a lawful captive and is part of a competitive display of household pets;
- (d) that the animal is part of a competitive display of domestic farm animals;
- (e) that the animal is a domestic farm animal being used to demonstrate the acquisition of wool, milk or other produce of a living animal;
- (f) that the animal is of domestic hoof-stock and is performing, or is to perform, in an event at a rodeo;
- (g) that the animal is a lawful captive that is not displayed or kept for display, to the public;
- (h) that the animal is displayed, or kept for display, in accordance with the authority conferred by a licence in force under the National Parks and Wildlife Act 1974;
- (i) that the animal is displayed, or kept for display, in the course of carrying on the business of animal research, or in the course of carrying out animal research, without contravening the Animal Research Act 1985;
- (j) that the animal, being an animal of a species listed in Schedule 3 and not being an animal kept pursuant to a permit or at a licensed animal display establishment, is an animal used only for riding or racing;
- (k) that the animal is kept in a pet shop for display and not for sale;
- (l) that the animal, being an animal of a species listed in Schedule 4 and not being an animal kept pursuant to a permit or at a licensed animal display establishment, is displayed:
 - (i) at an agricultural show or show parade conducted by the Royal Agricultural Society or a society that is a member of the Agricultural Societies Council; or
 - (ii) at an agricultural field day conducted on a farm or showground; or
 - (iii) on the farm on which the animal is kept.

Zoological parks

6. For the purposes of the definition of “zoological park” in section 5 (1) of the Act, an educational, cultural, scientific or recreational purpose is a prescribed purpose.

Classes of animal display establishments

7. (1) For the purposes of section 12 of the Act, the prescribed classes of animal display establishments are:

- (a) cetacea display establishments; and
- (b) animal display establishments other than temporary establishments; and
- (c) minor establishments.

(2) For the purposes of section 13 of the Act, the classes of animal display establishments are:

- (a) those prescribed by subclause (1); and
- (b) temporary establishments; and
- (c) zoological parks established, maintained or controlled by the board.

Standards for animal display establishments

8. (1) For the purposes of section 14 of the Act, the requirements in any general standards for exhibiting animals approved and published by the Director-General from time to time apply as standards prescribed for animal display establishments of the classes prescribed by clause 7 (2).

(2) For the purposes of sections 14 and 25 of the Act, the standards set out in the following publications approved and published by the Director-General from time to time apply as standards prescribed for the purposes of sections 14 and 25 of the Act:

Standards for Exhibiting Koalas (*Phascolarctos cinereus*) in New South Wales

Standards for Exhibiting Bottle-nosed Dolphins (*Tursiops truncatus*) in New South Wales

Standards for Exhibiting Captive Raptors in New South Wales

Standards for Exhibiting Captive Macropods (Kangaroos, Wallabies and Allies) in New South Wales

Standards for Exhibiting Carnivores in New South Wales.

(3) The Director-General may, at the request of a person who is the applicant for or holder of an authority that relates to:

- (a) an animal display establishment that was in existence before 9 June 1989; or
- (b) the exhibition of an animal that was exhibited by the person before that time,

vary any standard otherwise applicable under this clause to the establishment or the exhibition of the animal by the person.

(4) If a standard is varied under this clause, the standard applicable to the establishment or exhibition of the animal concerned is the standard as so varied.

(5) It is a condition of an authority that the exhibition of animals to which it relates must be in accordance with such of the standards referred to in this clause as are applicable in relation to the authority.

Conservation education by animal display establishments

9. For the purposes of sections 14 and 25 of the Act, an animal display establishment is to provide education to the public concerning the conservation of animals to a standard approved by the Director-General.

Exhibitions of species of animals that require permits

10. The species of animals prescribed for the purposes of sections 24 and 25 of the Act are those set out in Schedule 2.

PART 3—AUTHORITIES

Division 1—General

Application for issue, renewal or variation of authority

11. (1) An application for the issue, renewal or variation of an authority (other than a licence to be issued under section 18 of the Act following an approval under that section) or for the transfer of a licence:

- (a) must be made in writing in the form approved by the Director-General for the purposes of the application; and
- (b) must be accompanied by any supporting documents referred to in the approved form and by the relevant fee or fees; and
- (c) in the case of an application for renewal—must be lodged with the Director-General during the month of May that last precedes expiration of the authority.

(2) An application for a renewal of an authority that complies with subclause (1) operates to renew the authority unless:

- (a) the Director-General notifies the holder of the authority that renewal of the authority has been refused; or
- (b) the application has been deemed to be refused by operation of section 27 (4) of the Act.

(3) An application for renewal of an authority is not required and subclause (2) has effect as if such an application had been made in compliance with subclause (1) if:

- (a) the authority first takes effect during May or June; and
- (b) the fee or fees for renewal of the authority is or are paid before the next succeeding 1 July.

(4) If the Director-General considers that an application for an authority is based principally on scientific grounds, the Director-General must, before making his or her decision on the application, seek the views of persons who, in the opinion of the Director-General, are qualified to assist in reaching that decision.

(5) If investigation of an application for an authority discloses that the authority, if issued, would authorise the keeping in captivity of an animal that, in the opinion of the Director-General, could be successfully kept only with difficulty, the Director-General must not issue the authority unless the applicant provides the Director-General with a certificate by a person approved by the Director-General to the effect that all the requirements for commencing the proper keeping of the animal have been complied with.

