

# Exhibited Animals Protection Regulation 2010

[2010-444]



New South Wales

## Status Information

### Currency of version

Historical version for 9 December 2016 to 30 June 2017 (accessed 23 December 2024 at 20:58)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Biosecurity Act 2015 No 24](#) (not commenced — to commence on 1.7.2017)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 2 June 2017

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New South Wales

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# Exhibited Animals Protection Regulation 2010



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Exhibited Animals Protection Regulation 2010*.

### 2 Commencement

This Regulation commences on 1 September 2010.

**Note—**

This Regulation replaces the *Exhibited Animals Protection Regulation 2005*, which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) 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 or a permit.

**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.

**farm** means a place at which one or more animals of a species set out in Schedule 1 are kept for the primary purpose of primary production.

**fence** includes a wall or other barrier.

**fixed establishment** means premises that are an animal display establishment not being a mobile establishment.

**licensed premises** means premises to which a licence relates.

**minor establishment** means a fixed establishment at which no more than 30 animals are exhibited.

**mobile establishment** means an animal display establishment comprising premises that are of a type referred to in section 22 (2) of the Act.

**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.

**Secretary** means the Secretary of the Department.

**the Act** means the [Exhibited Animals Protection Act 1986](#).

**veterinary practitioner** has the same meaning as in the [Veterinary Practice Act 2003](#).

**Note—**

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

## **Part 2 Animal display establishments**

### **4 Exemptions from licensing requirements**

- (1) **Freshwater fish** 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.
- (2) **Saltwater fish** 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 saltwater fish that are kept 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.
- (3) **Wildlife sanctuaries** For the purposes of section 4 (1) of the Act, an animal display establishment is exempt from the requirement to be licensed in respect of an animal if the animal is in an enclosed area and the Secretary is satisfied that:

- (a) the animal is in a wild state, and
- (b) given the nature and circumstances of the animal and establishment concerned, it would be unreasonable to require the use of the establishment to be licensed (and comply with the licensing requirements) under the Act.

**Note—**

Certain wildlife sanctuaries require and maintain very limited human interaction with the animals kept on those premises. In such cases the Secretary may form the view that it is unreasonable to require the operator of the sanctuary to comply with the strict requirements of a licence under the Act.

**5 Exhibitions exempted from the operation of the Act**

- (1) 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) that the animal is a lawful captive and is part of a competitive display of household pets,
  - (c) that the animal is part of a competitive display of domestic farm animals,
  - (d) that the animal is a domestic farm animal being used to demonstrate the acquisition of wool, milk or other produce of a living animal,
  - (e) that the animal is of domestic hoof-stock and is performing, or is to perform, in an event at a rodeo,
  - (f) that the animal is a lawful captive that is not displayed, or kept for display, to the public,
  - (g) that the animal is displayed, or kept for display, in accordance with the authority conferred by a scientific licence in force under section 132C of the *National Parks and Wildlife Act 1974*,
  - (h) 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*,
  - (i) that the animal, being an animal of a species listed in Schedule 3 and not being an animal kept pursuant to an approval or permit or at a licensed animal display establishment, is an animal used only for riding or racing,
  - (j) that the animal is kept in a pet shop for display and not for sale,

- (k) that the animal, being an animal of a species listed in Schedule 1 and not being an animal kept pursuant to an approval or 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,
  - (l) that the animal, being an animal of a species listed in Schedule 1, 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,
  - (m) that the animal is a fish that is kept (otherwise than in a habitat display) at:
    - (i) a fish hatchery, or
    - (ii) a fish farm,for the purpose of:
    - (iii) commercial food production, or
    - (iv) re-stocking of lakes, dams or waterways,
  - (n) that the animal is a lawful captive and is being displayed, or kept for display, at a meeting of an association dedicated to the keeping of that type of animal,
  - (o) that the animal is being displayed, or kept for display, by a school student at a school for a single “show-and-tell” activity.
- (2) If the display of any animal that constitutes exhibition for the purposes of the Act and the display of any animal that does not constitute exhibition for the purposes of the Act (by virtue of subclause (1)) takes place at the same time on the same premises,



any authority issued in relation to the premises applies to all animals at the premises.

**Note—**

For example, if a pony ride (which is not exhibition for the purposes of the Act by virtue of clause 5 (1) (i)) takes place at an exhibition or display farm to which an approval relates, the approval, and any terms, conditions or standards that have effect under the approval, also apply to the pony ride.

## **6 Zoological parks**

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.

## **7 Classes of animal display establishments**

- (1) For the purposes of section 12 of the Act, fixed establishments are a prescribed class of animal display establishments.
- (2) For the purposes of section 13 of the Act, the classes of animal display establishments are:
  - (a) fixed establishments, and
  - (b) mobile establishments.

## **8 Standards for animal display establishments**

- (1) For the purposes of sections 14 and 25 of the Act, the following standards (published by the Department or any of its predecessors) are prescribed:

*General Standards for Exhibiting Animals in New South Wales* (published in September 2015)

*Policy on Exhibiting Primates in New South Wales* (published in March 2000)

*Standards for Exhibiting Animals at Mobile Establishments in New South Wales* (published in October 2008)

*Standards for Exhibiting Animals during Temporary Removals in New South Wales* (published in October 2008)

*Standards for Exhibiting Australian Mammals in New South Wales* (published in April 2006)

*Standards for Exhibiting Bottle-nosed Dolphins (*Tursiops truncatus*) in New South Wales* (published in April 1994)

*Standards for Exhibiting Captive Raptors in New South Wales* (published in May 2010)

*Standards for Exhibiting Carnivores in New South Wales* (published in August

2016)

*Standards for Exhibiting Circus Animals in New South Wales* (published in January 2009)

*Standards for Exhibiting Seals in New South Wales* (published in October 2008)

- (2) 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.
- (3) The Secretary 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.

