

# Exhibited Animals Protection Regulation 2021

[2021-481]



New South Wales

## Status Information

### Currency of version

Current version for 25 August 2023 to date (accessed 6 September 2024 at 16:22)

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—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2026

### 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 25 August 2023

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New South Wales

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# Exhibited Animals Protection Regulation 2021



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Exhibited Animals Protection Regulation 2021*.

### 2 Commencement

This Regulation commences on 1 September 2021 and is required to be published on the NSW legislation website.

**Note—**

This Regulation replaces the *Exhibited Animals Protection Regulation 2010*, which is repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).

### 3 Definitions

In this Regulation—

**authorised premises** means premises to which an authority relates, including 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 a part of an animal display establishment in which an animal is exhibited 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 1 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 an animal display establishment comprising premises used,

on an ongoing basis, for the display, and the keeping for display, of animals, other than the following—

- (a) a mobile establishment,
- (b) an off-display 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 used, on a temporary basis, for the display of the following animals, but only while the animals are displayed or kept for display at the premises—

- (a) animals that are the subject of an approval under the Act, section 22,
- (b) animals that are the subject of a permit.

**off-display establishment** means an animal display establishment comprising premises, including land, buildings, enclosures and facilities, used for the keeping for display of animals, but not the display of animals, that are—

- (a) the subject of an approval under the Act, section 22, or
- (b) the subject of a permit, or
- (c) ordinarily exhibited at a fixed establishment.

**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.

## Part 2 Animal display establishments

### 4 Exemptions from licensing requirements—the Act, s 4(1)

- (1) 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) 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) An animal display establishment is exempt from the requirement to be licensed in relation to an animal if the animal is in an enclosed area and the Secretary is satisfied—

- (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 in the sanctuaries. In these cases the Secretary may be satisfied it is unreasonable to require the operator of the sanctuary to comply with the strict requirements of a licence under the Act.

(4) An off-display establishment is exempt from the requirement to be licensed if—

- (a) the animals being kept for display at the off-display establishment are animals authorised to be exhibited by a circus, and
- (b) the animals are being kept for display at the off-display establishment on a temporary and short term basis, and
- (c) the off-display establishment is not an off-display establishment at which the animals are ordinarily kept for display when the circus is not exhibiting the animals.

**5 Animal displays not constituting exhibition—the Act, s 5(1), definition of “exhibit”, paragraph (c)**

(1) 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) the animal is a free-living animal in its natural habitat,
- (b) the animal is a lawful captive and is part of a competitive display of household pets,

- (c) the animal is part of a competitive display of domestic farm animals,
- (d) the animal is a domestic farm animal being used to demonstrate the acquisition of wool, milk or other produce of a living animal,
- (e) the animal is of domestic hoof-stock and is performing, or is to perform, in an event at a rodeo,
- (f) the animal is a lawful captive that is not displayed, or kept for display, to the public,
- (g) 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*,
- (h) the animal, being an animal of a species listed in Schedule 3 and not being an animal kept under an approval or permit or at a licensed animal display establishment, is an animal used only for riding or racing,
- (i) the animal is kept in a pet shop for display and not for sale,
- (j) the animal, being an animal of a species listed in Schedule 1 and not being an animal kept under 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,
- (k) the animal, being an animal of a species listed in Schedule 1, and not being an animal kept under an approval or permit or at a licensed animal display establishment, is displayed, or kept for display, for the purpose of promoting an agricultural product derived from the species, and—
  - (i) the animal is 1 of no more than 10 animals displayed, or kept for display, for the purpose at any 1 time, and
  - (ii) the display lasts for no more than 2 days at a time and is conducted at least 5 days after the most recent display of the animal, and
  - (iii) the animal is displayed near a display of the relevant agricultural product or shortly before or after a display of the product, and
  - (iv) the person who normally cares for the animal attends the animal for the duration of the display,



- (l) the animal is a fish that is kept at a fish hatchery or fish farm, otherwise than in a habitat display, for the purpose of—
  - (i) commercial food production, or
  - (ii) re-stocking of lakes, dams or waterways,
- (m) 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 the type of animal to which the animal belongs,
- (n) 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 an animal that constitutes exhibition for the purposes of the Act and the display of an animal that does not, because of subsection (1), constitute exhibition for the purposes of the Act take place at the same time on the same premises, an authority issued in relation to the premises applies to all animals at the premises.