(6) The Director-General must not issue a licence unless:

- (a) the applicant has, to the satisfaction of the Director-General, completed a course of study of a kind approved by the Director-General concerning the requirements of the Act and this Regulation; and
- (b) the applicant understands, to the satisfaction of the Director-General, the requirements of the Act and this Regulation.

(7) An application is not required for a licence to be issued under section 18 (4) of the Act.

Fees

12. (1) The fee for the lodgment of an application of a class specified in the Table to this clause is the lodgment fee specified opposite that class of application.

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(2) The fee for the issue of an authority following an application of a class specified in the Table to this clause is the issue fee specified opposite that class of application.

(3) Despite subclause (2), if an authority issued by the Director-General is to take effect during a named month other than July, the applicant is to pay the same proportion of the full fee payable under subclause (2) for that authority as is borne to 12 by the number of named months that will elapse before the next succeeding July.

(4) In this clause:

“small establishment” means premises:

- (a) at which not more than 30 animals are displayed, being not more than 20 birds and not more than 10 mammals; and
- (b) at which all animals displayed are of a bird or a mammal species listed in Schedule 1 or of any combination of those species.

Table

Application for:	Lodgment fee	Issue fee
Licence under section 18 of the Act	\$200	\$250 for small establishments, Otherwise \$900
Renewal of licence under section 18 of the Act	\$100	\$250 for small establishments, otherwise \$900
Approval under section 22 of the Act	\$200	\$250 for small establishments, otherwise \$900
Renewal of approval under section 22 of the Act	\$10	\$250 for small establishments, otherwise \$900
Permit under section 24 of the Act	\$20 per species	nil
Renewal of permit under section 24 of the Act	nil if applicant holds current licence or approval for the permit animal, otherwise \$20 per species	nil

Approval under section 19 of the Act	\$40	nil
Transfer of licence under section 27 of the Act	\$200	\$250 for small establishments, otherwise \$900
Variation of authority under section 27 of the Act	\$20	nil

Duration of authority

13. For the purposes of section 29, an authority remains in force (unless it is earlier cancelled and except during any period of suspension) until:

- (a) in the case of an authority other than a renewed authority—1 July following the date on which the authority commences; or
- (b) in the case of a renewed authority—1 July following the date on which the renewed authority commences.

Appeals

14. (1) An aggrieved person may appeal to the Minister under section 32 of the Act by lodging with the Minister, within 28 days after service on the person of written notice of the decision appealed against, a notice of appeal that complies with subclause (2).

(2) To comply with this subclause, a notice of appeal must:

- (a) be signed by or on behalf of the appellant; and
- (b) identify the decision appealed against; and
- (c) state the grounds of the appeal; and
- (d) state any directions the appellant desires the Minister to give if the appeal is upheld.

(3) The Minister must do the following before making a decision on an appeal:

- (a) give the Director-General an opportunity to make submissions in relation to the appeal; and
- (b) take any such submissions into account.

(4) The time within which an aggrieved person may appeal under section 33 of the Act to a Local Court is 28 days after service on the person of written notice of the decision appealed against.

Division 2—Conditions**Australasian Species Management Program**

15. A permit authorising the exhibition of an animal of a species referred to in Schedule 2 may include a condition requiring the holder to participate in the Australasian Species Management Program of the Species Management Co-ordinating Council.

Controlled breeding from stock

16. A licence or permit is subject to a condition requiring the holder to engage in a program of controlled breeding from the animals to which the licence or permit relates unless such a program:

- (a) would adversely affect the welfare of the progeny because of budgetary or space constraints; or
- (b) would add to an existing surplus of the species; or
- (c) would not be in accordance with the Australasian Species Management Program referred to in clause 15; or
- (d) in the opinion of the Director-General, would not, for any other reason, be in the best interests of the species or an individual animal.

Insurance

17. An authority is subject to a condition requiring the holder to maintain insurance approved by the Director-General against any liability of the holder, or of a servant, or agent of the holder, for death, injury or damage caused by an animal exhibited by the holder or by such an animal that has escaped and has not returned to the wild.

Imposition of terms and conditions by the Director-General

18. (1) Terms or conditions of an authority may be imposed by the Director-General under section 28 (1) (c) of the Act after the issue of the authority:

- (a) at the request of the holder of the authority; or
- (b) otherwise than at the request of the holder of the authority if subclause (3) has been complied with by the Director-General before imposition of the term or condition.

(2) A term or condition of an authority that is specified under section 28 (1) (b) of the Act in the authority when it is issued, or that is imposed by the Director-General under section 28 (1) (c) of the Act after it is issued, may be varied by the Director-General if the decision to make the variation is made after subclause (3) has been complied with.

(3) This subclause is complied with if:

- (a) the Director-General gives the holder of the authority written notice that the Director-General is considering the imposition or variation of terms or conditions specified in the notice; and
- (b) the notice states that the holder of the authority may, within a specified time, make written representations to the Director-General or arrange with the Director-General for the making of oral representations; and
- (c) before making any decision in relation to a term, or condition or variation under consideration, the Director-General takes into account any such representations.

PART 4—OFFENCES

Display of authority

19. The holder of an authority must cause the authority to be at all times publicly displayed in a prominent position on the authorised premises.

Maximum penalty: 5 penalty units.

Veterinary drugs

20. (1) The holder of an authority must ensure that veterinary drugs, vaccines and like products kept on the authorised premises are so kept in a manner that allows access to them only by a registered veterinarian or a person authorised by a registered veterinarian.