## **9 Exhibitions of species of animals that require permits**

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**

#### **10 Application for issue, renewal or variation of authority**

- (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 Secretary 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 Secretary 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 Secretary 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) The Secretary must not issue a licence unless:
- (a) the applicant has, to the satisfaction of the Secretary, completed a course of study of a kind approved by the Secretary concerning the requirements of the Act and this Regulation, and
  - (b) the applicant understands, to the satisfaction of the Secretary, the requirements of the Act and this Regulation.
- (5) An application is not required for a licence to be issued under section 18 (4) of the Act.

## 11 Fees

- (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.
- (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 Secretary is to take effect during a month other than July, the applicant is to pay:
  - (a) the applicable lodgement fee (if any), and
  - (b) the applicable issue fee adjusted on a pro-rata basis.
- (4) In this clause:

**minor exhibitor** means a person who exhibits or is to exhibit no more than 30 animals.

## Table

| <b>Application for</b>                             | <b>Lodgment fee</b>  | <b>Issue fee</b>   |
|--|--|--|
| Approval under section 18 of the Act               | \$230  | nil  |
| Licence under section 18 of the Act                | nil  | \$285 for minor establishments, otherwise \$1,035  |
| Renewal of licence under section 18 of the Act     | \$115  | \$285 for minor establishments, otherwise \$1,035  |
| Approval under section 19 of the Act               | \$46   | nil  |
| Approval under section 22 of the Act               | \$230  | \$285 for minor exhibitors, otherwise \$1,035  |
| Renewal of approval under section 22 of the Act    | \$115  | \$285 for minor exhibitors, otherwise \$1,035  |
| Permit under section 24 of the Act                 | \$23 per species   | nil if applicant holds current licence or approval, \$285 if the applicant is a minor exhibitor, otherwise \$1,035 |
| Renewal of permit under section 24 of the Act      | nil if applicant holds current licence or approval, otherwise \$23 per species | nil if applicant holds current licence or approval, \$285 if the applicant is a minor exhibitor, otherwise \$1,035 |
| Transfer of licence under section 27 of the Act    | \$230  | \$285 for minor establishments, otherwise \$1,035  |
| Variation of authority under section 27 of the Act | \$23   | nil  |

## 12 Duration of authority

For the purposes of section 29 of the Act, an authority remains in force (unless it is earlier cancelled or 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.

## Division 2 Conditions

### 13 Conservation education

It is a condition of every authority that the authority holder is to provide education to the

public concerning the conservation of animals to a standard approved by the Secretary.

#### **14 Australasian Species Management Program**

An authority may include a condition requiring the holder to participate in the Australasian Species Management Program of the Zoo and Aquarium Association.

#### **15 Breeding from stock**

An authority is subject to a condition that the holder must not engage in the breeding of the animals to which the authority relates if the breeding:

- (a) would adversely affect the welfare of the progeny because of budgetary or space constraints, or
- (b) would, in the opinion of the Secretary, 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 14, or
- (d) in the opinion of the Secretary, would not, for any other reason, be in the best interests of the species or an individual animal.

#### **16 Insurance**

An authority is subject to a condition requiring the holder to maintain a policy of insurance, providing cover of an amount approved by the Secretary, against any liability of the holder, or of a servant or agent of the holder, for death, injury or damage that arises out of or in connection with an activity authorised by the authority.

#### **17 Exhibition of animals at circuses**

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 *Standards for Exhibiting Circus Animals in New South Wales* approved and published by the Secretary.

#### **18 Imposition of terms and conditions by the Secretary**

- (1) Terms or conditions of an authority may be imposed by the Secretary 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 Secretary 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 Secretary under section 28 (1) (c) of the Act after it is issued, may be varied by the Secretary 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 Secretary gives the holder of the authority written notice that the Secretary 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 Secretary or arrange with the Secretary for the making of oral representations, and
- (c) before making any decision in relation to a term, condition or variation under consideration, the Secretary takes into account any such representations.

(4) Despite any other provision of this clause, the Secretary may, at any time, revoke 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 Secretary under section 28 (1) (c) of the Act after it is issued.

## **Part 4 Offences**

### **19 Display of authority**

The holder of an authority must cause the authority to be at all times publicly displayed in a prominent position:

- (a) if the authority is a permit or approval—at the premises at which the animals concerned are being displayed, or
- (b) in any other case—on the authorised premises.

Maximum penalty: 10 penalty units.

### **20 Veterinary drugs**

(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 veterinary practitioner or a person authorised by a veterinary practitioner.

Maximum penalty: 10 penalty units.

(2) The holder of an authority must not cause or permit a person, other than a veterinary practitioner, to administer a drug or vaccine to an animal that is exhibited on authorised premises except as directed by a veterinary practitioner.

Maximum penalty: 10 penalty units.

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

Maximum penalty: 10 penalty units.

## **21 Notification of outbreak of disease**

The holder of an authority must notify the Secretary 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: 10 penalty units.

## **22 Disposal of unwanted veterinary equipment**

- (1) The holder of an authority must not cause or permit a person to dispose of unwanted or contaminated veterinary equipment from authorised premises in such a way so that the equipment becomes a danger to any person.

Maximum penalty: 10 penalty units.

- (2) 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.

## **23 Tethering of animals**

- (1) A person must not chain or tether an exhibited animal, or cause or permit such an animal to be chained or tethered, to an anchorage except for the purposes of veterinary treatment or grooming.

Maximum penalty: 10 penalty units.