**Example—**

If a pony ride, which is not exhibition for the purposes of the Act because of section 5(1)(h), takes place at an exhibition or display farm to which an approval relates, the approval, and the terms, conditions or standards that have effect under the approval, also apply to the pony ride.

**6 Zoological parks—the Act, s 5(1), definition of “zoological park”**

An educational, cultural, scientific or recreational purpose is a prescribed purpose.

**7 Classes of animal display establishments**

- (1) For the purposes of the Act, section 13, the following are prescribed as classes of animal display establishments—

- (a) fixed establishments,
- (b) mobile establishments,
- (c) off-display establishments.

- (2) For the purposes of the Act, sections 12, 15 and 18, the following classes of animal display establishments are prescribed—

- (a) fixed establishments,
- (b) off-display establishments.

**8 Standards for animal display establishments**

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

- (a) *General Standards for Exhibiting Animals in New South Wales*, published in February 2019,
  - (b) *Policy on Exhibiting Primates in New South Wales*, published in March 2000,
  - (c) *Standards for Exhibiting Animals at Mobile Establishments in New South Wales*, published in February 2019,
  - (d) *Standards for Exhibiting Animals during Temporary Removals in New South Wales*, published in February 2019,
  - (e) *Standards for Exhibiting Australian Mammals in New South Wales*, published in April 2006,
  - (f) *Standards for Exhibiting Bottle-nosed Dolphins (*Tursiops truncatus*) in New South Wales*, published in April 1994,
  - (g) *Standards for Exhibiting Captive Raptors in New South Wales*, published in May 2010,
  - (h) *Standards for Exhibiting Carnivores in New South Wales*, published in August 2016,
  - (i) *Standards for Exhibiting Circus Animals in New South Wales*, published in February 2019,
  - (j) *Standards for Exhibiting Seals in New South Wales*, published in October 2008.
- (2) For the purposes of the Act, section 28(1), it is a condition of an authority that the exhibition of animals to which the authority relates must comply with the standards mentioned in subsection (1) that are applicable to the authority.
- (3) The Secretary, at the request of a person who is the applicant for or holder of an authority, may—
- (a) if the authority relates to an animal display establishment that was in existence before 9 June 1989—vary a standard otherwise applicable under this section to the establishment, or
  - (b) if the authority relates to the exhibition of an animal that was exhibited by the person before 9 June 1989—vary a standard otherwise applicable under this section to the exhibition of the animal by the person.
- (4) If a standard is varied, the standard applicable to the establishment or exhibition of the animal concerned is the standard as varied.

## **9 Exhibitions of species of animals that require permits—the Act, ss 24 and 25**

The species of animals prescribed are set out in Schedule 2.

## **Part 3 Authorities**

### **Division 1 General**

#### **10 Application for issue, renewal or variation of authority—the Act, s 27**

- (1) An application for the issue, renewal or variation of an authority 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 the relevant supporting documents referred to in the approved form and by the relevant fee or fees, and
  - (c) for 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 subsection (1) operates to renew the authority until—
  - (a) the Secretary notifies the holder of the authority that renewal of the authority has been refused, or
  - (b) the application is deemed to be refused under the Act, section 27(4).
- (3) An application for renewal of an authority is not required, and subsection (2) has effect as if an application for renewal complying with subsection (1) had been made, 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 the Act, section 18(4).

