



Exhibited Animals Act 2015

Exhibited Animals Regulation 2016

Current as at 1 July 2016—revised version

Reprint note

Schedule 3 of this regulation was disallowed by resolution of the Legislative Assembly passed on 17 August 2016. This version was updated on 18 August 2016.

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Queensland

Exhibited Animals Regulation 2016

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
3	Definitions	3
Part 2	Authorised animals	
4	Authorised animals (category C1)—Act, s 35	3
Part 3	Mandatory conditions of exhibited animal authorities	
Division 1	Preliminary	
5	Definitions for part	3
6	Mandatory conditions of exhibited animal authority—Act, s 69 ..	5
Division 2	Conditions about identifying authorised animals	
Subdivision 1	Authorised animals generally	
7	Identifying species of animal in an enclosure	5
Subdivision 2	Authorised animals other than group animals	
8	Application of subdivision	5
9	Identifying particular authorised animals (category B)	5
10	Identifying other authorised animals (category B) and authorised animals (category C)	6
11	Exemption from and alternative to identifying animal in a prescribed way 7	
Subdivision 3	Other conditions	
12	Notifying loss of required record	7
13	Desexing adult rabbit	8
14	Notice of arrival in and departure from the State for interstate exhibitors permit	8
Part 4	Record requirements	
15	Record requirements—Act, s 86	9
16	Recording information	9

Contents

17	Keeping record of information	10
18	Giving record of information	10
Part 5	Miscellaneous	
19	Fees	10
Part 6	Transitional provision	
20	Condition of particular exhibited animal authority	11
Schedule 1	Authorised animals category (C1)	12
Schedule 2	Required information	13
Schedule 4	Dictionary	18

Exhibited Animals Regulation 2016

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Exhibited Animals Regulation 2016*.

2 Commencement

This regulation commences on 1 July 2016.

3 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

Part 2 Authorised animals

4 Authorised animals (category C1)—Act, s 35

For section 35(2) of the Act, each authorised animal (category C) mentioned in schedule 1 is an authorised animal (category C1).

Part 3 Mandatory conditions of exhibited animal authorities

Division 1 Preliminary

5 Definitions for part

In this part—

group animal means any of the following authorised animals—

- (a) an animal of a species exhibited in a group of animals of the species (the **exhibited group**), if—
 - (i) the exhibited group is of a size making it impracticable to identify the animal as a particular animal; and
 - (ii) animals of the species would normally live in the wild in groups no smaller than the exhibited group;

Example of an animal for paragraph (a)—

a school of fish of a species that in the wild would live in schools

- (b) an animal of a species that, on average, has a life expectancy of less than 3 years;
- (c) an animal that, as an adult animal in the wild, would normally weigh less than 20g;
- (d) an immature vertebrate that is dependent on the care of an adult animal for its survival;
- (e) an animal whose immature form makes it impracticable to identify the animal as a particular animal.

Example of an animal for paragraph (e)—

a clutch of eggs being incubated

prescribed way, for identifying an authorised animal as a particular animal, means—

- (a) a microchip inserted into the animal from which a unique identifying code for the animal can be reproduced; or
- (b) a tattoo on the animal's skin showing a unique identifying code for the animal; or
- (c) an ear tag or leg band attached to the animal showing a unique identifying code for the animal.

6 Mandatory conditions of exhibited animal authority—Act, s 69

This part prescribes, for section 69(1)(1) of the Act, mandatory conditions of an exhibited animal authority.

Division 2 Conditions about identifying authorised animals

Subdivision 1 Authorised animals generally

7 Identifying species of animal in an enclosure

It is a condition of an exhibited animal authority that if an authorised animal is in an enclosure, the authority holder must ensure there is attached to the enclosure, in a prominent position, a sign stating the scientific and common names of the species of the animal.

Subdivision 2 Authorised animals other than group animals

8 Application of subdivision

This subdivision does not apply to a group animal.

Note—

Some authorised animals are group animals only while they are at a particular stage of their development. See section 5, definition *group animal*, paragraphs (d) and (e).

