



# Exhibited animals legislation

Decision Regulatory Impact Statement

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## Summary

The Queensland Government has prepared the Exhibited Animals Legislation Decision Regulatory Impact Statement (Decision RIS) to inform a new regulatory framework for animal exhibition. The new framework will minimise risks to animal welfare, biosecurity and safety.

## Background

Exhibition of animals in Queensland has a range of economic, social and other benefits; however, it also entails risk. Risks include the potential for:

- animal welfare problems
- wild animals to establish as pests and to spread disease
- wild animals to cause human injury and death.

Also, the demand for animals may trigger illegal and unsustainable taking of animals from the wild.

The current Queensland legislation regulating animal exhibition is fragmented. Some exhibitors need multiple licences (each with their own fees and processes) because they are regulated under more than one Act. Also, there are gaps in coverage of some human safety and animal welfare risks. Some species cannot be exhibited at all, even if the associated risks can be minimised.

It is unlikely that all exhibitors would participate in an industry self-regulation scheme if regulation of the industry was minimised. Under minimal regulation, it would be more difficult to enforce the current prohibitions on private keeping of the vast majority of exotic and native animals (particularly vertebrates) and some exotic fish. The result of patchy self-regulation and increased incidence of private keeping would likely be an increase in risks to animal welfare, biosecurity and public safety as well as an increase in black market demand for animals illegally taken from the wild. Even low levels of unmitigated risk under self-regulation could have very serious consequences not just for visitors to exhibitions but also for the broader community.

## Regulatory Impact Statement Process

The Queensland Government released a Consultation Regulatory Impact Statement (Consultation RIS) to the public in November 2013. The Consultation RIS explored options for Queensland Government intervention in the exhibited animals industry, enabling animal exhibition while minimising risks to animal welfare, biosecurity and public safety.

The recommendation for the most beneficial regulatory option in this Decision RIS is informed by the Consultation RIS but also significant subsequent public feedback on proposed legislation to implement the recommended option. This Decision RIS considers all submissions received during the consultation process as well as on a Bill for the recommended option, the *Exhibited Animals Bill 2014*, which was introduced to the Queensland Parliament in October 2014 but lapsed when Parliament was dissolved for the 2015 State election. The Decision RIS provides an analysis of the public feedback in section 5, and includes a detailed summary of submissions in Appendix 3.

Some fees and figures in the Decision RIS vary from those in the Consultation RIS. The adjustments reflect increases in fees above those predicted in the Consultation RIS.

## Options Considered

The Consultation RIS considered a number of options:

- Option 1—retain existing provisions
- Option 1A—retain existing provisions with 44% fee increase
- Option 2—no industry-specific legislation
- Option 2A—minimal legislative intervention to allow industry self-regulation
- Option 3—develop new legislation.

The preferred option of the Consultation RIS was Option 3. The proposed new legislation would impose a general obligation on exhibitors of animals to minimise risks to animal welfare, biosecurity and human safety. This general obligation would apply to most exhibitors of exotic animals and native animals regardless of whether they require a licence under the legislation. Codes of practice would clarify some aspects of the general obligation.

Only those exhibitors who currently need a licence would need a licence under the new legislation. There would be only one licence type. Exhibitors who currently require multiple licences would be able to exhibit under one licence. Licences would be granted for up to 3 years.

The new legislation would place more emphasis on monitoring licensed animal exhibitors to verify they are complying with their obligations. Site visits to conduct an official assessment of compliance would be charged to the exhibitor. To create an economic incentive for best practice, the frequency of visits would depend on the compliance record of the exhibitor. To encourage self-regulation, a report by an accredited private assessor could generally be relied on for deciding renewal applications. Safeguards would maintain the integrity of the private assessment scheme.

Current licence fees do not recover all current costs, especially when compliance monitoring across all legislative requirements is considered. Further, small exhibitors currently subsidise larger ones and fees for permits to exhibit exotic animals are much lower than those to exhibit native animals.

Under the new legislation, exhibitors who undertake more complex activities would pay higher fees. Small demonstrators of native animals, who make up the majority of exhibitors, would pay either less or around the same as present. The few large exhibitors would pay much higher fees than they do presently. Those who exhibit exotic animals only (magicians, circuses and two zoos) would also pay higher fees compared to the current very low rate.

Under the new legislation, the total annual cost (including site visit charges) to the Queensland industry would be about \$183 000 in 2015-16; the total cost would be expected to increase to around \$128 000 if the current legislation was retained. The new cost is approximately 0.2% of the Queensland industry's total annual expenditure, which is broadly estimated to be \$100 million.

## **Consultation**

The Queensland Government made the Consultation RIS available for public comment for 84 days, from 25 November 2013 to 10 February 2014. Twenty-five interested parties submitted comments, including zoos and other fixed exhibitors, wildlife demonstrators, Queensland and interstate circuses and interested members of the public.

The majority of respondents favoured developing new legislation—Option 3. Feedback received during the consultation period informed this Decision RIS.

This Decision RIS was also informed by further consultation during development of, and a Parliamentary Committee inquiry into, the *Exhibited Animals Bill 2014* which was introduced into the Queensland Parliament in October 2014 but lapsed when Parliament was dissolved for the 2015 State election.

## **Recommendations**

The Decision RIS recommends developing new legislation—Option 3—to regulate the exhibition of animals in Queensland. The benefits and support identified during the Decision RIS process highlighted Option 3 as the best approach.

## 1 Issues statement

Animals are kept in captivity in Queensland for many reasons including private recreation, exhibition and commerce. Domestic animals (common pets and farm animals) and some wild native animals (such as sulphur-crested cockatoos) can be kept privately without a licence by any person in Queensland. Other native animals (such as carpet pythons) can be kept privately under a licence; however, the private keeping of many other native and exotic animals is generally not permitted in Queensland or in any other Australian jurisdiction.

There are good reasons for regulating the keeping of wild animals. These include the potential for:

- animal welfare problems
- wild animals to establish as pests and to spread disease
- wild animals to cause human injury and death.

There are many examples from around the world of such risks being realised. For example:

- In 2006, a major Canadian zoo, the Greater Vancouver Zoo, was charged with animal cruelty for failing to provide adequate facilities for a baby hippopotamus that was confined in a small concrete pen for 19 months.<sup>1</sup>
- In Europe, 82 non-indigenous terrestrial vertebrate species have been introduced as a consequence of escapes from zoological parks.<sup>2</sup> For example, in 1969 a single pair of Himalayan porcupines escaped from a wildlife park in England and the resultant population attacked crops and stripped bark from trees.
- In December 2006 there were two separate attacks by a Siberian tiger named Tatiana at the San Francisco Zoo. In the first incident, the tiger clawed and bit the arm of a zookeeper during a public feeding. In the second incident, the tiger escaped from her open-air enclosure then killed one person and injured two others before being shot dead.