#### **11 Fees—the Act, s 27**

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

- (2) The fee for the issue of an authority following an application of a class specified in the Table to this section is the issue fee specified opposite the class of application.
- (3) Despite subsection (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 lodgment fee, and
  - (b) the applicable issue fee adjusted on a pro-rata basis.
- (4) In this section—

**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 the Act, section 18	\$230	nil
Licence under the Act, section 18	nil	\$285 for minor establishments, otherwise \$1,035
Renewal of licence under the Act, section 18	\$115	\$285 for minor establishments, otherwise \$1,035
Licence under the Act, section 18 and approval under the Act, section 22, if applications lodged by applicant at the same time	total fee for both applications—\$230	total fee for issue of licence and approval—the higher of the issue fee applying to the issue of the licence and the issue fee applying to the issue of the approval, if applied for individually
Renewal of licence under the Act, section 18 and renewal of approval under the Act, section 22, if applications lodged by applicant at the same time	total fee for both applications—\$115	total fee for issue of licence and approval—the higher of the issue fee applying to renewal of the licence and the issue fee applying to renewal of the approval, if applied for individually
Approval under the Act, section 19	\$46	nil
Approval under the Act, section 22	\$230	\$285 for minor exhibitors, otherwise \$1,035
Renewal of approval under the Act, section 22	\$115	\$285 for minor exhibitors, otherwise \$1,035

Permit under the Act, section 24	\$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 the Act, section 24	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 the Act, section 27	\$230	\$285 for minor establishments, otherwise \$1,035
Variation of authority under the Act, section 27	\$23	nil

## **12 Duration of authority—the Act, s 29**

An authority remains in force, unless it is earlier cancelled or in a period of suspension, until—

- (a) for an authority other than a renewed authority—1 July following the date on which the authority commences, or
- (b) for a renewed authority—1 July following the date on which the renewed authority commences.

## **Division 2 Conditions—the Act, s 28**

### **13 Conservation education**

It is a condition of an 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 Conditions on approvals for mobile exhibitions**

To avoid doubt, an approval under section 22 of the Act may include a condition requiring the holder to comply with requirements in relation to vehicles, or temporary or movable structures and facilities, used at a mobile exhibition for the display, or the keeping for display, of the animals to which the approval relates.

### **16 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 relevant species, or
- (c) would not be in accordance with the Australasian Species Management Program of the Zoo and Aquarium Association, or
- (d) in the opinion of the Secretary, would not, for another reason, be in the best interests of the relevant species or an individual animal.

## **17 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 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.

## **18 Exhibition of animals at circuses**

It is a condition of an approval under the Act, Part 3, Division 2 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*, published in February 2019.

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

- (1) Terms or conditions of an authority may be imposed by the Secretary under the Act, section 28(1)(c) after the issue of the authority—
  - (a) at the request of the holder of the authority, or
  - (b) other than at the request of the holder of the authority, if subsection (3) is complied with before imposition of the term or condition.
- (2) A term or condition of an authority that is specified under the Act, section 28(1)(b) in the authority when it is issued, or that is imposed by the Secretary under the Act, section 28(1)(c) after it is issued, may be varied by the Secretary if the decision to make the variation is made after subsection (3) is complied with.
- (3) This subsection is complied with if—
  - (a) the Secretary gives the holder of the authority written notice the Secretary is considering the imposition or variation of terms or conditions specified in the notice, and
  - (b) the notice states the holder of the authority may, within a specified time, make written representations to the Secretary or arrange with the Secretary to make oral representations, and

(c) before making any decision in relation to a term, condition or variation under consideration, the Secretary takes into account the relevant representations.

(4) Despite another provision of this section, the Secretary may, at any time, revoke a term or condition of an authority that is—

(a) specified under the Act, section 28(1)(b) in the authority when it is issued, or

(b) imposed by the Secretary under the Act, section 28(1)(c) after it is issued.

## **Part 4 Offences—the Act, s 53**

### **20 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) otherwise—on the authorised premises.

Maximum penalty—10 penalty units.

### **21 Veterinary drugs**

(1) The holder of an authority must ensure veterinary drugs, vaccines and similar products kept on the authorised premises are kept in a way 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.

### **22 Notification of outbreak of disease**

The holder of an authority must notify the Secretary of a widespread outbreak of a debilitating or fatal disease among the animals on the authorised premises no later than 24 hours after discovery of the outbreak.

Maximum penalty—10 penalty units.

### **23 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 a way that results in the equipment becoming a danger to a person.

Maximum penalty—10 penalty units.

- (2) A person disposing of unwanted or contaminated veterinary equipment from authorised premises must dispose of the equipment in a way that does not result in the equipment becoming a danger to a person.

Maximum penalty—10 penalty units.