- (2) Subclause (1) does not apply:

(a) to elephants or domesticated hoof-stock if the *Standards for Exhibiting Circus Animals in New South Wales* are observed, or

(b) to elephants on licensed premises that are not on display:

(i) at night, or

(ii) during an emergency situation, or

(c) to raptors if the *Standards for Exhibiting Captive Raptors in New South Wales* are observed.

## 24 Dangerous or unsuitable housing

- (1) If the Secretary (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 Secretary (or the inspector) may direct the exhibitor of the animal:
  - (a) to remove the animal to a cage or other housing approved by the Secretary (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: 10 penalty units.

## 25 Exhibition of unconfined animal

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.

## 26 Safety in drive-through area

- (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.

Maximum penalty: 10 penalty units.

- (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.

## **27 Escape of animal**

- (1) An exhibitor of a permit animal must, if the animal escapes from the authorised premises, notify the Secretary:
  - (a) of the escape within 2 hours, and
  - (b) immediately on recapture of the animal.
- (2) If a permit animal escapes from an enclosure within authorised premises but not from the premises, the permit holder must notify the Secretary:
  - (a) of the escape within 2 hours, and
  - (b) immediately 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 Secretary of the escape within 48 hours of the escape and immediately on recapture of the animal.
- (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.

## **28 Venomous animals**

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

- (a) if a suitable antivenom exists, at all times have an appropriate supply of the antivenom 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 envenomed by the animal.

Maximum penalty: 10 penalty units.

## **29 Reporting of injuries to people**

The holder of an authority must immediately report to the Secretary 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.

### **30 Noisy construction and maintenance work**

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: 10 penalty units.

### **31 Acquisition etc animals**

(1) The holder of an authority must not:

- (a) acquire an animal for exhibition if the holder knows, or ought reasonably to know, that the transaction is with a person who, by acquiring, possessing or selling the animal, committed an offence under the Act or any of the following Acts:
- (i) the *Animal Research Act 1985*,
  - (ii) the *National Parks and Wildlife Act 1974*,
  - (iii) the *Non-Indigenous Animals Act 1987*,
  - (iv) the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, or
- (b) sell an exhibited animal to a person who the holder knows, or ought reasonably to know, by acquiring, possessing or selling the animal would commit an offence under the Act or any other Act referred to in paragraph (a), or
- (c) acquire or sell an animal of a species listed in Schedule 2 without the consent of the Secretary.

Maximum penalty: 10 penalty units.

(2) In this clause, **sell** an animal includes transfer possession of the animal.

### **32 Removal of exhibited animal**

(1) The holder of a licence for an animal display establishment must not, without the written consent of the Secretary, 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: 10 penalty units.

(2) The holder of an authority must not remove an animal from the authorised premises

unless an application in the approved form for the consent of the Secretary to the removal of the animal was made:

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

and the Secretary 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 veterinary practitioner, or
- (b) it is being kept on the premises of a veterinary practitioner for treatment or observation, or
- (c) it is being transported from one authorised premises under an authority to another authorised premises under that authority, or
- (d) it is being transported to give effect to its lawful disposition or acquisition.

(4) In this clause, **approved form** means a form approved by the Secretary.

### **33 Exemption from requirements concerning acquisition, disposal and removal of animals**

(1) The Secretary may exempt a holder of an authority, or a class of holder of an authority, from the requirements of clause 31 (1) (c) or 32 (2).

(2) The exemption may be given either unconditionally or subject to conditions.

(3) Where an exemption is given subject to conditions, the exemption does not have effect while any of the conditions is not being complied with.

### **34 Compliance with conditions**

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

Maximum penalty: 10 penalty units.

### **35 Animal records**

(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 (or at such other place as is approved by the Secretary) animal records in a form approved by the Secretary.

Maximum penalty: 10 penalty units.

- (3) For the purposes of subclause (2), if an authority relates to more than one premises the animal records need only be kept at the premises at which the animal concerned is most often kept.

- (4) 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.

- (5) The holder of an authority is guilty of an offence if the holder fails to:

(a) notify the Secretary within 7 days after the loss of, or after any damage to, the animal records, or

(b) enter, or allow an entry to be made, in the animal records:

(i) if the records are in a written or printed form—only in ink, or

(ii) if the records are stored in electronic form—only in a manner approved by the Secretary, 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 a written or printed form—only by drawing a single line through the entry, or

(ii) if the records are stored in electronic form—only in a manner approved by the Secretary.

Maximum penalty: 10 penalty units.

- (6) A person must not enter, or allow an entry to be made, in the animal records that the person knows to be false or misleading in a material particular.

Maximum penalty: 10 penalty units.

- (7) The holder of an authority making an 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.

- (8) The former holder of the authority must, not later than 14 days after expiration of an authority, lodge with the Secretary 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.

- (9) If an authority is surrendered, suspended 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 Secretary 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.

### **36 Other records**

- (1) An exhibitor of animals must maintain, in a manner approved by the Secretary, 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 Secretary, 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 Secretary, 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: 10 penalty units.

### **37 Species identification**

- (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 Secretary so directs, an exhibitor of animals must have the species of the animals identified by a person nominated by the Secretary.

Maximum penalty: 10 penalty units.

### **38 Variation of record keeping obligations**

The Secretary 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 35, 36 or 37.

### **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.

## **Part 5 Miscellaneous**

### **40 Organisations that may nominate persons to be members of advisory committee**

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

Animal Welfare League NSW

Humane Society International

Primates for Primates

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:

Circus Federation of Australia

Mobile Wildlife Educators Association

New South Wales Fauna and Marine Parks Association

Zoo and Aquarium Association

#### **41 Bonds paid as condition of cetacea display licence**

- (1) For the purposes of section 37 of the Act:

- (a) the prescribed amount is \$60,000, and
- (b) an arrangement for a financial institution to guarantee the payment of an amount to the Secretary (not exceeding \$60,000) is a prescribed arrangement.