Also, the demand for animals may trigger illegal and unsustainable taking of animals from the wild.

The exhibition of native and exotic animals is, however, an important contributor to the economy as well as a valued educational and cultural activity. Appendix 1 provides further information about the public benefits of the exhibited animals industry in Queensland.

Because of these public benefits, the keeping of many species of wild animals for exhibition (as opposed to private keeping, which has mostly private benefits) is allowed in Queensland. To overcome the general prohibitions on keeping many species in Queensland, legislation allows for licences to be granted to exhibitors. Without such legislation, the vast majority of exotic and native animals (particularly vertebrates) and some exotic fish could not be exhibited in Queensland. Currently, a large proportion of exhibitors keep these species under licence.

As of August 2012, 135 entities held licences to exhibit animals under Queensland legislation. These include single-person part-time operations, large well-known commercial enterprises (such as Australia Zoo and Sea World) and not-for-profit organisations (such as

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<sup>1</sup> The charges were stayed in 2007 when a new habitat for hippopotamuses was opened.

<sup>2</sup> Fàbregas, M, Guillén-Salazar, F & Garcés-Narro, C 2010, 'The risk of zoological parks as potential pathways for the introduction of non-indigenous species', *Biological Invasions*, DOI: 10.1007/s10530-010-9755-2.

Currumbin Wildlife Sanctuary). Appendix 1 provides further information about the exhibited animals industry in Queensland.

The economic and social benefits of exhibiting animals are widely accepted and the community demand for such activities is known. However, the risks outlined above related to keeping wild animals are also present when they are kept for exhibition and need to be managed. Apart from the risks related to the taking of animals from the wild, the risks fall into three clear categories: animal welfare, biosecurity and safety.

- Animal welfare risks are minimised when an animal's needs for food and water are met, it has appropriate accommodation or living conditions, it can express normal behaviours, it is handled appropriately and it receives veterinary care as required. Management of these risks often requires, among other things, that keepers are sufficiently trained and experienced. Failure to manage animal welfare risks could result in pain and suffering for animals and lead to high rates of mortality.
- Biosecurity risks associated with the industry relate to the potential for wild animals to establish as pests and to spread disease. Failure to manage biosecurity risks could adversely impact the economy (e.g. if a pest or disease had a significant impact on agricultural production), human health, social amenity and the environment.
- Safety risks associated with the industry relate to the potential for exhibited animals to cause human injury or death and compromise community safety (e.g. if dangerous animals are released or escape from captivity).

An enormous range of factors affect the likelihood and consequences of these risks in any given circumstances, and so it is difficult to quantify the risks in any meaningful way. However, it is possible to qualitatively assess how certain measures taken by an exhibitor might affect the likelihood and consequences of these risks and how a regulatory regime might influence what measures an exhibitor may take to address these risks.

While exhibitors would be the people most affected by how these risks are addressed, all community members have an interest in ensuring that any government intervention to address these risks achieves an appropriate balance between reasonably allowing exhibition and minimising the risks involved. Primary industry peak bodies, environmentalists and animal welfare groups have particular views on the importance of minimising certain risks.

Under current arrangements, an exhibitor may require a licence under one or more of the following:

- *Nature Conservation Act 1992* (to keep a range of native animals)
- *Land Protection (Pest and Stock Route Management) Act 2002* (to keep a range of exotic animals)
- *Fisheries Act 1994* (to keep noxious fish or other fish regulated under that Act).

Licences are granted to keep animals for exhibition under these three Acts without consideration of the full spectrum of risks to animal welfare, biosecurity and safety that may be created or exacerbated by the activities. For example, the *Land Protection (Pest and Stock Route Management) Act 2002* does not provide for consideration of potential disease spread or animal welfare risks when licences are granted to keep declared pests. Conversely, the structure of the licensing framework under the *Land Protection (Pest and Stock Route Management) Act 2002* precludes exhibitors from exhibiting some exotic species that are allowed in other Australian jurisdictions even if they can demonstrably manage the risks to animal welfare, biosecurity and safety. There is some cross-



subsidisation of exhibitors under the various licence fee structures—large exhibitors pay the same as small exhibitors while fees to exhibit native animals are much higher than fees to exhibit exotic animals. The taxpayer is also subsidising the industry to the extent that licence fees do not recover the full cost of government provision of the licensing services.

The *Animal Care and Protection Act 2001* addresses animal welfare risks and adopts some codes of practice relevant to exhibited animals but does not apply to activities licensed under the *Nature Conservation Act 1992*. Some licensing decisions under the *Nature Conservation Act 1992* contemplate safety and animal welfare. However, even in combination these Acts do not provide comprehensive animal welfare standards for all species that are currently exhibited in Queensland.

The duty of care under the *Work Health and Safety Act 2011* applies to workplaces where animals are exhibited, but there is no specific regulation of the industry under this Act.

A government review in 2006<sup>3</sup> identified shortcomings in the current legislative scheme for exhibited animals. These included gaps in its coverage of native and exotic exhibited animals, safety and animal welfare issues, and the need for some exhibitors to have multiple licences.

It is unclear to what extent the complexity, inconsistency and inequity of the current regulatory regime adds to the government's administration costs, impedes the development of the industry in Queensland and impacts the community. There would be some modest direct costs to the government and industry where exhibitors are required to obtain more than one licence and are required to comply with different procedural requirements under different legislation applying to noxious fish, exotic animals and native animals. The complexity and inconsistency of the arrangements may increase the time taken by both the government and industry to determine which requirements are applicable to a particular species kept by an exhibitor in a particular sector. It is unlikely that cross-subsidisation within the industry would significantly distort its structure because licence fees are likely to be only a small proportion of expenditure.

The continuation of the current approach would mean that:

- some risks to animal welfare, biosecurity and safety would remain unmanaged
- industry would continue to operate under multiple legislative and licensing schemes and pay multiple fees as a result, and the government would need to continue the administration of the relevant legislation and schemes
- current licensing restrictions would remain, some of which would be unjustified if the risks can be managed.

For these reasons, the Queensland Government sought public feedback on options to:

- better manage the risks to animal welfare, biosecurity and safety associated with keeping animals for exhibition
- enable the continued exhibition of animals in Queensland
- streamline the regulation of exhibitors to reduce its complexity and improve its consistency and equity.

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<sup>3</sup> Service Delivery and Performance Commission 2007, *Review of the roles and responsibilities of the Department of Natural Resources, Mines and Water, Environmental Protection Agency and Department of Primary Industries and Fisheries*, Queensland Government.

## 2 Policy objectives

The overarching policy objective of government intervention is to reasonably enable animal exhibition in Queensland while minimising risks to animal welfare, biosecurity and safety.