Maximum penalty: 10 penalty units.

(2) A person other than a registered veterinarian must not, except as directed by a registered veterinarian, administer a drug or vaccine to an animal that is exhibited on authorised premises.

Maximum penalty: 5 penalty units.

Notification of outbreak of disease

21. The holder of an authority must notify the Director-General of any widespread outbreak of a debilitating or fatal disease among the animals on the authorised premises and must do so not later than 24 hours after discovery of the outbreak.

Maximum penalty: 5 penalty units.

Disposal of unwanted veterinary equipment

22. A person disposing of unwanted or contaminated veterinary equipment from authorised premises must do so in such a way that the equipment does not become a danger to any person.

Maximum penalty: 10 penalty units.

Tethering of animals

23. (1) A person must not chain or tether an exhibited animal to an anchorage except for the purposes of veterinary treatment or grooming.

Maximum penalty: 5 penalty units.

(2) Subclause (1) does not apply:

- (a) to elephants or domesticated hoof-stock that are not on display; or
- (b) to raptors if the applicable standards are observed.

Dangerous or unsuitable housing

24. (1) If the Director-General (or an inspector) considers that an exhibited animal is caged or otherwise housed in conditions that threaten human safety or are unsuitable for the animal, the Director-General (or the inspector) may direct the exhibitor of the animal:

- (a) to remove the animal to a cage or other housing approved by the Director-General (or the inspector); or
- (b) to modify the cage or housing in a specified way within a specified time; or
- (c) to demolish the cage or housing within a specified time.

(2) An exhibitor of an animal who is given a direction under subclause (1) must comply with the direction.

Maximum penalty—subclause (2): 10 penalty units.

Exhibition of unconfined animal

25. The exhibitor of an animal in contact with the public must so supervise and control it as to prevent injury to the public or to the animal.

Maximum penalty: 10 penalty units.

Safety in drive-through area

26. (1) The exhibitor of a dangerous animal kept in a drive-through area must cause admission of a motor vehicle to the area to be refused unless the persons in the vehicle are enclosed within a solid structure forming part of the vehicle.

(2) While a person is inside a drive-through area, the exhibitor of a dangerous animal in the area must cause:

- (a) a suitable vehicle to be immediately available to rescue an endangered person, whether or not by towing or lifting a vehicle containing the endangered person; and
- (b) continuous observation to be maintained over the entire area; and
- (c) a suitably trained and armed member of the staff of the animal display establishment that includes the area, to be immediately available to kill or sedate an animal in order to save human life or prevent injury.

Maximum penalty: 10 penalty units.

(3) In this clause:

“dangerous animal” means:

- (a) an animal of a species (such as tigers, lions and bears) whose members ordinarily pose a significant risk of death or injury to the public; or
- (b) an animal that, because of its particular disposition, health or other condition, poses a significant risk of death or injury to the public.

Escape of animal

27. (1) An exhibitor of a permit animal must immediately notify the Director-General if the animal escapes from the authorised premises.

(2) If a permit animal escapes from an enclosure within authorised premises but not from the premises, the permit holder must notify the Director-General of the escape immediately and on recapture of the animal.

(3) If an animal other than a permit animal escapes from authorised premises, or from an enclosure within authorised premises but not from the premises, the holder of the authority must notify the Director-General of the escape within 48 hours of the escape.

(4) The holder of an authority must make all reasonable efforts to recover, alive or dead, an exhibited animal that escapes.

Maximum penalty: 10 penalty units.

Venomous animals

28. An exhibitor of an animal that is venomous to human beings must:

- (a) if a suitable antiserum exists, at all times have an appropriate supply of the antiserum available at the place of exhibition of the animal or at the nearest hospital; and
- (b) maintain an emergency plan for the treatment of a person poisoned by the animal.

Maximum penalty: 5 penalty units.

Reporting of injuries to people

29. The holder of an authority must immediately report to the Director-General any incident involving:

- (a) the death of a person; or
- (b) injury to a person that requires medical treatment,

caused by an animal to which the authority relates.

Maximum penalty: 10 penalty units.

Noisy construction and maintenance work

30. An exhibitor of animals must take such steps as are necessary to alleviate any undue distress or disturbance of the animals resulting from the noise of construction or maintenance work being carried on by or on behalf of the exhibitor.

Maximum penalty: 5 penalty units.

Acquisition and disposal of animals

31. The holder of an authority must not:

- (a) acquire an animal for exhibition knowing that the transaction is with a person who, by acquiring the animal, committed an offence under the National Parks and Wildlife Act 1974 or the Non-Indigenous Animals Act 1987; or

- (b) dispose of an exhibited animal to a person who, by acquiring the animal, would commit an offence under either of those Acts; or
- (c) except in the case of an animal listed in Schedule 1—without the consent of the Director-General, acquire an animal for exhibition or dispose of an exhibited animal.

Maximum penalty: 10 penalty units.

Removal of exhibited animal

32. (1) The holder of a licence for an animal display establishment must not, without the written consent of the Director-General, keep an exhibited animal, or permit such an animal to be kept, outside the animal display establishment in which it is ordinarily exhibited.

Maximum penalty: 5 penalty units.