- (2) The Secretary must invest any money:

- (a) deposited with the Secretary under section 37 of the Act by a licensee and that has not, for the time being, been spent in accordance with that section, and
- (b) paid to the Secretary under an arrangement referred to in subclause (1) (b) and that has not, for the time being, been spent in accordance with 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 Secretary must arrange for the income to be paid directly to, or as authorised by, the licensee.

- (4) In subclause (1):

***financial institution*** means:

- (a) an authorised deposit-taking institution, or
- (b) a financial institution approved by the Secretary.

#### **42 Period of time for return of seized animal**

For the purposes of section 41 of the Act, a period of 6 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.

#### 43 Registered particulars relating to licences

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 \$58.

#### 44 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 4 is prescribed as a penalty notice offence, and
- (b) the amount specified in Column 2 of Schedule 4 in respect of such an offence is the prescribed amount of penalty for the offence.

#### 45 Savings

Any act, matter or thing that, immediately before the repeal of the *Exhibited Animals Protection Regulation 2005*, had effect under that Regulation is taken to have effect under this Regulation.

### Schedule 1 Exemptions—animals displayed at certain agricultural shows and rural areas

(Clauses 3 and 5 (1) (k) and (l))

#### Birds (Class Aves)

|                                 |                      |
|---------------------------------|----------------------|
| <i>Alectoris chukar</i>         | Chukar Partridge     |
| <i>Anas platyrhynchos</i>       | Domestic Duck        |
| <i>Anser species</i>            | Domestic Goose       |
| <i>Columba livia</i>            | Domestic Pigeon      |
| <i>Coturnix coturnix</i>        | Japanese Quail       |
| <i>Dromaius novaehollandiae</i> | Emu                  |
| <i>Gallus gallus</i>            | Domestic Chicken     |
| <i>Meleagris gallopavo</i>      | Domestic Turkey      |
| <i>Numida meleagris</i>         | Helmeted Guineafowl  |
| <i>Phasianus colchicus</i>      | Ring-necked Pheasant |
| <i>Struthio camelus</i>         | Ostrich              |

#### Mammals (Class Mammalia)

|  |                 |
|--|-----------------|
| <i>Bos taurus</i> and <i>Bos indicus</i> | Domestic Cattle |
|--|-----------------|



|                              |  |
|------------------------------|--|
| <i>Canis familiaris</i>      | Domestic Dog, but limited to Working Breeds (Farm (Working) Dog) |
| <i>Capra hircus</i>          | Domestic Goat  |
| <i>Cervus dama</i>           | Fallow Deer  |
| <i>Cervus elaphus</i>        | Red Deer (Wapiti)  |
| <i>Cervus timorensis</i>     | Rusa Deer  |
| <i>Cervus unicolor</i>       | Sambar Deer  |
| <i>Equus asinus</i>          | Domestic Donkey  |
| <i>Equus caballus</i>        | Domestic Horse   |
| <i>Lama glama</i>            | Llama  |
| <i>Lama pacos</i>            | Alpaca   |
| <i>Oryctolagus cuniculus</i> | Domestic Rabbit  |
| <i>Ovis aries</i>            | Domestic Sheep   |
| <i>Sus scrofa</i>            | Domestic Pig   |

## Schedule 2 Animals for which a section 24 permit is required

(Clauses 3 and 9)

### Part 1 Sharks and rays (Class Chondrichthyes)

|                                 |  |
|---------------------------------|--|
| <b>Order Lamniformes</b>        | <b>Mackerel Sharks</b>                             |
| <b>Family Lamnidae</b>          | <b>Mackerel Sharks</b>                             |
| <b>Subfamily Lamninae</b>       | <b>White Sharks and Mako (Blue Pointer) Sharks</b> |
| All species                     |  |
| <b>Family Odontaspidae</b>      | <b>Sand Tigers</b>                                 |
| <i>Carcharias taurus</i>        | Grey Nurse Shark                                   |
| <b>Order Carcharhiniformes</b>  | <b>Ground Sharks</b>                               |
| <b>Family Carcharhinidae</b>    | <b>Requiem Sharks</b>                              |
| <b>Subfamily Carcharhininae</b> | <b>Tiger Sharks, Whaler Shark and Reef Sharks</b>  |
| All species                     |  |
| <b>Family Sphyrnidae</b>        | <b>Hammerhead Sharks</b>                           |
| All species                     |  |
| <b>Order Rajiformes</b>         | <b>Sawfish, Skates and Rays</b>                    |

**Family Dasyatidae**

**Rays, Rat-tailed Rays and Stingarees**

**Subfamily Dasyatinae**

**Stingrays**

All species

## Part 2 Fish (Class Osteichthyes)

**Order Scorpaeniformes**

**Waspfish, Firefish, Scorpion Cods, Stonefishes,  
Velvetfishes, Gurnards and Flatheads**

**Family Scorpaenidae**

**Scorpion Cods**

All species

**Family Tetrarogidae**

**Bullrouths**

All species

**Family Synanceiidae**

**Stonefish**

All species

**Order Ceratodontiformes**

**Lungfish**

*Neoceratodus forsteri*

Australian Lungfish

## Part 3 Amphibians (Class Amphibia)

**Order Anura**

**Frogs and Toads**

**Family Bufonidae**

**Toads**

*Bufo marinus*

Cane Toad

**Family Dendrobatidae**

**Poison Arrow Frogs**

All species

**Family Hylidae**

**Tree Frogs**

*Litoria aurea*

Green and Gold Bell Frog

**Family Leptodactylidae**

*Ceratophrys* spp.

Horned-frogs

**Family Myobatrachidae**

**Southern Frogs**

*Pseudophryne* spp.