Consistent with its goal of reduced red tape, the government also aims to:

- simplify how it authorises the exhibition of animals that generally cannot be kept in Queensland without a licence
- establish a cohesive, comprehensive and consistent framework to consolidate and streamline how it addresses risks to animal welfare, biosecurity and public safety
- allow a greater range of species to be exhibited in Queensland, provided the risks can be minimised.

Where applicable, the government also aims to ensure that fees:

- are set with consideration for the full cost of providing services<sup>4</sup>
- are equitable and reflect the resources required to authorise and monitor exhibitors of different scale and complexity
- create an economic incentive for industry members to proactively minimise risks to animal welfare, biosecurity and safety.

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<sup>4</sup> Consistent with section 18 of the Financial and Performance Management Standard 2009 (under the *Financial Accountability Act 2009*), which provides that, when setting charges for services, the full cost of providing the services must be considered.

### 3 Options and alternatives considered

This section describes the five options which were considered in the Consultation RIS, for government intervention to reasonably enable animal exhibition in Queensland while minimising risks to animal welfare, biosecurity and safety:

- Option 1—Retain existing provisions
- Option 1A—Retain existing provisions with a 44% fee increase
- Option 2—Have no industry-specific legislation
- Option 2A—Have minimal legislative intervention to allow industry self-regulation
- Option 3—Develop new legislation.

It also discusses approaches in other jurisdictions.

#### Option 1—Retain existing provisions

This option preserves the status quo for the industry; however, some or all of the existing legislative provisions could be consolidated into a single piece of legislation to increase their accessibility.

Animals that can be lawfully kept without an authority include:

- native birds that are listed as native exempt animals under the *Nature Conservation Act 1992* (such as sulphur-crested cockatoos)
- native invertebrates that are *not* listed as protected wildlife under the *Nature Conservation Act 1992*
- native fish that are *neither* listed as protected wildlife under the *Nature Conservation Act 1992* *nor* regulated under the *Fisheries Act 1992*
- exotic animals that are *not* listed as
  - declared pests under the *Land Protection (Pest and Stock Route Management) Act 2002* (such as many exotic invertebrates, birds and fish)or
  - international wildlife or prohibited wildlife under the *Nature Conservation Act 1992*.

Other animals can generally be kept under a licence. Separate licensing schemes apply to different industry sectors:

- demonstrators of native species—a wildlife demonstrator licence under the *Nature Conservation Act 1992*
- demonstrators and exhibitors of regulated and noxious fish—a general fisheries permit under the *Fisheries Act 1994*
- zoos and other fixed exhibitors of native species—a wildlife exhibitor licence under the *Nature Conservation Act 1992*
- zoos and other fixed exhibitors of exotic animals—a declared pest permit under the *Land Protection (Pest and Stock Route Management) Act 2002*
- exhibitors of exotic species in circuses, film and television—a declared pest permit under the *Land Protection (Pest and Stock Route Management) Act 2002*
- magic acts exhibiting rabbits—a declared pest permit under the *Land Protection (Pest and Stock Route Management) Act 2002*.

Some operators require multiple licences and therefore have to pay multiple licensing fees. For example, a zoo that keeps exotic species, native species and noxious fish may need a declared pest permit under the *Land Protection (Pest and Stock Route Management) Act*

2002, a wildlife exhibitor licence under the *Nature Conservation Act 1992* and a general fisheries permit under the *Fisheries Act 1994*.

However, a licence cannot be granted to allow keeping of some species of animal at all or may only be granted for keeping some species of animal for certain types of exhibition.

- Under the *Land Protection (Pest and Stock Route Management) Act 2002*, certain species are declared pests. The legislation lists which species of currently declared pests can be used for certain types of exhibition.<sup>5</sup> If a species of declared pest is not listed at all, a licence cannot be granted for exhibition of that pest in Queensland, even if it can be legally brought into other Australian states for exhibition and it is shown that the relevant risks associated with its exhibition in Queensland could be adequately mitigated. If a species of declared pest is listed for some type of exhibition but not for another type of exhibition, a licence cannot be granted for it to be used in the other type of exhibition even if the risks associated with that type of exhibition are comparable to or less than those for the type of exhibition for which it is listed.
- A wildlife demonstrator or wildlife exhibitor licence to keep a native animal under the *Nature Conservation (Wildlife Management) Regulation 2006* can only be granted to allow the use of a native animal for promoting an understanding of the ecology and conservation of protected, prohibited or international animals or for use in a film or television production. Other exhibition purposes (e.g. entertainment, including circus acts and magic acts) are precluded.

A declared pest permit can only be issued under the *Land Protection (Pest and Stock Route Management) Act 2002* if the pest is not likely to endanger safety and the introduction or keeping is not likely to lead to the spread of the pest in the state. There is no explicit requirement for consideration of the adequacy of measures to minimise risks to animal welfare and disease spread. However, the chief executive may impose reasonable conditions on the permit, including about:

- security enclosures for stopping the escape of a declared pest animal
- keeping records about a declared pest
- restricting the breeding, sale or movement of a declared pest
- stopping the spread of a declared pest
- providing appropriate shelter and care for a declared pest animal
- using a tag or other device to identify a declared pest
- maintaining adequate public liability insurance in relation to keeping a declared pest.

The *Biosecurity Act 2014*, due to commence before 1 July 2016, will replace relevant parts of the *Land Protection (Pest and Stock Route Management) Act 2002* and the *Fisheries Act 1994*. The *Biosecurity Act 2014* will continue to prohibit or restrict dealings with many pest potential animals except under a permit or if allowed under other Queensland or Commonwealth law. In particular the *Biosecurity Act 2014* outlines:

- 'Prohibited matter', which generally includes those animals that are class 1 declared pests under the *Land Protection (Pest and Stock Route Management) Act 2002* or noxious fish under the *Fisheries Act 1994*.
- 'Restricted matter', which includes most other animals that are currently declared pests under the *Land Protection (Pest and Stock Route Management) Act 2002* and noxious fish already found in Queensland.

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<sup>5</sup> See Schedule 3 of the *Land Protection (Pest and Stock Route Management) Regulation 2003*, which lists the pests and the purposes for which a declared pest permit may be granted.

The *Biosecurity Act 2014* does not contain provisions to authorise exhibitors to keep animals that are prohibited or restricted matter. It is anticipated that licences would be granted under new exhibited animals legislation. However, a regulation could be made under the *Biosecurity Act 2014* allowing permits to be granted for exhibition under certain conditions. It is assumed that these conditions would be consistent with those under the *Land Protection (Pest and Stock Route Management) Act 2002* and *Fisheries Act 1994*. Consequently it is assumed that commencement of the *Biosecurity Act 2014* would generally have little impact on regulation of the industry and it is not considered separately in this Decision RIS.