9 Identifying particular authorised animals (category B)

(1) It is a condition of an exhibited animal authority that the authority holder must ensure—

(a) an authorised animal (category B) that is a frog, glider or rodent is identified as a particular animal—

[s 10]

- (i) in a prescribed way; or
- (ii) in another way that effectively identifies the animal as a particular animal; and

Example of another way—

by a photograph showing distinguishable markings or colourations on the animal

- (b) an authorised animal (category B) that is a dingo or rabbit is identified as a particular animal in a prescribed way.
- (2) In this section—
dingo means a dingo (*Canus lupus dingo*).

10 Identifying other authorised animals (category B) and authorised animals (category C)

- (1) This section applies to an exhibition licence or an interstate exhibitors permit for—
- (a) an authorised animal (category B), other than an animal mentioned in section 9; or
 - (b) an authorised animal (category C).
- (2) It is a condition of the exhibition licence that the authority holder must ensure the authorised animal is identified as a particular animal—
- (a) in a prescribed way; or
 - (b) in another way that effectively identifies the animal as a particular animal.
- (3) However, if the authorised animal is exhibited outside its regular enclosure or a regular enclosure site under the exhibition licence, it is a condition of the licence that the authority holder must ensure the animal is identified as a particular animal in a prescribed way.
- (4) It is a condition of the interstate exhibitors permit that the authority holder must ensure the authorised animal is identified as a particular animal in a prescribed way.

Note—

See section 20.

11 Exemption from and alternative to identifying animal in a prescribed way

- (1) Despite sections 9 and 10, an authority holder is not required to ensure an authorised animal is identified in a prescribed way if the holder obtains a signed certificate (an *exemption certificate*) from a veterinary surgeon stating that identifying the animal in the prescribed way would pose a serious risk to its health.
- (2) However, if the authority holder obtains an exemption certificate for an authorised animal, it is a condition of the authority that the holder must ensure the animal is identified in a way, other than a prescribed way mentioned in the certificate, that effectively identifies the animal as a particular animal.

Subdivision 3 Other conditions

12 Notifying loss of required record

- (1) It is a condition of an exhibited animal authority that if the authority holder loses a required record, the holder must give the chief executive notice of the loss, as soon as practicable but no later than 7 days after the loss.
- (2) In this section—
loss, of a required record, includes—
 - (a) the destruction or theft of the record; and
 - (b) for a record in paper form—damage to the record causing it to be illegible; and
 - (c) for a record in electronic form—inability to reproduce the record in a legible form.

required record means a record of information the authority holder is required to keep under section 17.

13 Desexing adult rabbit

- (1) This section applies to an exhibited animal authority for an authorised animal that is an adult rabbit.
- (2) It is a condition of the authority that the authority holder must—
 - (a) ensure the rabbit is desexed and obtain a signed certificate from a veterinary surgeon or veterinary practitioner stating the rabbit has been desexed; or
 - (b) obtain a signed certificate from a veterinary surgeon stating that desexing the rabbit would pose a serious risk to its health.
- (3) The authority holder must comply with subsection (2)—
 - (a) if the holder obtains the rabbit as an adult rabbit—as soon as practicable after obtaining the rabbit; or
 - (b) otherwise—no later than when the rabbit is 6 months old.
- (4) In this section—

adult rabbit means a rabbit that is at least 6 months old.

desex, for a rabbit, means to surgically remove the rabbit's gonads to make it permanently incapable of reproducing.

veterinary practitioner see the *Veterinary Surgeons Act 1936*, schedule.

14 Notice of arrival in and departure from the State for interstate exhibitors permit

- (1) It is a condition of an interstate exhibitors permit that the authority holder must, at least 14 days before bringing an authorised animal into the State, give the chief executive a notice stating—

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- (a) the day the animal is to be brought into the State (the *arrival day*); and
 - (b) the day the animal is to be removed from the State (the *departure day*).
- (2) It is also a condition of the permit that if, after giving the notice, the authority holder expects, or ought reasonably to expect, it will be necessary to change the arrival day or departure day, the authority holder must, as soon as practicable, give the chief executive notice of the change.

Note—

See section 68(3) of the Act for the maximum term of an interstate exhibitors permit.

Part 4 Record requirements

15 Record requirements—Act, s 86

This part prescribes, for section 86(1) of the Act, record requirements for the holder of an exhibited animal authority for exhibiting or dealing with an authorised animal.