### **24 Tethering of animals**

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

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply—

(a) to elephants or domesticated hoof-stock, if the *Standards for Exhibiting Circus Animals in New South Wales*, published in February 2019, 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*, published in May 2010, are observed.

### **25 Dangerous or unsuitable housing**

- (1) If the Secretary or an inspector considers 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 subsection (1) must comply with the direction.

Maximum penalty—10 penalty units.

## **26 Exhibition of unconfined animal**

The exhibitor of an animal in contact with the public must supervise and control the animal in a way that prevents injury to the public or to the animal.

Maximum penalty—10 penalty units.

## **27 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 staff of the animal display establishment that includes the area to be immediately available to kill or sedate an animal to save human life or prevent injury.

Maximum penalty—10 penalty units.

- (3) In this section—

***dangerous animal*** means—

- (a) an animal, including a lion, tiger or bear, of a species 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.

## **28 Escape of animal**

- (1) An exhibitor of a permit animal must, if the animal escapes from 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—
  - (a) of the escape within 48 hours, and
  - (b) 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.

### **29 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.

### **30 Reporting of injuries to people**

The holder of an authority must immediately report to the Secretary an incident caused by an animal to which the authority relates involving—

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

Maximum penalty—10 penalty units.

### **31 Noisy construction and maintenance work**

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

Maximum penalty—10 penalty units.

### **32 Acquisition and sale of animals**

(1) The holder of an authority must not—

- (a) acquire an animal for exhibition if the holder knows, or ought reasonably to know, the transaction is with a person who, by acquiring, possessing or selling the animal, committed an offence under the Act or 1 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 another 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 section, **sell** an animal includes transfer possession of the animal.

### **33 Removal of exhibited animal**

(1) The holder of a licence for a fixed establishment must not, without the written consent of the Secretary, keep an exhibited animal, or cause or permit an exhibited animal to be kept, outside—

- (a) the fixed establishment in which it is ordinarily exhibited, or
- (b) an off-display establishment associated with or used in connection with the fixed establishment.

Maximum penalty—10 penalty units.

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

- (a) an application in the approved form for the consent of the Secretary to the removal of the animal was made—

- (i) at least 7 days before the proposed removal, or
  - (ii) by agreement with the Secretary, at a later time, and
- (b) the Secretary has given written consent to the removal of the animal.

Maximum penalty—10 penalty units.

- (3) Subsections (1) and (2) do not apply in relation to an animal if—
- (a) the animal is being taken to, or returned from, the premises of a veterinary practitioner, or
  - (b) the animal is being kept on the premises of a veterinary practitioner for treatment or observation, or
  - (c) for an animal ordinarily kept for display in an off-display establishment—the animal is being taken to, or returned from, premises outside the off-display establishment for display at the premises in compliance with an approval under the Act, section 22 or a permit, or
  - (d) the animal is being transported to give effect to its lawful disposition or acquisition.
- (4) In this section, **approved form** means a form approved by the Secretary.

### **34 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 section 32(1)(c) or 33(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 a condition is not being complied with.

### **35 Compliance with conditions**

The holder of an authority must comply with the conditions to which the authority or an exemption given to the holder under section 34 is subject.

Maximum penalty—10 penalty units.

### **36 Animal records**

- (1) In this section—

**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 a relevant period while the authority is in force, keep animal records in a form approved by the Secretary on the authorised premises or at another place approved by the Secretary.

Maximum penalty—10 penalty units.

- (3) For the purposes of subsection (2), if an authority relates to more than 1 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 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—in ink, or

(ii) if the records are stored in electronic form—in a way approved by the Secretary, or

(c) delete an erroneous entry in the animal records, or allow an erroneous entry to be deleted—

(i) if the records are in a written or printed form—by drawing a single line through the entry, or

(ii) if the records are stored in electronic form—in a way 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 lodge with the Secretary, within 14 days after the surrender or being notified of the suspension or cancellation, 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.

### **37 Other records**

- (1) An exhibitor of animals must maintain, in a way approved by the Secretary, an up-to-date record of—
- (a) illness, disease, injury or other poor health of the 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 way 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 way approved by the Secretary, an up-to-date record of veterinary inspections of the animals and veterinary care given to the animals.
- (4) An exhibitor of animals must keep, for at least 2 years after it is made, a record made under this section.