The *Animal Care and Protection Act 2001* imposes a duty of care on people in charge of most exhibited animals to take reasonable steps to provide appropriate food, water and accommodation or living conditions, and to provide for the animals' need to display normal patterns of behaviour. They also have a duty of care to ensure any handling of the animals is appropriate and to ensure that any disease of or injury to the animals is treated. However, a duty of care for the welfare of exhibited animals does not apply to activities licensed under the *Nature Conservation Act 1992*.

Some codes of practice adopted under the *Animal Care and Protection Act 2001* apply to the exhibition of exotic animals:

- Adherence to the *Queensland code of practice for the welfare of animals in circuses 2003*<sup>6</sup> is mandatory for animals exhibited in a circus.
- The *Queensland code of practice for the welfare of animals in film production*<sup>7</sup> would guide exhibitors using animals in film and television unless the activities were licensed under the *Nature Conservation Act 1992*. It would be admissible as evidence in a proceeding for an animal welfare offence as indicative of a reasonable standard of care.

The granting of a wildlife exhibitor licence under the *Nature Conservation Act 1992* is subject to the chief executive being satisfied that the exhibitor's facilities for housing or displaying the animal comply with the *Code of practice of the Australasian Regional Association of Zoological Parks and Aquaria—Minimum standards for exhibiting wildlife in Queensland* (the exhibition code). Prior to or when applying for a wildlife exhibitor licence, the applicant must submit an 'exhibit notice' that:

- describes the design of the facilities the person has built, or intends to build, for housing or displaying the animal
- states how the keeping and exhibition of the animal will comply with the exhibition code.

The granting of a wildlife demonstrator licence is not subject to the submission of an exhibit notice. However, the chief executive cannot grant a wildlife demonstrator licence or wildlife exhibitor notice if the chief executive reasonably believes the place where the animal is to be kept is not appropriate or does not have the appropriate facilities for keeping the animal. This includes if the place does not comply with a relevant code of practice approved under the *Nature Conservation Act 1992*. The exhibition code is a relevant code of practice, as is the *Code of practice—captive reptile and amphibian husbandry*.

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<sup>6</sup> The Queensland code of practice for the welfare of animals in circuses 2003 is currently a mandatory code of practice under the *Animal Care and Protection Act 2001*. It can be viewed online at <<http://www.business.qld.gov.au/industry/agriculture/animal-management/land-management-for-livestock-farms/welfare-and-transport-of-livestock/animal-welfare/overview-codes-practice/animal-welfare-codes-list>>.

<sup>7</sup> The Queensland code of practice for the welfare of animals in film production under the *Animal Care and Protection Act 2001* is currently a voluntary code of practice under the *Animal Care and Protection Act 2001*. It can be viewed online at <<http://www.business.qld.gov.au/industry/agriculture/animal-management/land-management-for-livestock-farms/welfare-and-transport-of-livestock/animal-welfare/overview-codes-practice/animal-welfare-codes-list>>.

There are some general requirements on exhibitors under the *Nature Conservation Act 1992* that are relevant to animal welfare, biosecurity and safety. For example, the Nature Conservation (Wildlife Management) Regulation 2006 requires that a person displaying an animal under either a wildlife demonstrator or wildlife exhibitor licence must display the animal in a way that minimises the likelihood of the animal's escape, the risk of injury to a person and the risk of injury or ill-health to the animal. If a person complies with the exhibition code, they are taken to comply with this requirement (or alternatively they may comply in another way). Further, the Nature Conservation (Wildlife Management) Regulation 2006 requires that animals:

- be kept in a secure cage or enclosure that prevents their escape and protects them from predators
- be supplied with shelter, ventilation and enough water and food to maintain their health and wellbeing
- have enough opportunities for exercise to maintain their health and wellbeing.

National standards and guidelines are currently being developed for keeping some exhibited animals. (Development and adoption of standards is subject to Queensland's regulatory impact statement system—if the impacts of the standards would be significant, the public would generally be consulted on an assessment of the impacts prior to a final decision to adopt the standards being made by the government.) Under Option 1 there would be no legislative framework to allow these to be adopted in their totality by regulation. Without major legislative amendments, implementation of any nationally developed standards and guidelines would be partial and inconsistent. References in the Nature Conservation (Wildlife Management) Regulation 2006 to the exhibition code could be amended to refer to the national standards as appropriate. However, there is currently no framework for the adoption of the national standards as mandatory codes of practice for native animals. If the national standards and guidelines were adopted under the *Animal Care and Protection Act 2001* as mandatory and voluntary codes of practice respectively, they would only apply to exhibition activities that were not licensed under the *Nature Conservation Act 1992*.

Native animals kept by a wildlife demonstrator under the *Nature Conservation Act 1992* for a period of more than 3 months must be exhibited at a site away from the licensed premises where the animals are kept at least once per month. The holder of a wildlife exhibitor licence does not have a minimum exhibition requirement.

An exhibitor must meet certain requirements for being open to the public before they can be granted a zoo permit under the *Land Protection (Pest and Stock Route Management) Act 2002* to allow them to keep listed declared pests. However, there are no minimum requirements for exhibition or keeping of declared pests for exhibition in a circus or film or television production, or for rabbits in a magic act.

Different fees are charged for each sector. Fees are generally increased annually in line with the consumer price index (CPI) and from time to time are reviewed in light of the full cost of providing the services.

Table 1 shows licence fees payable under the *Nature Conservation Act 1992* as at 1 July 2014 by the holders of wildlife exhibitor licences and wildlife demonstrator licences. These licences allow the display of protected native wildlife, international wildlife or prohibited wildlife for up to 3 years.

**Table 1** Licence fees under the *Nature Conservation Act 1992*

Type of licence	Fee (\$)		
	1 month or less	More than 1 month but not more than 1 year	More than 1 year but not more than 3 years
Wildlife demonstrator	158.75	773.85	2210.75
Wildlife exhibitor	233.70	1174.10	3361.65

Source: Nature Conservation (Administration) Regulation 2006

Under the *Nature Conservation Act 1992*, exhibitors are also required to obtain an approval or to give notice before moving native (and some exotic) species in many circumstances.

Table 2 shows the fees for amendments and other services under this Act as at 1 July 2014.

**Table 2** Associated fees under the *Nature Conservation Act 1992*

Item	Fee (\$)
Licence amendment	15.70
Wildlife movement permit	14.80
Wildlife movement advice	3.35
Record book (20 pages)	7.50
Record book (50 pages)	18.65

Source: Nature Conservation (Administration) Regulation 2006

Table 3 shows fees payable under the *Land Protection (Pest and Stock Route Management) Act 2002* by the holders of declared pest permits as at 1 July 2014. These permits allow the display of declared pests for up to 2 years in a circus, zoo, film and television production or magic act.