16 Recording information

- (1) The authority holder must make a written record of—
 - (a) the information mentioned in schedule 2, part 1 for each species of authorised animal; and
 - (b) the information mentioned in schedule 2, part 2 for each authorised animal.
- (2) The authority holder must make the record of the information as soon as practicable, but no later than 7 days, after the holder becomes aware, or ought reasonably to have become aware, of the information.

17 Keeping record of information

- (1) The authority holder must keep the record of the information for an authorised animal until the end of the first of the following periods to end in relation to the animal—
 - (a) if the record relates to an authorised animal that has died—2 years after the animal’s death;
 - (b) if the record relates to an authorised animal that has stopped being an authorised animal under the exhibited animal authority—2 years after the animal has stopped being an authorised animal;
 - (c) if the exhibited animal authority ends—2 years after the authority ends;
 - (d) if the authority holder stops being the holder of the authority—2 years after the holder stops being the holder.
- (2) The holder of an exhibition licence must keep the record of the information for an authorised animal at each premises where a regular enclosure site for the animal is located.

18 Giving record of information

- (1) This section applies to the holder of an exhibition licence for an authorised animal who sells or gives the animal to a person under section 42 of the Act.
- (2) The holder must give the person a copy of the record of the information for the animal when the person takes possession of the animal.

Part 5 Miscellaneous

19 Fees

The fees payable under the Act are mentioned in schedule 3.

Part 6 **Transitional provision**

20 **Condition of particular exhibited animal authority**

- (1) This section applies to an exhibited animal authority for an authorised animal to which section 10 applies—
 - (a) if the authority holder possessed the animal immediately before the commencement; and
 - (b) while the authority holder possesses the animal.
- (2) It is a condition of the exhibited animal authority that the holder must ensure the authorised animal is identified as a particular animal—
 - (a) in a prescribed way; or
 - (b) in another way that effectively identifies the animal as a particular animal.
- (3) While the condition mentioned in subsection (2) applies, a condition mentioned in section 10(3) or (4) does not apply to the exhibited animal authority for the authorised animal.

Schedule 1 Authorised animals category (C1)

section 4

blue poison arrow frog (*Dendrobates azureus*)

cotton top tamarin (*Saguinus oedipus*)

radiated tortoise (*Geochelone radiata*)

Schedule 2 Required information

section 16

Part 1 Species of authorised animals

- 1 The common and scientific names of each species of authorised animal.
- 2 The number of authorised animals of each species of authorised animals, so far as is reasonably practicable to find out the number.
- 3 If there is a change to the number of authorised animals of a species—
 - (a) the reason for the change, including, for example, an increase because of the birth or introduction of an animal of the species or a decrease because of the death, transfer or escape of an animal of the species; and
 - (b) the day the change happened.

Part 2 Authorised animals

Division 1 General information

- 1 For an authorised animal other than a group animal—
 - (a) information identifying the animal as a particular animal, including, for example, a unique identifying code that is shown on an ear tag or leg band attached to the animal or that can be reproduced from a microchip inserted in the animal; and
 - (b) the sex of the animal; and

- (c) if the animal was produced by other authorised animals under the exhibited animal authority, the following information, if practicable to obtain—
 - (i) information identifying the sire and dam of the animal;
 - (ii) the date of the animal's birth;
 - (iii) the location of the place of the animal's birth, including, for example, the location of the enclosure in which the birth happened;
 - (iv) the number of offspring in the litter, whether alive or dead.
- 2 If the authority holder acquires 1 or more authorised animals otherwise than as mentioned in item 1(c), the following information—
 - (a) the name and address of the person (the *transferor*) from whom the animals were acquired;
 - (b) for animals other than group animals—the number of animals acquired;
 - (c) for group animals—the number of animals acquired so far as is reasonably practicable to find out the number;
 - (d) the day the animals were acquired;
 - (e) if the transferor held an exhibited animal authority or a similar authority for the animals when they were transferred—
 - (i) the identification number for the authority, if any; and
 - (ii) the day the authority is to end or, if the authority has ended, the day it ended.
- 3 If the authority holder sells or gives 1 or more authorised animals to another person (the *transferee*), the following information—
 - (a) the name and address of the transferee;