(2) The holder of an authority must not remove an animal from the authorised premises unless an appropriate application for the consent of the Director-General to the removal of the animal was made:

- (a) at least 7 days before the proposed removal; or
- (b) by agreement with the Director-General, at a later time,

and the Director-General has given his or her written consent to the removal of the animal.

Maximum penalty: 10 penalty units.

(3) Subclauses (1) and (2) do not apply in relation to an animal if

- (a) it is being taken to, or returned from, the premises of a registered veterinarian; or
- (b) it is being kept on the premises of a registered veterinarian for treatment or observation; or
- (c) it is being transported to give effect to its lawful disposition or acquisition.

(4) In this clause:

“appropriate application” means a written application stating, in relation to the animal to which it relates:

- (a) the kind of animal; and
- (b) its destination; and
- (c) the method of transporting it; and

- (d) in the case of a temporary removal (such as for advertising)—the arrangements for the safety of the public in its vicinity; and
- (e) in the case of a temporary removal—the way in which the animal will be used and the duration of that use; and
- (f) the number and qualifications of the staff responsible for the animal while it is being transported and, in the case of a temporary removal, during its absence.

Exemption from requirements concerning acquisition, disposal and removal of animals

33. (1) The holder of an authority is exempt from the requirements of clause 31 (c) and 32 (2) if the holder of the authority:

- (a) has, to the satisfaction of the Director-General, completed an animal exhibitor's accreditation course of a kind specified by the Director-General; and
- (b) holds a current certificate of exemption issued by the Director-General for the purposes of this subclause; and
- (c) complies with any conditions to which the certificate of exemption is subject.

(2) The Director-General may, by notice in writing, cancel a certificate of exemption issued under this clause if the person to whom the certificate is issued fails to comply with the requirements of the Act, this Regulation or the conditions to which the certificate is subject.

Animal records

34. (1) In this clause:

“**relevant period**”, in relation to an authority, means:

- (a) the period that begins when the authority first takes effect and ends on the next succeeding 30 April; and
- (b) each period of 12 months that commences on 1 May and succeeds the period referred to in paragraph (a).

(2) The holder of an authority must, at all times during each relevant period while the authority is in force, keep on the authorised premises animal records in a form approved by the Director-General.

Maximum penalty: 10 penalty units.

(3) As soon as practicable after information required to keep the animal records up-to-date becomes available to the holder of an authority, the holder must cause the information to be entered in the animal records.

Maximum penalty: 10 penalty units.

(4) The holder of an authority must not:

- (a) fail to notify the Director-General within 7 days after the loss of, or after any damage to, the animal records; or
- (b) make an entry, or allow an entry to be made, in the animal records:
 - (i) if the records are in a written or printed form—otherwise than in ink; or
 - (ii) if the records are stored in electronic form—otherwise than in a manner approved by the Director-General; or
- (c) delete an erroneous entry in the animal records, or allow such an erroneous entry to be deleted:
 - (i) if the records are in written or printed form—otherwise than by drawing a single line through the entry; or
 - (ii) if the records are stored in electronic form—otherwise than in a manner approved by the Director-General.

Maximum penalty: 5 penalty units.

(5) A person must not, in any way, knowingly cause the animal records to be false or misleading in a material particular.

Maximum penalty: 10 penalty units.

(6) The holder of an authority making application for its renewal must lodge with the application the animal records required to be kept during the relevant period for the authority that last preceded the application.

Maximum penalty: 10 penalty units.

(7) The former holder of the authority must, not later than 14 days after expiration of an authority, lodge with the Director-General the animal records the former holder was required to keep:

- (a) during the relevant period for the authority that expired on the last preceding 30 April; and
- (b) during the relevant period for the authority that commenced on the last preceding 1 May.

Maximum penalty: 10 penalty units.

(8) If an authority is suspended, surrendered or cancelled, the holder, or former holder, of the authority must:

- (a) within 14 days after the surrender; or
- (b) within 14 days after being notified of the suspension or cancellation,

lodge with the Director-General the animal records the holder, or former holder, was required to keep during the relevant period for the authority that commenced on 1 May last preceding the surrender, suspension or cancellation.

Maximum penalty: 10 penalty units.

Other records

35. (1) An exhibitor of animals must maintain, in a manner approved by the Director-General, an up-to-date record of:

- (a) any illness, disease, injury or other poor health of animals; and
- (b) the day-to-day progress or regress of the animals; and
- (c) the treatment, medicinal and otherwise, administered to the animals.

(2) An exhibitor of animals must maintain, in a manner approved by the Director-General, an up-to-date record of routine checks made on the health of the animals.

(3) An exhibitor of animals must maintain, in a manner approved by the Director-General, an up-to-date record of each veterinary inspection of the animals and of any veterinary care given to the animals.

(4) An exhibitor of animals must retain, for at least 2 years after it is made, a record made under this clause.

Maximum penalty: 5 penalty units.

Species identification

36. (1) An exhibitor of animals must make, and retain for at least 2 years after it is made, a record of the name and qualifications of a person who identifies a species of animals for the exhibitor.

(2) If the Director-General so directs, an exhibitor of animals must have the species of the animals identified by a person nominated by the Director-General.

Maximum penalty: 5 penalty units.

Attendants and other staff

37. An exhibitor of animals must:

- (a) employ such number of adequately trained and competent staff as is necessary to maintain daily the level of animal husbandry prescribed by this Regulation; and
- (b) employ such number of qualified or experienced animal attendants as are necessary to maintain the level of care of the exhibited animals prescribed by this Regulation; and
- (c) make such arrangements as are necessary to ensure that there will at all times be a person authorised to call for veterinary advice in relation to the animals.