**Table 3** Fees under the *Land Protection (Pest and Stock Route Management) Act 2002*

Type of permit	Fee (\$)	
	New (for up to 2 years)	Renewal (for up to 2 years)
Declared pest permit for circus, zoo, film and television	Application fee (285.50) + permit fee (214.05) = 499.55	Permit fee only = 214.05
Declared pest permit for magic act	Application fee (42.65) + permit fee (85.55) = 128.20	Permit fee only = 85.55

Source: Land Protection (Pest and Stock Route Management) Regulation 2003

The fee payable under the *Fisheries Act 1994* for a general fisheries permit was \$285.55 as at 1 July 2014. This permit allows the holder to take and possess specified noxious or regulated fish for up to 3 years. The applicant may also need to cover the cost of any research or provide any additional information needed to assess the application.

Site visits are sometimes necessary to enable the chief executive to decide a licence application for a fixed exhibitor. This reflects that when deciding an application for a wildlife exhibition licence under the *Nature Conservation Act 1992*, the chief executive can only grant the licence if satisfied that the exhibitor's facilities for housing or displaying the animal comply with the exhibition code. Similarly, a site visit may be undertaken when deciding an application for a declared pest permit for a zoo under the *Land Protection (Pest and Stock Route Management) Act 2002* because the chief executive can only grant the permit if satisfied that the pest is not likely to endanger safety and the introduction or keeping is not likely to lead to the spread of the pest in the state. Site visits rarely occur before a licence is granted to a mobile exhibitor. Exhibitors are not liable for the cost of conducting site visits.

Once a licence has been granted, compliance with the legislation is monitored through occasional random inspections and complaint-triggered investigations.

Tables 4 and 5 show the licence application fees that would be payable in 2015–16 by the exhibitors of native and exotic animals if the existing fees were increased by 2.5%, the average of the Reserve Bank of Australia’s target range for inflation. The licence fee payable by the holder of a general fisheries permit would be \$292.65. Amendment application fees payable by the holder of a wildlife demonstrator licence or wildlife exhibitor licence would be \$16.15.

**Table 4** Estimated 2015–16 licence fees under Option 1 for the display of protected native wildlife, international wildlife or prohibited wildlife

Type of licence	Fee (\$)		
	1 month or less	More than 1 month but not more than 1 year	More than 1 year but not more than 3 years
Wildlife demonstrator	162.75	793.20	2266.05
Wildlife exhibitor	239.55	1203.45	3445.65

**Table 5** Estimated 2015–16 permit fees under Option 1 for the display of declared pests in a circus, zoo, film and television production or magic act

Type of permit	Fee (\$)	
	New (for up to 2 years)	Renewal (for up to 2 years)
Declared pest permit for circus, zoo, film and television	Application fee (292.65) + permit fee (219.40) = 512.05	Permit fee only = 219.40
Declared pest permit for magic act	Application fee (43.70) + permit fee (87.70) = 131.40	Permit fee only = 87.70

### Option 1A—Retain existing provisions with a 44% fee increase

Under Option 1A, the industry would continue to be regulated under the existing legislative scheme as detailed in Option 1. However, an across-the-board fee increase of 44% in addition to CPI increases would be implemented to achieve full cost recovery of licensing-related services provided by the government.

There is considerable inter-annual variability in the government’s licensing costs and revenue. This reflects a number of factors, including that licence renewals are not evenly distributed across a 6-year cycle.

Assuming the existing fees were increased by 2.5%<sup>8</sup> on 1 July 2015 and using the assumptions discussed later in this document about the numbers of transactions and exhibitors in future years, Biosecurity Queensland estimates that it would collect about \$128 000 under Option 1 in 2015–16.

Biosecurity Queensland estimates<sup>9</sup> that it will need to collect approximately \$184 000 in fees per year to cover the full cost of assessing applications (for licence renewals, new licences

<sup>8</sup> 2.5 % is in the middle of the target inflation range for the Reserve Bank of Australia.

<sup>9</sup> 2011–12 was the basis for many of the assumptions used in calculating the revenue likely to be collected annually, so the costs attributed to providing the services in 2011–12 were used as the basis for estimating the cost of services.



and licence amendments), developing licence conditions, checking annual returns and conducting adequate site visits<sup>10</sup> in 2015–16. This estimate allows for wages to increase by 2.5% per year, which is in the middle of the target inflation range for the Reserve Bank of Australia. A revenue increase of about 44% would be required to recover this amount. The Consultation RIS originally suggested an increase of 45%. The Queensland Government revised this figure to reflect that current fees increased by 3.5% per annum rather than 2.5% as was estimated in the Consultation RIS<sup>11</sup>. However, the projection between the 2014-15 financial year and the 2015-16 financial year has assumed a 2.5% increase.

Tables 6 and 7 show the licence application fees that would be payable in 2015–16 by the exhibitors of native and exotic animals if the existing fees were increased by 2.5% on 1 July 2015 and there was an across-the-board fee increase of 44%. The licence fee payable for a general fisheries permit would be \$421.40. Amendment application fees for a wildlife demonstrator licence or wildlife exhibitor licence would be \$23.20.

**Table 6** Estimated 2015–16 licence fees under Option 1A for the display of protected native wildlife, international wildlife or prohibited wildlife

Type of licence	Fee (\$)		
	1 month or less	More than 1 month but not more than 1 year	More than 1 year but not more than 3 years
Wildlife demonstrator	234.35	1142.25	3263.10
Wildlife exhibitor	344.95	1733.00	4961.75

**Table 7** Estimated 2015–16 permit fees under Option 1A for the display of declared pests in a circus, zoo, film and television production or magic act

Type of permit	Fee (\$)	
	New (for up to 2 years)	Renewal (for up to 2 years)
Declared pest permit for circus, zoo, film and television	Application fee (421.40) + permit fee (315.90) = 737.35	Permit fee only = 316.80
Declared pest permit for magic act	Application fee (62.95) + permit fee (126.25) = 189.20	Permit fee only = 126.25

## Option 2—Have no industry-specific legislation

Keeping of declared pests, most protected wildlife and noxious fish without an authority is prohibited under Queensland legislation. A large proportion of exhibitors currently exhibit declared pests, protected native animals and noxious fish. If there was no industry-specific legislative intervention providing authority for keeping of these species by exhibitors, the activities of a large proportion of exhibitors would be severely impacted.

For this reason, it is not considered feasible to remove all legislation relevant to the industry.

<sup>10</sup> Although there is no provision for recovery of site visit fees, some site visits are currently conducted.

<sup>11</sup> Because fees increased over projections in the Consultation RIS, a smaller increase was required to achieve full cost recovery for the service provided—44% rather than 45%.