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- (b) if the transferee took possession of the animals when they were sold or given, the day the transferee took possession of the animals;
 - (c) if the authority holder sent the animals to the transferee, the day they were sent;
 - (d) for animals other than group animals—the number of animals sold or given to the transferee;
 - (e) for group animals—the number of animals sold or given to the transferee, so far as is reasonably practicable to find out the number;
 - (f) if the transferee is the holder of an exhibited animal authority or a similar authority for the animals—
 - (i) the identification number for the authority, if any; and
 - (ii) the day the authority is to end.
- 4 The number of progeny of an authorised animal, if known.
- 5 If an authorised animal dies, the following information—
- (a) the day the animal died, if known, or otherwise the day the authority holder became aware of the death;
 - (b) the cause of the animal's death, if known, or the apparent cause of the death;
 - (c) the location of the place where the animal died;
 - (d) if the animal died at a place outside an authorised enclosure or regular enclosure site for the animal—the circumstances in which the animal was at the place.

Division 2 Exhibition information

- 1 For exhibiting an authorised animal that is not a group animal under an exhibition licence outside its regular enclosure, or for exhibiting a single group animal or a group of group animals under an exhibition licence, or for exhibiting an

authorised animal under an interstate exhibitors permit, the following information—

- (a) each day the animal or group is exhibited;
 - (b) the times each exhibition starts and ends;
 - (c) each location where the animal or group is exhibited;
 - (d) for an exhibition including a public interaction involving the animal or group—the time, if any, taken to move the animal or group from the place where it is kept (the *place of origin*) to the place where the public interaction is carried out and to return it to the place of origin.
- 2 For exhibiting an authorised animal that is not a group animal under an exhibition licence in its regular enclosure, either—
- (a) the information required under item 1; or
 - (b) the following information—
 - (i) the species of the animal;
 - (ii) the information required under division 1, item 1(a), to identify the animal;
 - (iii) the days and times the animal was not exhibited in the enclosure while other authorised animals of the species were exhibited in the enclosure.

Division 3 Health information

- 1 Whether or not an authorised animal has an illness or injury requiring treatment by a veterinary surgeon.
- 2 If the animal has an illness or injury mentioned in item 1, the following information—
 - (a) the condition or symptoms of the illness or injury;
 - (b) the day the condition or symptoms were first noticed;
 - (c) the name of the person who first noticed the condition or symptoms;

- (d) details of a veterinary surgeon's diagnosis of the illness or injury, including the day the diagnosis is given;
 - (e) details of the treatment administered to the animal for the illness or injury, including the day each treatment is administered;
 - (f) details of any test carried out for the condition or symptoms, including the type of the test and the day it is carried out;
 - (g) the results of the treatment administered to the animal.
- 3 If an authorised animal has had a vaccination, the type of vaccination and the day it is administered.
 - 4 If an authorised animal has undergone surgery, the type of surgery and the day the surgery was performed.
 - 5 The name and contact details of the veterinary surgeon, or any other person, who has vaccinated, performed surgery on, or otherwise treated an authorised animal as mentioned in items 2 to 4.

Division 4 Quarantine information

- 1 If an authorised animal is kept in quarantine—
 - (a) the location of the place where the animal is kept; and
 - (b) if the place is an authorised enclosure identified under an exhibited animal authority, information to identify the enclosure; and
 - (c) if the place is an authorised enclosure of a type identified under an exhibited animal authority, a description of the enclosure; and
 - (d) the day the animal started being kept in quarantine; and
 - (e) the day the animal stopped being kept in quarantine.

Schedule 4 Dictionary

section 3

full-time equivalent employee, of an applicant for the grant, renewal, or restoration of an exhibition licence, means an employee of the applicant who ordinarily works for the applicant for at least 35 hours each week.

group animal see section 5.

prescribed way, for identifying an authorised animal as a particular animal, see section 5.

quarantine, for keeping an exhibited animal, means keeping the animal isolated from persons or other animals as required by the Act, the Biosecurity Act or a law of the Commonwealth.

rabbit means a European rabbit (*Oryctolagus cuniculus*).

similar authority means—

- (a) an authority under the Nature Conservation Act to use or keep an animal; or
- (b) an authority (however described) under a corresponding law to the Act that is similar to an exhibition licence or interstate exhibitors permit.

veterinary surgeon see the *Veterinary Surgeons Act 1936*, schedule.