Maximum penalty—10 penalty units.

### **38 Species identification**

- (1) An exhibitor of animals must make, and keep 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) An exhibitor of animals must, if directed by the Secretary, have the species of the animals identified by a person nominated by the Secretary.

Maximum penalty—10 penalty units.

### **39 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 an obligation to keep records otherwise applicable to the holder or exhibitor under section 36, 37 or 38.

### **40 Attendants and other staff**

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

### **41 Organisations that may nominate persons to be members of advisory committee—the Act, s 6(4)(e) and (f)**

- (1) The following are prescribed animal welfare organisations—
  - (a) Animal Welfare League NSW,
  - (b) Humane Society International,
  - (c) Royal Society for the Prevention of Cruelty to Animals,
  - (d) World Wide Fund for Nature Australia.
- (2) The following are prescribed organisations representing exhibitors of animals—
  - (a) Circus Federation of Australia,
  - (b) Mobile Wildlife Educators Association,
  - (c) New South Wales Fauna and Marine Parks Association,

(d) Zoo and Aquarium Association.

**42 Bonds paid as condition of cetacea display licence—the Act, s 37**

(1) For the purposes of the Act, section 37(1)—

(a) the prescribed amount is \$60,000, and

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

(2) The Secretary must invest money—

(a) that is deposited with the Secretary under the Act, section 37 by a licensee and has not, for the time being, been spent in accordance with the section, or

(b) that is paid to the Secretary under an arrangement referred to in subsection (1)(b) and has not, for the time being, been spent in accordance with the Act, section 37.

(3) The Secretary must—

(a) invest the money—

(i) in a way authorised by the [Trustee Act 1925](#) for the investment of trust funds, and

(ii) so that not more than 1 month's notice is required for its repayment, and

(b) arrange for the income to be paid directly to, or as authorised by, the licensee.

(4) In subsection (1)—

***financial institution*** means—

(a) an authorised deposit-taking institution, or

(b) a financial institution approved by the Secretary.

**43 Period of time for return of seized animal—the Act, s 41**

A period of 6 months after seizure of an animal under the Act, section 40 is the prescribed period after which the animal must be returned unless earlier dealt with under the Act.

**44 Registered particulars relating to licences—the Act, s 21**

The prescribed fee for a certificate containing a copy of the registered particulars relating to an animal display establishment is \$58.

**45 Penalty notice offences—the Act, s 46A**

For the purposes of the Act, section 46A—



- (a) an offence under a provision of the Act or this Regulation specified in Schedule 4, Column 1 is prescribed as a penalty notice offence, and
- (b) the amount specified in Schedule 4, Column 2 in relation to an offence is the prescribed amount of penalty for the offence.

#### 46 Savings

Any act, matter or thing that, immediately before the repeal of the *Exhibited Animals Protection Regulation 2010*, had effect under that Regulation continues to have effect under this Regulation.

#### 47 (Repealed)

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

sections 3 and 5(1)(j) and (k)

#### Birds (Class Aves)

<i>Alectoris chukar</i>	Chukar Partridge
<i>Anas platyrhynchos</i>	Domestic Duck
<i>Anser anser</i> and <i>Anser cygnoides</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

sections 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

*Carcharias taurus*

Grey Nurse Sharks

#### 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 Dasyatidae

##### Rays, Rat-tailed Rays and Stingarees

##### Subfamily Dasyatinae

##### Stingrays

All species

## Part 2 Fish (Class Osteichthyes)

<b>Order Scorpaeniformes</b>	<b>Waspfish, Firefish, Scorpion Cods, Stonefishes, Velvetfishes, Gurnards and Flatheads</b>
<b>Family Scorpaenidae</b>	<b>Scorpion Cods</b>
All species	
<b>Family Tetrarogidae</b>	<b>Bullrouths</b>
All species	
<b>Family Synanceiidae</b>	<b>Stonefish</b>
All species	
<b>Order Ceratodontiformes</b>	<b>Lungfish</b>
<i>Neoceratodus forsteri</i>	Australian Lungfish