## Option 2A—Have minimal legislative intervention to allow industry self-regulation

Under this option, most legislative provisions directly regulating the exhibition of animals would be removed and instead industry would be allowed to self-regulate.

Legislative intervention would not be wholly avoided under this option. Instead, exceptions for those keeping animals for exhibition would be made to the general prohibitions on keeping declared pests, native animals and noxious fish under the *Land Protection (Pest and Stock Route Management) Act 2002*, *Nature Conservation Act 1992* and *Fisheries Act 1994* respectively. The government would not need to be informed before an exhibitor began keeping and exhibiting animals under an exception.

Workplace health and safety requirements that apply to people who deal with animals generally would continue to apply to the industry. For example, in the case of potentially dangerous animals, the duty of care under the *Work Health and Safety Act 2011* would be relevant. Enforcement of safety requirements would largely be reactive—the government would not be aware of exhibitors unless they were informed by the exhibitor or by a member of the public and there would be no requirement to demonstrate to the government that safety risks were being minimised before an exhibitor began keeping and exhibiting animals.

The duty of care under the *Animal Care and Protection Act 2001* would continue to apply to exhibited exotic animals, but (unless that Act was amended) it would not apply to the keeping and exhibition of native animals because these activities would be authorised under the *Nature Conservation Act 1992*.<sup>12</sup> The relevant existing codes of practice adopted under the *Animal Care and Protection Act 2001* would continue to apply to exotic animals (but not native animals). Adherence to the *Queensland code of practice for the welfare of animals in circuses 2003*<sup>13</sup> would continue to be mandatory for exotic animals exhibited in a circus. The *Queensland code of practice for the welfare of animals in film production*<sup>14</sup> would continue to guide exhibitors using exotic animals in film and television. It would be admissible as evidence in a proceeding for an animal welfare offence as indicative of a reasonable standard of care. Enforcement of the animal welfare requirements would largely be reactive—the government would not be aware of exhibitors unless they were informed by the exhibitor or by a member of the public and there would be no requirement to demonstrate to the government that animal welfare risks were being minimised before an exhibitor began keeping and exhibiting animals.

There would be no general requirement for exhibitors to minimise biosecurity risks until the *Biosecurity Act 2014* commences<sup>15</sup> and there would be no requirement to demonstrate to the government that animal welfare risks were being minimised before an exhibitor began keeping and exhibiting animals.

Under Option 2A there would be no legislative framework to allow the adoption of national standards (currently under development) in their totality. The national standards could be

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<sup>12</sup> See section 6A of the *Animal Care and Protection Act 2001*, which concerns its relationship with the *Nature Conservation Act 1992*.

<sup>13</sup> The Queensland code of practice for the welfare of animals in circuses 2003 is currently a mandatory code of practice under the *Animal Care and Protection Act 2001*. It can be viewed online at <<http://www.business.qld.gov.au/industry/agriculture/animal-management/land-management-for-livestock-farms/welfare-and-transport-of-livestock/animal-welfare/overview-codes-practice/animal-welfare-codes-list>>.

<sup>14</sup> The Queensland code of practice for the welfare of animals in film production under the *Animal Care and Protection Act 2001* is currently a voluntary code of practice under the *Animal Care and Protection Act 2001*. It can be viewed online at <<http://www.business.qld.gov.au/industry/agriculture/animal-management/land-management-for-livestock-farms/welfare-and-transport-of-livestock/animal-welfare/overview-codes-practice/animal-welfare-codes-list>>.

<sup>15</sup> The *Biosecurity Act 2014* imposes a general obligation to minimise biosecurity risks and will commence no later than 1 July 2016

adopted under the *Animal Care and Protection Act 2001*, but only to the extent that they relate to animal welfare (e.g. any standards developed for the purposes of biosecurity or safety could not be adopted). Also, if the standards were adopted under the *Animal Care and Protection Act 2001*, they would not apply to the keeping and exhibition of native animals because these activities would be authorised under the *Nature Conservation Act 1992*.

Industry peak bodies could develop codes of practice detailing acceptable standards for animal welfare, biosecurity and safety. Where desirable, codes of practice could be aligned with relevant national standards, such as the national standards for animal welfare currently under development.

Industry codes of practice would not be enforceable by the Queensland Government. The peak body or bodies could, however, establish an industry quality-assurance scheme that would accredit exhibitors against the standards. A failure to maintain the standards could result in the suspension or cancellation of accreditation. In some sectors, lack of accreditation could inflict reputational damage on the exhibitor, creating an incentive for compliance.

Currently, the Zoo and Aquarium Association, Australasia, requires members to participate in an industry-led accreditation program that includes a desktop exercise to demonstrate they meet minimum standards for operational policies and procedures as well as a peer review of animal welfare practices during a periodic site visit. The accreditation process recognises current legislative requirements relevant to Queensland. There is a formal process for assessing possible noncompliance, which may result in a membership being discontinued. Annual fees for full institutional members are calculated by reference to aspects of their operating costs but are subject to floor and ceiling limits. Many (currently 24) but not all fixed exhibitors are members of the Zoo and Aquarium Association, Australasia. Currently, demonstrators and members of other industry sectors are typically ineligible for membership.

The Queensland Wildlife Educators Network (QWEN), formed in 2013, is an informal network with about 25 members. Most members are demonstrators, however several fixed exhibitors and circuses also participate. QWEN's focus to date has been communicating the proposed changes in legislation.

The Circus Federation of Australia is a peak body representing Australian circuses. The Circus Federation participates in the Australian Animal Welfare Strategy and participates in the New South Wales Exhibited Animals Advisory Committee, a technical reference group.

Because there is currently no peak body that represents the diverse and fragmented exhibited animals industry, consistent and cohesive self-regulation across the entire industry may be difficult to achieve. It is likely that there would be multiple self-regulation schemes, each directed at a particular sector and each underpinned by different standards. Self-regulation of some sectors may be minimal.

### **Option 3—Develop new legislation**

This option is to develop a modern, risk-based framework for regulating animal exhibition.

Under this option, the legislation would apply to all exhibits of animals except:

- exhibitions of common farm animals<sup>16</sup> (e.g. farm tours, petting farms, horse races and agricultural shows) and cats and dogs (e.g. dog and cat shows)
- incidental exhibitions allowed under a licence to keep the animals under the *Nature Conservation Act 1992* (e.g. escorted tours of crocodile farms under a wildlife farming licence) or under a declared pest permit for a game park under the *Land Protection (Pest and Stock Route Management) Act 2002*
- displays of animals for sale (e.g. in pet shops)
- exhibitions for no longer than 11 days of animals that do not require a licence for non-commercial purposes (e.g. display at an agricultural show).