Corroboree Frog

**Family Pipidae**

*Xenopus laevis*

Clawed Toad

**Family Ranidae**

*Pyxicephalus adspersus*

African Bullfrog

**Family Rhacophoridae**

*Philautus romeri* Romer's Tree-frog

**Order Caudata** Newts, Salamanders and Allies

All species except *Ambystoma mexicanum*—Axolotl

**Part 4 Reptiles (Class Reptilia)**

**Order Crocodylia** Crocodiles, Alligators and Allies

All species

**Order Sphenodontia** Tuataras

**Family Sphenodidae** Tuataras

All species

**Order Chelonia** Tortoises and Turtles

**Family Carettochelyidae** Pitted-shelled Turtles

*Carettochelys insculpta*

**Family Cheloniidae** Sea Turtles

All species

**Family Chelidae** Freshwater Tortoises

*Pseudemys umbrina* Western Swamp Tortoise

*Chelus fimbriatus* Matamata

*Platemys platycephala* Twist-necked Turtle

**Family Chelydridae**

All species

**Family Dermochelyidae** Leathery Turtles

All species

**Family Emydidae**

All species

**Family Kinosternidae**

All species

**Family Testudinidae** Land Tortoises

All species

**Family Trionychidae**

All species

**Order Squamata**

**Lizards and Snakes**

**Sub-Order Lacertilia**

**Lizards**

**Family Agamidae**

*Calotes* spp.

Variable-lizards

*Hydrosaurus pustulatus*

Philippine Water-lizard; Sail-fin Lizard

**Family Anguidae**

*Pseudopus apodus*

Sheltopusik; Glass-lizard

**Family Chamaeleonidae**

**Chameleons**

All species

Chameleons

**Family Cordylidae**

*Cordylus giganteus*

Sungazer

*Gerrhosaurus validus*

Giant Plated-lizard

**Family Gekkonidae**

*Eublepharis macularius*

Leopard Gekko; Fat-tailed Gekko

*Gekko gecko*

Tokay

*Hemidactylus frenatus*

Cheechak; House Gekko

*Lepidodactylus lugubris*

Mourning Gekko; Sad Gekko

*Phelsuma madagascariensis*

Madagascar Gekko

*Rhacodactylus auriculatus*

Eared Caledonian-gekko

*Rhacodactylus leachianus*

Cuvier's Caledonian-gekko

**Family Helodermatidae**

**Gila Monster and Beaded Lizard**

All species

**Family Iguanidae**

**Iguanas**

All species

**Family Lacertidae**

All species

**Family Scincidae**

*Tribolonotus gracilis*

Crocodile Skink

**Family Teiidae**

*Tupinambis teguixin*

Black and White Tegu

**Family Pygopodidae**

*Delma impar*

**Family Varanidae**

*Varanus giganteus*

*Varanus komodoensis*

*Varanus salvadorii*

*Varanus varius*

**Sub-Order Serpentes**

**Family Acrochordidae**

*Acrochordus javanicus*

**Family Boidae**

**Subfamily Boinae**

All species

**Subfamily Pythoninae**

*Bothrochilus boeleni*

*Liasis amethystina*

*Morelia boa*

*Python curtus*

*Python molurus*

*Python regius*

*Python reticulatus*

*Python sebae*

**Family Colubridae**

*Boiga dendrophila*

*Drymarchon corais*

*Elaphe guttata*

*Elaphe obsoleta*

*Elaphe quatorlineata*

*Elaphe schrenkii*

*Elaphe taeniurus*

*Lampropeltis getulus*

**Legless Lizards**

Striped Legless Lizard

**Monitors**

Perentie

Komodo Dragon

Salvadori's Monitor; Papuan Monitor

Lace Monitor

**Snakes**

Javan File-snake

**Pythons and Boas**

Boelen's Python

Scrub Python

Ringed Python

Blood Python; Short Python

Burmese Python

Ball Python

Reticulated Python

African Rock Python

Mangrove Snake

Cribos

Corn Snake; Red Rat-snake

Black Rat-snake

Four-lined Rat-snake

Russian Rat-snake

Black-tailed Rat-snake; Taiwan Rat-snake

King Snake

|                                |                        |
|--------------------------------|------------------------|
| <i>Lampropeltis mexicana</i>   | Grey-banded Snake      |
| <i>Lampropeltis triangulum</i> | Milk Snake             |
| <i>Pituophis melanoleucus</i>  | Bull Snake; Pine Snake |

**Family Crotalidae** **Rattlesnakes**

All species

**Family Elapidae** **Front-fanged Venomous Snakes**

All species of the genera:

|                      |                           |
|----------------------|---------------------------|
| <i>Acanthophis</i>   | Death Adders              |
| <i>Austrelaps</i>    | Copperhead Snakes         |
| <i>Cryptophis</i>    | Small-eyed Snakes         |
| <i>Haemachatus</i>   | Spitting Cobras           |
| <i>Hoplocephalus</i> | Broad-headed Snakes       |
| <i>Naja</i>          | Cobras                    |
| <i>Notechis</i>      | Tiger Snakes              |
| <i>Ophiophagus</i>   | King Cobras               |
| <i>Oxyuranus</i>     | Taipans and Fierce Snakes |
| <i>Pseudechis</i>    | Black Snakes              |
| <i>Pseudonaja</i>    | Brown Snakes              |
| <i>Tropidechis</i>   | Rough-scaled Snakes       |
| <i>Vermicella</i>    | Bandy-Bandy               |