## Part 3 Amphibians (Class Amphibia)

<b>Order Anura</b>	<b>Frogs and Toads</b>
<b>Family Bufonidae</b>	<b>Toads</b>
<i>Bufo marinus</i>	Cane Toad
<b>Family Dendrobatidae</b>	<b>Poison Arrow Frogs</b>
All species	
<b>Family Hylidae</b>	<b>Tree Frogs</b>
<i>Litoria aurea</i>	Green and Gold Bell Frog
<b>Family Leptodactylidae</b>	
<i>Ceratophrys</i> spp.	Horned-frogs
<b>Family Myobatrachidae</b>	<b>Southern Frogs</b>
<i>Pseudophryne</i> spp.	Corroboree Frog
<b>Family Pipidae</b>	
<i>Xenopus laevis</i>	Clawed Toad
<b>Family Ranidae</b>	
<i>Pyxicephalus adspersus</i>	African Bullfrog
<b>Family Rhacophoridae</b>	
<i>Philautus romeri</i>	Romer's Tree-frog
<b>Order Caudata</b>	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**

<i>Calotes</i> spp.	Variable-lizards
<i>Hydrosaurus pustulatus</i>	Philippine Water-lizard; Sail-fin Lizard

**Family Anguidae**

<i>Pseudopus apodus</i>	Sheltopusik; Glass-lizard
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**Family Chamaeleonidae**

**Chameleons**

All species	Chameleons
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**Family Cordylidae**

<i>Cordylus giganteus</i>	Sungazer
<i>Gerrhosaurus validus</i>	Giant Plated-lizard

**Family Gekkonidae**

<i>Eublepharis macularius</i>	Leopard Gekko; Fat-tailed Gekko
<i>Gekko gecko</i>	Tokay
<i>Hemidactylus frenatus</i>	Cheechak; House Gekko
<i>Lepidodactylus lugubris</i>	Mourning Gekko; Sad Gekko
<i>Phelsuma madagascariensis</i>	Madagascar Gekko
<i>Rhacodactylus auriculatus</i>	Eared Caledonian-gekko
<i>Rhacodactylus leachianus</i>	Cuvier's Caledonian-gekko

**Family Helodermatidae**

**Gila Monster and Beaded Lizard**

All species	
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**Family Iguanidae**

**Iguanas**

All species	
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**Family Lacertidae**

All species	
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**Family Scincidae**

<i>Tribolonotus gracilis</i>	Crocodile Skink
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**Family Teiidae**

<i>Tupinambis teguixin</i>	Black and White Tegu
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**Family Pygopodidae**

**Legless Lizards**

<i>Delma impar</i>	Striped Legless Lizard
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**Family Varanidae**

**Monitors**

<i>Varanus giganteus</i>	Perentie
<i>Varanus komodoensis</i>	Komodo Dragon
<i>Varanus salvadorii</i>	Salvadori's Monitor; Papuan Monitor
<i>Varanus varius</i>	Lace Monitor
<b>Sub-Order Serpentes</b>	<b>Snakes</b>
<b>Family Acrochordidae</b>	
<i>Acrochordus javanicus</i>	Javan File-snake
<b>Family Boidae</b>	<b>Pythons and Boas</b>
<b>Subfamily Boinae</b>	
All species	
<b>Subfamily Pythoninae</b>	
<i>Bothrochilus boeleni</i>	Boelen's Python
<i>Liasis amethystina</i>	Scrub Python
<i>Morelia boa</i>	Ringed Python
<i>Python curtus</i>	Blood Python; Short Python
<i>Python molurus</i>	Burmese Python
<i>Python regius</i>	Ball Python
<i>Python reticulatus</i>	Reticulated Python
<i>Python sebae</i>	African Rock Python
<b>Family Colubridae</b>	
<i>Boiga dendrophila</i>	Mangrove Snake
<i>Drymarchon corais</i>	Cribos
<i>Elaphe guttata</i>	Corn Snake; Red Rat-snake
<i>Elaphe obsoleta</i>	Black Rat-snake
<i>Elaphe quatorlineata</i>	Four-lined Rat-snake
<i>Elaphe schrenkii</i>	Russian Rat-snake
<i>Elaphe taeniurus</i>	Black-tailed Rat-snake; Taiwan Rat-snake
<i>Lampropeltis getulus</i>	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**