Existing legislation (Options 1 and 1A) already regulates all exhibits in some way (e.g. the duty of care under the *Work Health and Safety Act 2011* would currently be relevant to all workplaces where there are exhibits), but exhibits of some species do not require a licence. Option 3 would apply consistent industry-specific regulation of risks to animal welfare, biosecurity and safety to a broader range of exhibits than are currently licensed, but licensing requirements would apply only to exhibits of those species that currently require a licence.

All exhibitors regulated under Option 3 (including those who could exhibit without a licence) would have a general obligation to minimise the risks to animal welfare, biosecurity and safety relevant to the exhibited animal.

Many components of this general obligation would be stated in codes of practice adopted by regulations. For example, codes of practice may cover matters including (but not limited to):

- security of the animal(s)
- animal handling
- appropriate enclosures and housing conditions
- animal health and welfare
- identifying animals
- expertise of animal keepers
- managing animal movements.

Codes of practice would promote licensing consistency and give industry more certainty about what they need to do to minimise risks. Some codes of practice would apply generally and others to particular exhibition activities or species.

Development and adoption of codes of practice would occur separately from the development of the new legislation. Adoption of codes of practice would be subject to Queensland's regulatory impact statement system—if the impacts of the codes of practice would be significant, the public would generally be consulted on an assessment of the impacts before the government decided to adopt the codes of practice.

National standards and guidelines for keeping some exhibited animals are currently being developed. (Consultation on a national regulatory impact statement for the proposed national standards has occurred separately from the development of the new Queensland

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<sup>16</sup> It is proposed that exhibits of the following animals be outside the scope of the new legislation: alpaca (*Lama pacos*), aquaculture fisheries resources under the *Fisheries Act 1994*, black rat (*Rattus rattus*), cat (*Felis catus* and *Prionailurus bengalensis* x *Felis catus*), cattle (*Bos taurus* and *Bos indicus*), chicken (*Gallus gallus*), dog (*Canine lupus familiaris*), donkey (*Equus asinus*), duck (domestic breeds of *Anas platyrhynchos*), goat (*Capra hircus*), goose (*Anser* species), guinea pig (*Cavia porcellus*), horse (*Equus caballus*), house mouse (*Mus musculus*), llama (*Lama glama*), mule (*Equus caballus* x *Equus asinus*), pig (*Sus scrofa*), sewer rat (*Rattus norvegicus*), sheep (*Ovis aries*) and turkey (*Meleagris gallopavo*).

exhibited animals legislation. The national regulatory impact statement is likely to meet the requirements for impact assessment under Queensland's regulatory impact statement system.) Crucially, under Option 3 there would be a regulatory framework that would allow the adoption (subject to government consideration) and enforcement of these standards as codes of practice in Queensland. Queensland could supplement the codes of practice reflecting the national standards with state codes of practice to cover additional matters, especially certain types of exhibition.

Codes of practice would be either mandatory or voluntary:

- Mandatory codes of practice would express minimum requirements. For example, all exhibitors wanting to exhibit a particular species would know that its permanent enclosure must comply with the relevant code of practice. The national standards currently being developed<sup>17</sup> could be adopted as a mandatory code of practice with some simplification to reduce repetition and red tape.
- Voluntary codes of practice would guide exhibitors. The voluntary codes or practice would be indicative of a reasonable standard of risk reduction—if an exhibitor chose not to follow a voluntary code of practice, they would need to manage the relevant risks in a way that was as good as or better than the way suggested in the voluntary code of practice.

The Consultation RIS suggested that two existing codes of practice could be reviewed and adopted as mandatory and voluntary codes of practice (respectively) under the new legislation:

- The Queensland code of practice for the welfare of animals in circuses 2003
- The Queensland code of practice for the welfare of animals in film production.

In their current form both codes are unsuitable for adoption and a clear case has not been made to justify their review for adoption. Consequently, this Decision RIS does not recommend that these codes be reviewed and adopted as codes of practice under the new legislation.

The chief executive could make guidelines to assist exhibitors who had obligations under the new legislation. For example, if there was a standard that required the permanent enclosure for an animal to be large enough to allow the animal to display normal behaviours, a guideline may assist exhibitors by suggesting a type, dimensions and finish of enclosure that would enable animals of a particular species to display normal behaviours. However, an exhibitor could meet the requirement in some other way.

The Consultation RIS suggested that guidelines accompanying the national standards currently being developed would generally reflect the guidelines under the new legislation. However, it has not been demonstrated that there is a need to give the accompanying guidelines statutory recognition in Queensland. Consequently, it is not recommended in this Decision RIS although it is suggested that the facility to make guidelines is retained.

Under the new legislation, an 'exhibition licence' would be required to exhibit an animal if the animal could not be kept without an authority (such as a licence or permit) under

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<sup>17</sup> The national standards would be adopted with modification as necessary to ensure they are consistent with Queensland law. There is also an opportunity to streamline and rationalise the standards before they are adopted as codes of practice in Queensland. Note that the content of the national standards is not considered in this RIS because there is a separate national impact assessment process for the proposed national standards underway which will take into account the impacts on Queensland and regulatory best practice principles.

Queensland law. This is also when a licence or permit must be held under the current legislation. So an exhibition licence would be required to exhibit an animal that is:

- restricted or prohibited matter under the (yet to be commenced) *Biosecurity Act 2014*
- prohibited or international wildlife under the *Nature Conservation Act 1992*
- native wildlife except animals that can be kept under the *Nature Conservation Act 1992* without an authority.

A person with an exhibition licence would not require a separate licence to keep the animals under the *Biosecurity Act 2014* or the *Nature Conservation Act 1992*.<sup>18</sup>

An exhibition licence could be granted, provided the proposed exhibitor could demonstrably manage the risks, for any species including those that are currently declared pests under the *Land Protection (Pest and Stock Route Management) Act 2002* that are not listed for that type of exhibition.<sup>19</sup>

Animals that could be exhibited without an exhibition licence are:

- exotic animals that are *not* listed as
  - restricted or prohibited matter under the *Biosecurity Act 2014*or
  - international wildlife or prohibited wildlife under the *Nature Conservation Act 1992*
- native invertebrates that are *not* listed as protected wildlife under the *Nature Conservation Act 1992*
- native birds that are listed as native exempt animals under the *Nature Conservation Act 1992*
- native fish that are *neither* listed as protected wildlife under the *Nature Conservation Act 1992* *nor* regulated under the *Fisheries Act 1994*.

However, under the *Fisheries Act 1994*, an exhibitor would still need an authority to take and possess some native fish.

Exhibitors who do not require an exhibition licence would still need to fulfil the general obligation and meet the required standards under the new legislation.

Under this option, there would be only one type of exhibition licence and it would be granted for up to 3 years. The licence holder would need to be an adult, and a licence application could be refused if the applicant had been convicted of a relevant offence or had a relevant licence cancelled.