**Family Hydrophiidae** **Sea Snakes**

All species

**Family Laticaudidae** **Sea Kraits**

All species

**Family Viperidae** **Vipers**

All species

## Part 5 Birds (Class Aves)

**Order Struthioniformes** **Ostriches**

**Family Struthionidae**

|                         |         |
|-------------------------|---------|
| <i>Struthio camelus</i> | Ostrich |
|-------------------------|---------|

|                                 |   |
|---------------------------------|---|
| <b>Order Rheiformes</b>         | <b>Rheas</b>  |
| All species                     |   |
| <b>Order Casuariiformes</b>     | <b>Cassowaries</b>  |
| <b>Family Casuariidae</b>       | <b>Cassowaries</b>  |
| All species                     |   |
| <b>Order Apterygiformes</b>     | <b>Kiwis</b>  |
| All species                     |   |
| <b>Order Sphenisciformes</b>    | <b>Penguins</b>   |
| All species                     |   |
| <b>Order Procellariiformes</b>  | <b>Albatrosses, Shearwaters and Petrels</b>   |
| All species                     |   |
| <b>Order Ciconiiformes</b>      | <b>Hérons, Bitterns, Storks, Ibises, Spoonbills, Hammerheads and Flamingos</b>                        |
| <b>Family Threskiornithidae</b> | <b>Ibises and Spoonbills</b>  |
| <i>Platalea regia</i>           | Royal Spoonbill   |
| <b>Family Ciconiidae</b>        | <b>Storks</b>   |
| <i>Xenorhynchus asiaticus</i>   | Black-necked Stork  |
| <b>Family Cathartidae</b>       | <b>New World Vultures</b>   |
| All species                     |   |
| <b>Family Phoenicopteridae</b>  | <b>Flamingos</b>  |
| All species                     |   |
| <b>Order Anseriformes</b>       | <b>Swans, Ducks and Geese</b>   |
| <b>Family Anatidae</b>          | <b>Swans, Ducks and Geese</b>   |
| <i>Stictonetta naevosa</i>      | Freckled Duck   |
| <b>Order Falconiformes</b>      | <b>Vultures, Ospreys, Falcons, Kites, Eagles, Harriers, Hawks, Secretary Birds and Buzzards</b>       |
| All species                     |   |
| <b>Order Galliformes</b>        | <b>Pheasants, Quails, Grouse, Turkeys, Guineafowl, Megapodes (mound-nesters), Curassows and Guans</b> |
| <b>Family Megapodiidae</b>      | <b>Megapodes or Mound-builders</b>  |
| <i>Leipoa ocellata</i>          | Malleefowl  |

|   |   |
|---|---|
| <b>Order Gruiformes</b>                         | <b>Cranes, Trumpeters, Rails, Bustards, Button-quails, Seriemas, Mesites and Finfoots</b> |
| <b>Family Turnicidae</b>                        | <b>Button-quail</b>   |
| <i>Turnix melanogaster</i>                      | Black-breasted Button-quail   |
| <b>Family Gruidae</b>                           | <b>Cranes</b>   |
| All species                                     |   |
| <b>Family Rallidae</b>                          | <b>Rails, Crakes, Moorhens and Coots</b>  |
| <i>Gallirallus sylvestris</i>                   | Lord Howe Island Woodhen  |
| <b>Family Otididae</b>                          | <b>Bustards</b>   |
| <i>Ardeotis australis</i>                       | Australian Bustard  |
| <b>Order Charadriiformes</b>                    | <b>Plovers, Sandpipers, Stilts, Snipes, Oystercatchers, Curlews and Sheathbills</b>       |
| All species except <i>Larus novaehollandiae</i> | Silver Gull   |
| <b>Order Columbiformes</b>                      | <b>Pigeons and Doves</b>  |
| <b>Family Columbidae</b>                        | <b>Pigeons and Doves</b>  |
| <i>Ptilinopus regina</i>                        | Rose-Crowned Fruit Dove   |
| <b>Order Psittaciformes</b>                     | <b>Cockatoos and Parrots</b>  |
| <b>Family Cacatuidae</b>                        | <b>Cockatoos</b>  |
| <i>Cacatua pastinator</i>                       | Western Long-billed Corella   |
| <i>Callocephalon fimbriatum</i>                 | Gang Gang Cockatoo  |
| <i>Calyptorhynchus</i> spp.                     | Black Cockatoos   |
| <i>Probosciger aterrimus</i>                    | Palm Cockatoo   |
| <b>Family Psittacidae</b>                       | <b>Parrots</b>  |
| <i>Ara ararauna</i>                             | Blue and Yellow Macaw   |
| <i>Ara chloroptera</i>                          | Green-winged Macaw  |
| <i>Ara macao</i>                                | Scarlet Macaw   |
| <i>Anodorhynchus hyacinthinus</i>               | Hyacinth Macaw  |
| <i>Cyanoramphus unicolor</i>                    | Antipodes Island Green Kakariki   |
| <i>Cyclopsitta diophthalma</i>                  | Double-eyed Fig-parrot  |
| <i>Eclectus roratus macgillivrayi</i>           | Eclectus Parrot (Australian subspecies)   |
| <i>Lathamus discolor</i>                        | Swift Parrot  |
| <i>Neophema chrysogaster</i>                    | Orange-bellied Parrot   |



