



New South Wales

Exhibited Animals Protection Amendment Regulation 2006

under the

Exhibited Animals Protection Act 1986

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

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Exhibited Animals Protection Regulation 2005*:

- (a) to prescribe a new standard with respect to the exhibiting of Australian mammals to replace standards currently prescribed with respect to the exhibiting of koalas and captive macropods, and
- (b) to prescribe certain offences against the *Exhibited Animals Protection Act 1986* and the *Exhibited Animals Protection Regulation 2005* as offences that may be dealt with by a penalty notice.

This Regulation is made under the *Exhibited Animals Protection Act 1986*, in particular sections 14, 25, 46A and 53 (the general regulation-making power).

2006 No 588

Clause 1 Exhibited Animals Protection Amendment Regulation 2006

Exhibited Animals Protection Amendment Regulation 2006

under the

Exhibited Animals Protection Act 1986

1 Name of Regulation

This Regulation is the *Exhibited Animals Protection Amendment Regulation 2006*.

2 Commencement

This Regulation commences on 22 September 2006.

3 Amendment of Exhibited Animals Protection Regulation 2005

The *Exhibited Animals Protection Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 8 Standards for animal display establishments

Omit “Standards for Exhibiting Koalas (*Phascolarctos cinereus*) in New South Wales” from clause 8 (1).

[2] Clause 8 (1)

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

[3] Clause 8 (1)

Insert “Standards for Exhibiting Australian Mammals in New South Wales.” at the end of clause 8 (1).

[4] Clause 35 Animal records

Omit “must” from clause 35 (5).

Insert instead “is guilty of an offence if the holder fails to”.

[5] Clause 39

Omit the clause. Insert instead:

39 Attendants and other staff

- (1) An exhibitor of animals must employ such number of adequately trained and competent staff as is necessary to maintain daily the level of animal husbandry required by this Regulation.
- (2) An exhibitor of animals must employ such number of qualified or experienced animal attendants as is necessary to maintain the level of care of the animals required by this Regulation.
- (3) An exhibitor of animals must 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.

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Schedule 1 Amendments

[6] Clause 46

Insert after clause 45:

46 Penalty notice offences

For the purposes of section 46A of the Act:

- (a) an offence under a provision of the Act or this Regulation specified in Column 1 of Schedule 5 is prescribed as a penalty notice offence, and
- (b) the amount specified in Column 2 of Schedule 5 in respect of such an offence is the prescribed amount of penalty for the offence.

[7] Schedule 5

Insert after Schedule 4:

Schedule 5 Penalty notices

(Clause 46)

| Column 1 | Column 2 |
|--|-----------------|
| Provision | Penalty |
| Exhibited Animals Protection Act 1986 | |
| Section 12 (1) | \$500 |
| Section 18 (1) | \$500 |
| Section 19 | \$500 |
| Section 22 (2) | \$500 |
| Section 24 | \$500 |
| Section 31 (1) (a) | \$200 |
| Section 31 (1) (b) | \$200 |
| Section 31 (2) (a) | \$500 |
| Section 31 (2) (b) | \$500 |
| Section 31 (2) (c) | \$500 |
| Section 31 (2) (d) | \$500 |
| Section 44 | \$500 |
| Section 45 | \$500 |

Exhibited Animals Protection Amendment Regulation 2006

Amendments

Schedule 1

| Column 1 | Column 2 |
|---|-----------------|
| Provision | Penalty |
| Exhibited Animals Protection Regulation 2005 | |
| Clause 20 (a) | \$200 |
| Clause 20 (b) | \$200 |
| Clause 21 (1) | \$200 |
| Clause 21 (2) | \$200 |
| Clause 21 (3) | \$200 |
| Clause 22 | \$200 |
| Clause 23 (1) | \$200 |
| Clause 23 (2) | \$200 |
| Clause 24 (1) | \$200 |
| Clause 25 (2) | \$200 |
| Clause 26 | \$200 |
| Clause 27 (1) | \$200 |
| Clause 27 (2) | \$200 |
| Clause 28 (1) | \$200 |
| Clause 28 (2) | \$200 |
| Clause 28 (3) | \$200 |
| Clause 28 (4) | \$200 |
| Clause 29 | \$200 |
| Clause 30 (a) | \$200 |
| Clause 30 (b) | \$200 |
| Clause 32 (c) | \$200 |
| Clause 33 (1) | \$200 |
| Clause 33 (2) | \$200 |
| Clause 35 (2) | \$200 |
| Clause 35 (4) | \$200 |
| Clause 35 (5) (a) | \$200 |
| Clause 35 (5) (b) | \$200 |
| Clause 35 (5) (c) | \$200 |

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Schedule 1 Amendments

| Column 1 | Column 2 |
|------------------|-----------------|
| Provision | Penalty |
| Clause 35 (7) | \$200 |
| Clause 35 (8) | \$200 |
| Clause 35 (9) | \$200 |
| Clause 36 (1) | \$200 |
| Clause 36 (2) | \$200 |
| Clause 36 (3) | \$200 |
| Clause 36 (4) | \$200 |
| Clause 37 (1) | \$200 |
| Clause 37 (2) | \$200 |
| Clause 39 (3) | \$200 |
| Clause 40 | \$200 |

BY AUTHORITY