All species

**Family Elapidae**

All species of the genera—

*Acanthophis*

*Austrelaps*

*Cryptophis*

*Haemachatus*

*Hoplocephalus*

*Naja*

*Notechis*

*Ophiophagus*

*Oxyuranus*

*Pseudechis*

*Pseudonaja*

*Tropidechis*

*Vermicella*

**Family Hydrophiidae**

All species

**Family Laticaudidae**

All species

**Family Viperidae**

All species

**Rattlesnakes**

**Front-fanged Venomous Snakes**

Death Adders

Copperhead Snakes

Small-eyed Snakes

Spitting Cobras

Broad-headed Snakes

Cobras

Tiger Snakes

King Cobras

Taipans and Fierce Snakes

Black Snakes

Brown Snakes

Rough-scaled Snakes

Bandy-Bandy

**Sea Snakes**

**Sea Kraits**

**Vipers**

**Part 5 Birds (Class Aves)**

**Order Struthioniformes**

**Family Struthionidae**

*Struthio camelus*

**Order Rheiformes**

All species

**Order Casuariiformes**

**Ostriches**

Ostrich

**Rheas**

**Cassowaries**

**Family Casuariidae**

All species

**Order Apterygiformes**

All species

**Order Sphenisciformes**

All species

**Order Procellariiformes**

All species

**Order Ciconiiformes**

**Family Threskiornithidae**

*Platalea regia*

**Family Ciconiidae**

*Xenorhynchus asiaticus*

**Family Cathartidae**

All species

**Family Phoenicopteridae**

All species

**Order Anseriformes**

**Family Anatidae**

*Stictonetta naevosa*

**Order Falconiformes**

All species

**Order Galliformes**

**Family Megapodiidae**

*Leipoa ocellata*

**Order Gruiformes**

**Family Turnicidae**

*Turnix melanogaster*

**Cassowaries**

**Kiwis**

**Penguins**

**Albatrosses, Shearwaters and Petrels**

**Hérons, Bitterns, Storks, Ibises, Spoonbills,  
Hammerheads and Flamingos**

**Ibises and Spoonbills**

Royal Spoonbill

**Storks**

Black-necked Stork

**New World Vultures**

**Flamingos**

**Swans, Ducks and Geese**

**Swans, Ducks and Geese**

Freckled Duck

**Vultures, Ospreys, Falcons, Kites, Eagles, Harriers,  
Hawks, Secretary Birds and Buzzards**

**Pheasants, Quails, Grouse, Turkeys, Guineafowl,  
Megapodes (mound-nesters), Curassows and Guans**

**Megapodes or Mound-builders**

Malleefowl

**Cranes, Trumpeters, Rails, Bustards, Button-quails,  
Seriemas, Mesites and Finfoots**

**Button-quail**

Black-breasted Button-quail



**Family Gruidae**

All species

**Family Rallidae**

*Gallirallus sylvestris*

**Family Otididae**

*Ardeotis australis*

**Order Charadriiformes**

All species except *Larus novaehollandiae* Silver Gull

**Order Columbiformes**

**Family Columbidae**

*Ptilinopus regina*

**Order Psittaciformes**

**Family Cacatuidae**

*Cacatua pastinator*

*Callocephalon fimbriatum*

*Calyptorhynchus* spp.