|   |   |
|---|---|
| <i>Neophema petrophila</i>                    | Rock Parrot                                       |
| <i>Nestor meridionalis meridionalis</i>       | South Island Kaka                                 |
| <i>Nestor meridionalis septentrionalis</i>    | North Island Kaka                                 |
| <i>Nestor notabilis</i>                       | Kea   |
| <i>Psephotus chrysopterygius</i>              | Golden-shouldered Parrot                          |
| <i>Strigops habroptilus</i>                   | Kakapo  |
| <b>Order Cuculiformes</b>                     | <b>Cuckoos, Touracos and Hoatzins</b>             |
| All species                                   |   |
| <b>Order Strigiformes</b>                     | <b>Owls</b>                                       |
| All species                                   |   |
| <b>Order Caprimulgiformes</b>                 | <b>Nightjars, Frogmouths, Potoos and Oilbirds</b> |
| All species except <i>Podargus strigoides</i> | Tawny Frogmouth                                   |
| <b>Order Coraciiformes</b>                    | <b>Kingfishers, Rollers, Hornbills and Allies</b> |
| <b>Family Alcedinidae</b>                     | <b>Kingfishers and Kookaburras</b>                |
| <i>Todiramphus sanctus</i>                    | Sacred Kingfisher                                 |
| <b>Order Passeriformes</b>                    | <b>Perching Birds</b>                             |
| <b>Family Pittidae</b>                        | <b>Pittas</b>                                     |
| All species                                   |   |
| <b>Family Menuridae</b>                       | <b>Lyrebirds</b>                                  |
| All species                                   |   |
| <b>Family Maluridae</b>                       | <b>Fairy-wrens</b>                                |
| <i>Malurus lamberti lamberti</i>              | Variegated Fairy-wren                             |
| <b>Family Meliphagidae</b>                    | <b>Honeyeaters</b>                                |
| <i>Lichenostomus melanops cassidix</i>        | Helmeted Honeyeater                               |
| <i>Manorina melanotis</i>                     | Black-eared Miner                                 |
| <i>Xanthomyza phrygia</i>                     | Regent Honeyeater                                 |
| <b>Family Passeridae</b>                      | <b>Finches and Mannikins</b>                      |
| <i>Emblema bella</i>                          | Beautiful Firetail                                |
| <i>Stagonopleura oculata</i>                  | Red-eared Firetail                                |
| <b>Family Paradisaeidae</b>                   | <b>Birds-of-Paradise</b>                          |
| All species                                   |   |

## Part 6 Mammals (Class Mammalia)

### Monotremes (Subclass Prototheria)—egg-laying mammals

**Order Monotremata** **Platypus and Echidnas**

**Family Tachyglossidae** **Echidnas**

*Zaglossus bruijini* Long-beaked Echidna

**Family Ornithorhynchidae** **Platypus**

*Ornithorhynchus anatinus* Platypus

### Marsupials (Subclass Marsupialia)—pouched mammals

**Order Dasyuromorphia** **Quolls, Tasmanian Devils, Phascogales, Antechinus, Dunnarts and Numbats**

**Family Dasyuridae** **Carnivorous and Insectivorous Marsupials**

*Dasyercus cristicauda* Mulgara

*Dasyurus* spp. Quolls

*Parantechinus apicalis* Dibbler

*Phascogale* spp. Phascogales

*Sarcophilus harrisii* Tasmanian Devil

**Family Myrmecobiidae** **Numbat**

*Myrmecobius fasciatus* Numbat

**Order Peramelemorphia** **Bandicoots and Bilby**

**Family Peramelidae** **Bandicoots**

*Echymipera rufescens* Long-nosed Echymipera

*Isodon auratus* Golden Bandicoot

*Perameles bougainville* Western Barred Bandicoot

*Perameles gunnii* Eastern Barred Bandicoot

**Family Thylacomyidae** **Bilby**

*Macrotis lagotis* Greater Bilby

**Family Peroryctidae** **Spiny Bandicoots**

All species

**Order Diprotodontia** **Koalas, Wombats, Possums, Gliders, Kangaroos, Wallabies and Rat-kangaroos**

**Family Phascolarctidae** **Koala**

|  |   |
|--|---|
| <i>Phascolarctos cinereus</i>                      | Koala   |
| <b>Family Vombatidae</b>                           | <b>Wombats</b>  |
| <i>Lasiorhinus krefftii</i>                        | Northern Hairy-nosed Wombat                                 |
| <b>Family Burramyidae</b>                          | <b>Pygmy-possums</b>  |
| <i>Burramys parvus</i>                             | Mountain Pygmy-possum                                       |
| <b>Family Petauridae</b>                           | <b>Gliders, Striped Possum and Leadbeater's Possum</b>      |
| <i>Dactylopsila</i> spp.                           | Striped Possums   |
| <i>Gymnobelideus leadbeateri</i>                   | Leadbeater's Possum   |
| <i>Petaurus australis</i>                          | Yellow-bellied Glider                                       |
| <i>Petaurus breviceps papuanus</i>                 | Sugar Glider (New Guinean subspecies)                       |
| <i>Petaurus gracilis</i>                           | Mahogany Glider   |
| <i>Petaurus norfolcensis</i>                       | Squirrel Glider   |
| <b>Family Pseudocheiridae</b>                      | <b>Ringtail Possums and Greater Glider</b>                  |
| All species except <i>Pseudocheirus peregrinus</i> |   |
| <b>Family Phalangeridae</b>                        | <b>Brushtail Possums, Cuscuses and Scaly-tailed Possums</b> |
| <i>Phalanger</i> spp.                              | Cuscus  |
| <i>Spilocuscus</i> spp.                            | Cuscus  |
| <i>Wyulda squamicaudata</i>                        | Scaly-tailed possum   |
| <b>Family Hypsiprymodontidae</b>                   | <b>Musky Rat-kangaroo</b>                                   |
| <i>Hypsiprymnodon moschatus</i>                    | Musky Rat-kangaroo  |
| <b>Family Potoroidae</b>                           | <b>Bettongs and Potoroos</b>                                |
| <i>Bettongia lesueur</i>                           | Burrowing Bettong   |
| <i>Bettongia tropica</i>                           | Northern Bettong  |
| <i>Potorous gilberti</i>                           | Gilbert's Potoroo   |
| <i>Potorous longipes</i>                           | Long-footed Potoroo   |
| <b>Family Macropodidae</b>                         | <b>Kangaroos and Wallabies</b>                              |
| <i>Dendrolagus</i> spp.                            | Tree Kangaroos  |
| <i>Dorcopsis</i> spp.                              | Forest Wallabies  |
| <i>Lagorchestes hirsutus</i>                       | Mala  |
| <i>Lagostrophus fasciatus</i>                      | Banded Hare-wallaby   |