Maximum penalty: 10 penalty units.

Compliance with conditions

38. The holder of an authority must comply with any conditions to which the authority or a certificate of exemption issued to the holder under clause 33 is subject.

Maximum penalty: 10 penalty units.

PART 5—MISCELLANEOUS**Keeping of records by the Director-General**

39. The register required to be kept under section 20 of the Act, and any other records required to be kept by the Director-General or in accordance with a standard referred to in clause 8, must be kept:

- (a) in writing that is in the English language and is decipherable on sight; or
- (b) in such a form that the particulars in the register or other records may be readily reproduced in writing that is in the English language and is decipherable on sight.

Organisations that may nominate persons to be members of advisory committee

40. (1) For the purposes of section 6 (4) (e) of the Act, the following are prescribed animal welfare organisations:

Animal Welfare League

Project Jonah

Royal Society for the Prevention of Cruelty to Animals

World Wide Fund for Nature Australia.

(2) For the purposes of section 6 (4) (f) of the Act, the following are prescribed organisations representing exhibitors of animals:

Associated Birdkeepers and Traders Inc.

Circus Proprietors Association

N.S.W. Association of Fauna and Marine Barks.

Bonds paid as condition of cetacea display licence

41. (1) For the purposes of section 37 of the Act:

- (a) the prescribed amount is \$20,000; and
- (b) an arrangement for a financial institution to guarantee the payment of an amount to the Director-General (not exceeding \$20,000) is a prescribed arrangement.

(2) The Director-General must invest any money:

- (a) deposited with the Director-General under section 37 of the Act by a licensee and that has not, for the time being, been expended under that section; and
- (b) paid to the Director-General under an arrangement referred to in subclause (1) and that has not, for the time being, been expended under that section.

(3) The money must be invested:

- (a) in a manner authorised by the Trustee Act 1925 for the investment of trust funds; and
- (b) so that not more than one month's notice is required for its repayment,

and the Director-General must arrange for the income to be paid directly to, or as authorised by, the licensee.

(4) In subclause (1):

“financial institution” means:

- (a) the State Bank of New South Wales or a bank within the meaning of the Banking Act 1959 of the Commonwealth; or
- (b) a financial institution approved by the Director-General.

Period of time for return of seized animal

42. For the purposes of section 41 of the Act, a period of 3 months after seizure of an animal under section 40 of the Act is the prescribed period after which the animal must be returned unless earlier dealt with under the Act.

Registered particulars relating to licences

43. The prescribed fee for a certificate containing a copy of the registered particulars relating to an animal display establishment given under section 21 of the Act is \$50.

Repeals

44. (1) The Exhibited Animals Protection Regulation 1987 and the Exhibited Animals Protection Regulation 1989 are repealed.

(2) Any act, matter or thing that, immediately before the repeal of a Regulation referred to in subclause (1), had effect under that Regulation is taken to have effect under this Regulation.

SCHEDULE 1—UNRESTRICTED TRANSFERS

(CII 3, 31)

PART 1—REPTILES (REPTILIA)**Tortoise***Testudines*

Chelodina longicollis	Common Long-necked Tortoise
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Lizards*Sauria*

Physignathus lesueurii	Eastern Water Dragon
Eliqua scincoides	Blue-tongued Lizard

Snakes*Serpentes*

Morelia spilota	Carpet or Diamond Python
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PART 2—BIRDS (AVES)**Division 1—Native Birds****Emu***Casuariiformes*

Dromaius novaehollandiae	Emu
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Egret and ibis*Ciconiiformes*

Ardeola ibis
Threskiornis aethiopica

Cattle Egret
 Sacred Ibis

Ducks*Anseriformes*

Dendrocygna eytoni
Chenonetta jubata
Anas castanea
Anas superciliosa
Anas gibberifrons

Plumed Whistling-duck
 Maned Duck
 Chestnut Teal
 Black Duck
 Grey Teal

Quail*Galliformes*

Coturnix australis
Coturnix chinensis
Coturnix noturnix

Brown Quail
 King Quail
 Stubble Quail

Rails*Gruiformes*

Gallinula tenebrosa
Porphyrio porphyrio
Fulica atra

Dusky Moorhen
 Purple Swamphen
 Eurasian Coot

Pigeons and doves*Columbiformes*

Geopelia cuneata
Geopelia placida

Diamond Dove
 Peaceful Dove

Parrots and cockatoos*Psittaciformes*

Trichoglossus chlorolepidotus
Cacatua roseicapilla
Cacatua galerita
Cacatua sanguinea
Cacatua tenuirostris
Nymphicus hollandicus
Platycercus elegans
Platycercus eximius
Melopsittacus undulatus

Scaly-breasted Lorikeet
 Galah
 Sulphur-crested Cockatoo
 Little Corella
 Long-billed Corella
 Cockatiel
 Crimson Rosella
 Eastern Rosella
 Budgerigar

Frogmouths***Caprimulgiformes****Podargus strigoides*

Tawny Frogmouth

Kingfishers***Coraciiformes****Dacelo novaepineae*

Kookaburra

Perching birds***Passeriformes****Gymnorhina tibicen*

Australian Magpie

Taeniopygia guttata

Zebra Finch

Division 2—Non-indigenous Birds**Ducks and geese*****Anseriformes****Anas platyrhynchos*

Domestic Duck other than Mallard

Anser spp.

