

Exhibited Animals Protection Regulation 2010

[2010-444]



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This Regulation replaces the *Exhibited Animals Protection Regulation 2005*, which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.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) (Repealed)
 - (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 2016)

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

Application for	Lodgment fee	Issue fee
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* or the *Biodiversity Conservation Act 2016*,

(iii) the *Biosecurity Act 2015*,

(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
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<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)

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

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

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

Order Gruiformes	Cranes, Trumpeters, Rails, Bustards, Button-quails, Seriemas, Mesites and Finfoots
Family Turnicidae	Button-quail
<i>Turnix melanogaster</i>	Black-breasted Button-quail
Family Gruidae	Cranes
All species	
Family Rallidae	Rails, Crakes, Moorhens and Coots
<i>Gallirallus sylvestris</i>	Lord Howe Island Woodhen
Family Otidae	Bustards
<i>Ardeotis australis</i>	Australian Bustard
Order Charadriiformes	Plovers, Sandpipers, Stilts, Snipes, Oystercatchers, Curlews and Sheathbills
All species except <i>Larus novaehollandiae</i>	Silver Gull
Order Columbiformes	Pigeons and Doves
Family Columbidae	Pigeons and Doves
<i>Ptilinopus regina</i>	Rose-Crowned Fruit Dove
Order Psittaciformes	Cockatoos and Parrots
Family Cacatuidae	Cockatoos
<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
Family Psittacidae	Parrots
<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
Order Cuculiformes	Cuckoos, Touracos and Hoatzins
All species	
Order Strigiformes	Owls
All species	
Order Caprimulgiformes	Nightjars, Frogmouths, Potoos and Oilbirds
All species except <i>Podargus strigoides</i>	Tawny Frogmouth
Order Coraciiformes	Kingfishers, Rollers, Hornbills and Allies
Family Alcedinidae	Kingfishers and Kookaburras
<i>Todiramphus sanctus</i>	Sacred Kingfisher
Order Passeriformes	Perching Birds
Family Pittidae	Pittas
All species	
Family Menuridae	Lyrebirds
All species	
Family Maluridae	Fairy-wrens
<i>Malurus lamberti lamberti</i>	Variegated Fairy-wren
Family Meliphagidae	Honeyeaters
<i>Lichenostomus melanops cassidix</i>	Helmeted Honeyeater
<i>Manorina melanotis</i>	Black-eared Miner
<i>Xanthomyza phrygia</i>	Regent Honeyeater
Family Passeridae	Finches and Mannikins
<i>Emblema bella</i>	Beautiful Firetail
<i>Stagonopleura oculata</i>	Red-eared Firetail
Family Paradisaeidae	Birds-of-Paradise
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
Family Vombatidae	Wombats
<i>Lasiornhinus krefftii</i>	Northern Hairy-nosed Wombat
Family Burramyidae	Pygmy-possums
<i>Burramys parvus</i>	Mountain Pygmy-possum
Family Petauridae	Gliders, Striped Possum and Leadbeater's Possum
<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
Family Pseudocheiridae	Ringtail Possums and Greater Glider
All species except <i>Pseudocheirus peregrinus</i>	
Family Phalangeridae	Brush-tail Possums, Cuscuses and Scaly-tailed Possums
<i>Phalanger</i> spp.	Cuscus
<i>Spilocuscus</i> spp.	Cuscus
<i>Wyulda squamicaudata</i>	Scaly-tailed possum
Family Hypsiprymodontidae	Musky Rat-kangaroo
<i>Hypsiprymodon moschatus</i>	Musky Rat-kangaroo
Family Potoroidae	Bettongs and Potoroos
<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
Family Macropodidae	Kangaroos and Wallabies
<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
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<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)

Column 1	Column 2
Provision	Penalty
<i>Exhibited Animals Protection Act 1986</i>	
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
<i>Exhibited Animals Protection Regulation 2010</i>	
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