*Macropus irma* Western Brush Wallaby

*Onychogalea fraenata* Bridled Nailtail Wallaby

*Petrogale* spp. Rock-wallabies

**Order Notoryctemorphia Marsupial Moles**

All species

**Eutherian mammals (Subclass Eutheria)—placental mammals**

**Order Soricomorpha Shrews, Hedgehogs**

All species

**Order Scandentia Tree-Shrews**

All species

**Order Pilosa Sloths and Anteaters**

All species

**Order Cingulata Armadillos**

All species

**Order Chiroptera Flying-foxes and Insectivorous Bats**

All species

**Order Primates Lorises, Bush-babies, Lemurs, Tarsiers, Marmosets, Tamarins, Monkeys and Apes**

All species

**Order Carnivora Dogs, Bears, Raccoons, Weasels, Mongooses, Hyenas, Cats, Seals, Sea-lions and Walruses**

All species except the following:

*Canis familiaris* Domestic Dog

*Felis catus* Domestic Cat

*Mustela putorius* Domestic Ferret

**Order Tubulidentata Aardvark**

*Oryzomys* spp. Aardvark

**Order Sirenia Dungogs and Manatees**

All species

**Order Proboscidea Elephants**

All species

**Order Perissodactyla**

**Asses, Horses, Zebras, Tapirs and Rhinoceroses**

All species except the following:

|                       |                 |
|-----------------------|-----------------|
| <i>Equus asinus</i>   | Domestic Donkey |
| <i>Equus caballus</i> | Domestic Horse  |

**Order Artiodactyla**

**Camels, Llamas, Pigs, Hippopotamuses, Deer, Giraffes, Cattle, Sheep, Antelopes and Peccaries**

All species except the following:

|                     |                         |
|---------------------|-------------------------|
| <i>Bos taurus</i>   | Domestic Cattle         |
| <i>Bos indicus</i>  | Domestic Cattle         |
| <i>Capra hircus</i> | Domestic Goat           |
| <i>Lama glama</i>   | Llama                   |
| <i>Lama pacos</i>   | Alpaca                  |
| <i>Ovis aries</i>   | Domestic Sheep          |
| <i>Sus scrofa</i>   | Domestic Pig, Wild Boar |

**Order Rodentia**

**Squirrels, Beavers, Gophers, Mice, Rats, Porcupines and South American Cavy-like Rodents**

All species except the following:

|  |                        |
|--|------------------------|
| <i>Notomys alexis</i> and <i>Pseudomys australis</i> |                        |
| <i>Cavia porcellus</i>                               | Guinea Pig             |
| <i>Mus musculus</i>                                  | House Mouse            |
| <i>Notomys alexis</i>                                | Spinifex Hopping-mouse |
| <i>Pseudomys australis</i>                           | Plains Mouse           |
| <i>Rattus norvegicus</i>                             | Norwegian Rat          |
| <i>Rattus rattus</i>                                 | Black Rat              |

**Order Cetacea**

**Whales and Dolphins**

All species

**Part 7 Hybrids**

A hybrid of which one parent is, or both parents are, of a species listed in Parts 1 to 6.

**Schedule 3 Exemptions—animals used for riding or racing**

(Clause 5 (1) (i))

|  |                 |
|--|-----------------|
| <i>Bos taurus</i> and <i>Bos indicus</i> | Domestic Cattle |
|--|-----------------|

|                                |                 |
|--------------------------------|-----------------|
| <i>Camelus dromedarius</i>     | Arabian Camel   |
| <i>Canis lupus familiaris</i>  | Domestic Dog    |
| <i>Capra hircus</i>            | Domestic Goat   |
| <i>Equus caballus</i>          | Domestic Horse  |
| <i>Equus asinus</i>            | Domestic Donkey |
| <i>Equus caballus x asinus</i> | Domestic Mule   |

## Schedule 4 Penalty notices

(Clause 44)

| <b>Column 1</b>  | <b>Column 2</b> |
|--|-----------------|
| <b>Provision</b>   | <b>Penalty</b>  |
| <b><i>Exhibited Animals Protection Act 1986</i></b>        |                 |
| Section 12   | \$500           |
| Section 18 (1)   | \$500           |
| Section 19   | \$500           |
| Section 22 (2)   | \$500           |
| Section 24   | \$500           |
| Section 31 (1)   | \$200           |
| Section 31 (2) (a), (b) or (d)                             | \$500           |
| Section 44   | \$500           |
| Section 45   | \$500           |
| <b><i>Exhibited Animals Protection Regulation 2010</i></b> |                 |
| Clause 19  | \$200           |
| Clause 20  | \$200           |
| Clause 21  | \$200           |
| Clause 22  | \$200           |
| Clause 23 (1)  | \$200           |
| Clause 24 (2)  | \$200           |
| Clause 25  | \$200           |
| Clause 26  | \$200           |
| Clause 27  | \$200           |

|                                    |       |
|------------------------------------|-------|
| Clause 28                          | \$200 |
| Clause 29                          | \$200 |
| Clause 31 (1) (c)                  | \$200 |
| Clause 32                          | \$200 |
| Clause 34                          | \$200 |
| Clause 35 (2), (4), (5) or (7)-(9) | \$200 |
| Clause 36                          | \$200 |
| Clause 37                          | \$200 |
| Clause 39 (3)                      | \$200 |