Domestic Goose

Pheasants and allies***Galliformes****Coturnix coturnix*

Japanese Quail

Gallus gallus

Domestic Chicken

Phasianus colchicus

Ring-necked Pheasant

Pavo cristatus

Blue (Indian) Peafowl

Meleagris gallopavo

Domestic Turkey

Alectoris chukar

Chukar Partridge

Numida meleagris

Helmeted Guineafowl

Pigeons and doves***Columbiformes****Columba livia*

Domestic Pigeon

Streptopelia decaocto

Ring-necked Turtle Dove

Streptopelia "risoria"

Barbary Dove

Perching birds***Passeriformes****Serinus canaria*

Domestic Canary

PART 3—MAMMALS (MAMMALIA)
Division 1—Native Mammals**Possums and kangaroos***Diprotodonta*

<i>Trichosurus vulpecula</i>	Common Brushtail Possum
<i>Pseudocheirus peregrinus</i>	Common Ringtail Possum
<i>Thylogale billadierii</i>	Red-bellied Pademelon
<i>Thylogale stigmatica</i>	Red-legged Pademelon
<i>Thylogale thetis</i>	Red-necked Pademelon
<i>Macropus eugenii</i>	Tammar Wallaby
<i>Macropus fuliginosus</i>	Western Grey Kangaroo
<i>Macropus giganteus</i>	Eastern Grey Kangaroo
<i>Macropus rufogriseus</i>	Red-necked Wallaby
<i>Macropus rufus</i>	Red Kangaroo
<i>Macropus robustus</i>	Common Wallaroo
<i>Wallabia bicolor</i>	Swamp Wallaby

Division 2—Non-indigenous Mammals**Carnivores (placental)***Carnivora*

<i>Canis familiaris</i>	Domestic Dog except <i>C.f. dingo</i> (Dingo) and <i>C.f. hallstromi</i> (New Guinea Wild Dog)
<i>Felis catus</i>	Domestic Cat

Hoofed mammals—odd-toed*Perrissodactyla*

<i>Equus asinus</i>	Domestic Donkey
<i>Equus caballus</i>	Domestic Horse except <i>E.c. przewalski</i> (Przewalski's Horse)

Hoofed mammals—even-toed*Artiodactyla*

<i>Sus scrofa</i>	Domestic Pig
<i>Bos taurus</i>	Domestic Cattle
<i>Bos indicus</i>	Domestic Cattle
<i>Ovis aries</i>	Domestic Sheep
<i>Capra hircus</i>	Domestic Goat

Rabbits**Lagomorpha***Oryctolagus cuniculus*

Domestic Rabbit

Rodents**Rodentia***Mus musculus*

Mouse Mouse

Rattus rattus

Black Rat

Rattus norvegicus

Norwegian Rat

Cavia porcellus

Guinea Pig

**SCHEDULE 2—ANIMALS FOR WHICH A SECTION 24 PERMIT IS
REQUIRED**

(Cl. 3, 10, 15)

PART 1—AMPHIBIANS (AMPHIBIA)**Frogs and toads****Anura***Bufo marinus*

Cane Toad

All species of the Family:

Dendrobatidae

Poison Arrow Frogs

Litoria aurea

Green and Gold Bell Frog

Philautus romeri

Romer's Tree Frog

PART 2—REPTILES (REPTILIA)**Crocodiles, alligators and allies****Crocodylia**

All species

Tortoises and turtles**Testudines**

All species of the Family:

Carettochelydidae

Pitted-shelled Turtles

Cheloniidae

Sea Turtles

Dennochelyidae

Leathery Turtles

Pseudemydura umbrina
Geochelone elephantopus
Geochelone gigantea

Western Swamp Tortoise
 Galapagos Tortoise
 Aldabra Giant Tortoise

Tuatara
Rhynchocephalia

All species of the Family:
Sphenodontidae

Tuataras

Lizards
Sauria

Heloderma suspectum
Brachylophus fasciatus
Brachylophus vitiensis
Delma impar
Leiolopisma grande
Varanus komodoensis

Gils Monster
 Fijian Banded Iguana
 Fijian Crested Iguana
 Striped Legless Lizard
 Giant Otago Skink
 Komodo Dragon

Snakes
Serpentes

Boa constrictor
Eunectes murinus
Python reticulatus
Liasis amethystina

Boa constrictor
 Anaconda
 Reticulated Python
 Scrub Python

All species of the Genus:

Acanthophis
Austrelaps
Cryptophis
Haemachatus
Naja
Notechis
Ophiophagus
Oxyuranus
Parademansia
Pseudechis
Pseudonaja
Tmpidechis
Vermicella

Death Adder
 Copperhead Snake
 Small-eyed Snake
 Spitting Cobra
 Cobra
 Tiger Snake
 King Cobra
 Taipan
 Fierce Snake
 Black Snake
 Brown Snake
 Rough-scaled Snake
 Bandy-Bandy

All species of the Family:

Crotalidae
Hydrophiidae
Laticaudidae
Viperidae

Rattlesnakes
 Sea Snakes
 Sea Kraits
 Vipers

Ostrich***Struthioniformes***

Struthio camelus Ostrich

rheass

Rheiformes

Rhea americana Common Rhea

Cassowaries***Casuariiformes***

Casuarus casuarius Southern Cassowary

Kiwis***Apterygiformes***

Apteryx haastii Great Spotted Kiwi

Albatrosses, petrels and allies***Procellariiformes***

All species

Storks and flamingos***Ciconiiformes***

Xenorhynchus asiaticus Black-necked Stork
Phoenicopterus chilensis Chilean Flamingo
Phoenicopterus ruber Greater Flamingo

New world vultures***Cathartiformes***

All species

Hawks, osprey and secretary-bird***Accipitriformes***

All species

Falcons***Falconiformes***

All species

Ducks**Anseriformes**

<i>Stictonetta naevosa</i>	Freckled Duck
<i>Anas aucklandica aucklandica</i>	Auckland Island Teal
<i>Anas aucklandica nesiotis</i>	Campbell Island Teal

Megapodes**Galliformes**

<i>Leipoa ocellata</i>	Malleefowl
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Button-quails, rails, cranes, bustards and allies**Gruiformes**

<i>Turnix melanogaster</i>	Black-breasted Button-quail
<i>Grus rubicundus</i>	Brolga
<i>Balearica regulorum</i>	East African Crowned Crane
<i>Gallirallus sylvestris</i>	Lord Howe Island Woodhen
<i>Ardeotis australis</i>	Australian Bustard

Plovers, waders, gulls and auks**Charadriiformes**

All species except <i>Larus novaehollandiae</i>	Silver Gull
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Parrots and cockatoos**Psittaciformes**

All species of Genus:	
<i>Probosciger</i>	Palm Cockatoo
<i>Calyptrorhynchus</i>	Black Cockatoo
<i>Callocephalon</i>	Gang Gang Cockatoo
<i>Cacatua pastinator</i>	Western Long-billed Corella
<i>Nestor notabilis</i>	Kea
<i>Nestor meridionalis meridionalis</i>	South Island Kaka
<i>Nestor meridionalis septentrionalis</i>	North Island Kaka
<i>Eclectus roratus</i>	Eclectus Parrot
<i>Cyanoramphus unicolor</i>	Antipodes Island Green Kakariki
<i>Lathamus discolor</i>	Swift Parrot
<i>Ara ararauna</i>	Blue and Yellow Macaw
<i>Ara macao</i>	Scarlet Macaw
<i>Ara chloroptera</i>	Green-winged Macaw
<i>Anodorhynchus hyacinthinus</i>	Hyacinth Macaw
<i>Strigops habroptilus</i>	Kakapo
<i>Cyclopsitta diophthalma</i>	Double-eyed Fig-parrot
<i>Psephotus chrysopterygius</i>	Golden-shouldered Parrot

Neophema petrophila
Neophema chrysogaster

Rock Parrot
Orange-bellied Parrot

Cuckoos, touracos and hoatzins
Cucuiiformes

All species

Owls
Strigiformes

All species

Frogmouths and nightjars
Caprimulgiformes

All species except *Podargus strigoides*

Tawny Frogmouth

Perching birds
Passeriformes

All species of the Family:

Pittidae
Menuridae

Pittas
Lyrebirds

Lichenostomus melanops cassidix
Notiomystis cincta
Zanthyza phrygia
Dasyornis brachypterus
Callaeas cinerea wilsoni
Creadion carunculatus carunculatus
Creadion carunculatus rufusater
Stagonopleura oculata
Emblem bella

Melmeted Honeyeater
Stitchbird
Regent Honeyeater
Eastern Honeyeater
North Island Kokako
South Island Saddleback
North Island Saddleback
Red-eared Firetail
Beautiful Firetail

All species of the Family:

Paradisaeidae

Birds-of-Paradise

PART 4—MAMMALS (MAMMALIA)

Subclass 1—Egg-laying Mammals (Prototheria)

Platypus and echidnas
Monotremata

Zaglossus bruijni
Omithorhynchus anatinus

Long-beaked Echidna
Platypus

Subclass 2—Marsupials (Metatheria)

Carnivorous marsupials

Polyprotodonta

<i>Phascogale rapoarafa</i>	Brush-tailed Phascogale
<i>Dasyercus cristicauda</i>	Mulgara
<i>Dasyurus geoffroii</i>	Western Quoll or Chuditch
<i>Dasyurus maculatus</i>	Tiger Quoll
<i>Sarcophilus harrisii</i>	Tasmanian Devil
<i>Myrmecobius fasciatus</i>	Numbat
<i>Perameles gunnu</i>	Eastern Barred Bandicoot
<i>Macrotis lagotis</i>	Greater Bilby

Herbivorous marsupials

Diprotodonta

<i>Spilogale maculatus</i>	Common Spotted Cuscus
<i>Burrhamys parvus</i>	Mountain Pygmy-possum
<i>Gymnobelideus leadbeateri</i>	Leadbeater's Possum
<i>Petaurus australis</i>	Yellow-bellied Glider
<i>Petaurus norfolcensis</i>	Squirrel Glider
<i>Potomus longipes</i>	Long-footed Potoroo
<i>Petmgale penicillata</i>	Brush-tailed Rock-wallaby
<i>Petrogale xanthopus</i>	Yellow-footed Rock-wallaby
<i>Lagorchestes hirsutus</i>	Mala
<i>Dendrolagus goodfellowi</i>	Goodfellow's Tree Kangaroo
<i>Dendrolagus rnatschiei</i>	Matschie's Tree Kangaroo
<i>Phascolarctos cinereus</i>	Koala