*Probosciger aterrimus*

**Family Psittacidae**

*Ara ararauna*

*Ara chloroptera*

*Ara macao*

*Anodorhynchus hyacinthinus*

*Cyanoramphus unicolor*

*Cyclopsitta diophthalma*

*Eclectus roratus macgilivrayi*

*Lathamus discolor*

*Neophema chrysogaster*

*Neophema petrophila*

*Nestor meridionalis meridionalis*

*Nestor meridionalis septentrionalis*

**Cranes**

**Rails, Crakes, Moorhens and Coots**

Lord Howe Island Woodhen

**Bustards**

Australian Bustard

**Plovers, Sandpipers, Stilts, Snipes, Oystercatchers, Curlews and Sheathbills**

**Pigeons and Doves**

**Pigeons and Doves**

Rose-Crowned Fruit Dove

**Cockatoos and Parrots**

**Cockatoos**

Western Long-billed Corella

Gang Gang Cockatoo

Black Cockatoos

Palm Cockatoo

**Parrots**

Blue and Yellow Macaw

Green-winged Macaw

Scarlet Macaw

Hyacinth Macaw

Antipodes Island Green Kakariki

Double-eyed Fig-parrot

Eclectus Parrot (Australian subspecies)

Swift Parrot

Orange-bellied Parrot

Rock Parrot

South Island Kaka

North Island Kaka

*Nestor notabilis*

Kea

*Psephotus chrysopterygius*

Golden-shouldered Parrot

*Strigops habroptilus*

Kakapo

**Order Cuculiformes**

**Cuckoos, Touracos and Hoatzins**

All species

**Order Strigiformes**

**Owls**

All species

**Order Caprimulgiformes**

**Nightjars, Frogmouths, Potoos and Oilbirds**

All species except *Podargus strigoides*

Tawny Frogmouth

**Order Coraciiformes**

**Kingfishers, Rollers, Hornbills and Allies**

**Family Alcedinidae**

**Kingfishers and Kookaburras**

*Todiramphus sanctus*

Sacred Kingfisher

**Order Passeriformes**

**Perching Birds**

**Family Pittidae**

**Pittas**

All species

**Family Menuridae**

**Lyrebirds**

All species

**Family Maluridae**

**Fairy-wrens**

*Malurus lamberti lamberti*

Variegated Fairy-wren

**Family Meliphagidae**

**Honeyeaters**

*Lichenostomus melanops cassidix*

Helmeted Honeyeater

*Manorina melanotis*

Black-eared Miner

*Xanthomyza phrygia*

Regent Honeyeater

**Family Passeridae**

**Finches and Mannikins**

*Emblema bella*

Beautiful Firetail

*Stagonopleura oculata*

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 bruijni*

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 harrisi*

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**

*Phascolarctos cinereus*

Koala

**Family Vombatidae**

**Wombats**

<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
<i>Macropus irma</i>	Western Brush Wallaby
<i>Onychogalea fraenata</i>	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*

Aardvark

**Order Sirenia**

**Dugongs and Manatees**

All species

**Order Proboscidea**

**Elephants**

All species

**Order Perissodactyla**

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

All species except the following—

*Equus asinus* Domestic Donkey

*Equus caballus* Domestic Horse

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

All species except the following—

*Bos taurus* Domestic Cattle

*Bos indicus* Domestic Cattle

*Capra hircus* Domestic Goat

*Lama glama* Llama

*Lama pacos* Alpaca

*Ovis aries* Domestic Sheep

*Sus scrofa* Domestic Pig, Wild Boar

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

All species except the following—

*Notomys alexis* and *Pseudomys australis*

*Cavia porcellus* Guinea Pig

*Mus musculus* House Mouse

*Notomys alexis* Spinifex Hopping-mouse

*Pseudomys australis* Plains Mouse

*Rattus norvegicus* Norwegian Rat

*Rattus rattus* Black Rat

**Order Cetacea** **Whales and Dolphins**

All species

## Part 7 Hybrids

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

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

section 5(1)(h)

*Bos taurus* and *Bos indicus* Domestic Cattle

*Camelus dromedarius* Arabian Camel

*Canis lupus familiaris* 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

section 45

<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 2021</i></b>	
Section 20	\$200
Section 21(1)–(3)	\$200
Section 22	\$200
Section 23(1) or (2)	\$200
Section 24(1)	\$200
Section 25(2)	\$200
Section 26	\$200
Section 27(1) or (2)	\$200
Section 28	\$200
Section 29	\$200
Section 30	\$200

Section 32(1)(c)	\$200
Section 33(1) or (2)	\$200
Section 35	\$200
Section 36(2), (4), (5) or (7)-(9)	\$200
Section 37	\$200
Section 38	\$200
Section 40(3)	\$200