Subclass 3—Placental Mammals (Eutheria)

Anteaters and sloths

Edentata

<i>Myrmecophaga tridactyla</i>	Giant Anteater
<i>Choloepus hoffmanni</i>	Hoffman's Sloth

Bats

Chiroptera

All species except Family
Pteropodidae (Fruit Bats)

Monkeys, apes and allies

Primates

All species

Carnivores

Carnivora

All species except those listed in
Schedule 1 and *Mustela*
putorius (Domestic Ferret)

Seals, walrus and allies

Pinnipedia

All species

Elephants

Proboscidea

All species

Hoofed mammals—odd-toed

Perissodactyla

All species except those listed in
Schedule 1

Hoofed mammals—even-toed

Artiodactyla

All species except those listed in
Schedule 1, *Lama pacos*
(Alpaca) and *Lama glama*
(Llama)

Rodents

Rodentia

All species except those listed in
Schedule 1

PART 5—HYBRIDS

A hybrid of which one parent is, or both parents are, of a species listed in Parts 1 to 4.

SCHEDULE 3—EXEMPTIONS—ANIMALS USED FOR RIDING OR RACING

(Cl. 5 (j))

<i>Bos taurus and Bos indicus</i>	Domestic cattle
<i>Camelus dromedarius</i>	Arabian Camel
<i>Canis familiaris</i>	(Domestic Dog), except <i>Canis familiaris dingo</i> (Dingo) and <i>Canis familiaris hallstromi</i> (New Guinea Wild Dog)
<i>Capra hircus</i>	Domestic Goat
<i>Equus caballus and Equus asinus</i>	Domestic Horse, except <i>Equus caballus przewalski</i> (Przewalski's Horse)
<i>Equus equus x asinus</i>	Domestic Mule

SCHEDULE 4—EXEMPTIONS—ANIMALS DISPLAYED AT CERTAIN AGRICULTURAL SHOWS AND RURAL AREAS

(Cl. 5 (1))

<i>Ovis aries</i>	Domestic Sheep
<i>Capra hircus</i>	Domestic Goat
<i>Bos taurus and Bos indicus</i>	Domestic Cattle
<i>Equus caballus</i>	Domestic Horse
<i>Equus asinus</i>	Domestic Donkey
<i>Sus scrofa</i>	Domestic Pig
<i>Canis familiaris</i>	Domestic Dog, but limited to Working Breeds (Farm (Working) Dog)
<i>Lama pacos</i>	Alpaca
<i>Lama glama</i>	Llama
<i>Anas platyrhynchos</i>	Domestic Duck
<i>Anser spp.</i>	Domestic Goose
<i>Columba livia</i>	Domestic Pigeon
<i>Gallus gallus</i>	Domestic Chicken
<i>Meleagris gallopavo</i>	Domestic Turkey
<i>Coturnix coturnix</i>	Japanese Quail
<i>Numida meleagris</i>	Helmeted Guineafowl
<i>Phasianus colchicus</i>	Ring-necked Pheasant
<i>Alectoris chukar</i>	Chukar Partridge
<i>Struthio camelus</i>	Ostrich
<i>Cervus dama</i>	Fallow Deer
<i>Cervus timorensis</i>	Rusa Deer
<i>Cervus unicolor</i>	Sambar Deer
<i>Cervus elaphus</i>	Red Deer (Wapiti)
<i>Dromaius novaehollandiae</i>	Emu

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SCHEDULE 1—UNRESTRICTED TRANSFERS

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AGRICULTURAL SHOWS AND RURAL AREAS

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with some modifications, the provisions of the Exhibited Animals Protection Regulation 1987 and the Exhibited Animals Protection Regulation 1989. The modifications include the following:

- (a) exempting animals displayed in pet shops, but which are not for sale, from the operation of the Act (clause 5 (k));
- (b) enabling the Director-General to approve and publish standards from time to time for the keeping of animals in animal display establishments (clause 8);
- (c) making it a requirement for an animal display establishment to provide education to the public on conservation issues (clause 9);
- (d) requiring an applicant for a licence to have completed a course of study regarding the requirements of the Act and this Regulation (clause 11 (6));
- (e) altering the fee structure for applications for certain authorities (including renewal fees for permits) and to provide for refunds on a pro rata basis (clause 12);

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- (f) providing that a licence expires on 1 July following the date of its issue (clause 13);
- (g) enabling inspectors (as well as the Director-General) to give directions concerning dangerous or unsuitable housing for animals (clause 24);
- (h) restricting the obligation of an exhibitor to ensure safety in a drive-through area to areas in which dangerous animals are kept (clause 26);
- (i) requiring the holders of authorities to make an appropriate application to the Director-General for the removal of any animal exhibited in an animal display establishment (clause 32);
- (j) updating provisions requiring the keeping of animal records so that they extend to computer records (clause 34);
- (k) removing certain record keeping requirements previously contained in clauses 10 and 12 of the 1989 Regulation;
- (l) updating certain references and reorganising the provisions of the previous Regulations.

This Regulation is made under the Exhibited Animals Protection Act 1986, including sections 4, 5 (1), 6 (4) (e) and (f), 12–14, 20, 21, 24, 25, 27–29, 32, 33, 37, 41 and 53 (the general regulation-making power) and Schedule 3.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