Each application would need to be accompanied by a plan explaining how the exhibitor would minimise the risks to animal welfare, biosecurity and safety that are relevant to the proposed activities. The plan would need to identify which types of dealings with animals are proposed to be authorised, any significant risks to animal welfare, biosecurity and safety that would be associated with those dealings and the steps the applicant would take to prevent or minimise the risks. The size of the plan would depend on the risks associated with the proposed dealings. A plan for very low risk species and activities might be brief. Conversely, a plan for high-risk species and activities may be very extensive. Further information could

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<sup>18</sup> Note also that a person authorised to keep an animal under the *Biosecurity Act 2014* or the *Nature Conservation Act 1992* (such as an operator of a game park or a wildlife farm) could exhibit the animals to the extent allowed under that authorisation (such as conducting farm tours) without being subject to the exhibited animals legislation.

<sup>19</sup> See Schedule 3 of the *Land Protection (Pest and Stock Route Management) Regulation 2003*, which prescribes the pests and purposes for which a declared pest permit may currently be granted.

be required in the plan only if there were not already reasonable grounds for believing the risks would be minimised.

The Consultation RIS and draft of the proposed legislation generated a range of comments related to the proposed management plans. Some exhibitors were concerned about the requirement to prepare a management plan and have enclosures approved for some common species. These species, they argued, can be kept for private recreation under a recreational wildlife licence through the *Nature Conservation Act 1992*. Consequently, this Decision RIS recommends that the approved management plans for these species describe the type of enclosure that is provided rather than a particular enclosure. This will give exhibitors greater flexibility to build or obtain enclosures for these species.

If the chief executive was satisfied that the risks would be minimised, they could grant an exhibition licence allowing one or more of the following:

- a fixed exhibition of any species of animal
- a mobile exhibition of any species of animal that is not listed as prohibited matter under the (un-commenced) *Biosecurity Act 2014*<sup>20</sup>
- a mobile exhibition of any animal that is prohibited matter at the same site as its permanent enclosure, provided that at all times the animal remains within a perimeter fence capable of containing it
- public interaction with any animal.

Animals kept under an exhibition licence would need to be kept primarily for exhibition rather than for private recreation. Therefore, under an exhibition licence, most species would have to be exhibited. In particular, a species that is prohibited matter under the *Biosecurity Act 2014* would need to be displayed in a fixed exhibit that is open to access by the general public for at least 900 hours<sup>21</sup> each year. Most other species would need to be exhibited for at least 12 days each year.<sup>22</sup> Exhibition would not be required, however, if private keeping of that species is allowed (under a recreational wildlife licence under the *Nature Conservation Act 1992*).<sup>23</sup> Exemptions to the exhibition requirements would apply where there is a reasonable excuse, such as where a veterinary certificate states that exhibition was not in the interests of the animal, if the animal was in quarantine or, in exceptional circumstances, with the chief executive's prior written approval.

There is an indirect risk that allowing animals to be kept for exhibition may trigger some illegal taking of animals from the wild. The legislation would not allow native animals to be taken from the wild—this is already regulated under other legislation.<sup>24</sup>

To ensure animals would be kept under an exhibition licence primarily for exhibition rather than for wildlife trade, the legislation would require an animal to be kept under an exhibition licence for at least one month before being sold or given away.

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<sup>20</sup> Animals that are currently Class 1 declared pests under the *Land Protection (Pest and Stock Route Management) Act 2002* are mostly listed as prohibited biosecurity matter under the *Biosecurity Act 2014*. The *Land Protection (Pest and Stock Route Management) Act 2002* will be repealed with the commencement of the *Biosecurity Act*.

<sup>21</sup> An hour could be counted against this requirement only if that hour occurred during a continuous period of at least 3 hours of fixed exhibition of the species.

<sup>22</sup> A day could be counted against this requirement only if the species was displayed in a fixed exhibition open to access by the general public for at least 3 continuous hours on that day or was displayed in an off-site mobile exhibition on that day.

<sup>23</sup> A prescribed controlled, commercial, recreational, restricted or international animal can be kept under a recreational wildlife licence under the *Nature Conservation Act 1992*.

<sup>24</sup> The *Nature Conservation Act 1992* regulates taking of many native animals from the wild and the *Fisheries Act 1994* regulates taking and possessing regulated fish (prohibited species, or more than normally allowed, or smaller or larger than normally allowed).

It is proposed that a regulation or the chief executive may put conditions on keeping and exhibiting an animal under an exhibition licence. For example, conditions may be imposed to restrain reproduction and limit the number of animals that may be kept. Exotic animals would only be allowed to reproduce where retention or placement of offspring had been prearranged under a breeding program advised to the chief executive—offspring produced in contravention of this restriction could be seized.

The legislation would provide that, in most circumstances, exhibitors would be exempt from requirements under the *Nature Conservation Act 1992* to obtain an approval or give notice before moving native species.

Under this option, licence fees would reflect the cost of assessing applications, developing licence conditions, granting licences and checking annual reports submitted under the licences. It is assumed that savings from the simplified licensing administration under Option 3 would offset the costs to the government of increased site visits, ensuring there would be no net increase in the cost to the government under Option 3 compared to Options 1 and 1A. This assumption is consistent with estimates made by Biosecurity Queensland staff about the time required under Option 3 to assess applications, develop licence conditions, check annual returns and conduct adequate site visits for various categories of exhibitors. Accordingly, Biosecurity Queensland estimates that it would need to collect approximately \$184 000 in fees per year to cover the full cost in 2015–16.<sup>25</sup>

Under this option, application fees would vary depending on the number of paid full-time equivalent staff. The number of paid full-time equivalent staff is indicative of the size and complexity of an operation, and it takes longer to assess the application of a larger and/or more complex operation. (Two alternative fee models were considered when developing the proposal for new legislation—uniform fees and charging higher fees for more species. Although charging uniform fees is attractively simple, it would be unfair to some exhibitors. Small exhibitors of relatively low-risk animals would subsidise larger exhibitors with high-risk animals. Charging exhibitors who keep more species higher fees would reflect that generally it would take longer to assess their applications. However, this approach would also be unfair on some exhibitors. The number of species does not always reflect the resources required to assess an application; for example, there can be many species of bird in one walk-through aviary or many species of fish in one large aquarium.)

The non-refundable licence application fees payable under Option 3 are shown in Table 8.<sup>26</sup>

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<sup>25</sup> Follow-up site visits, random inspections and visits triggered by complaints have not been included in this calculation.

<sup>26</sup> The licence fees stated assume that the 2015–16 financial year will be the first full operational year for the new licensing scheme. They have been calculated using estimates about likely future wage costs. A range is given to allow for variance from these estimates.



**Table 8** Proposed fees in 2015–16 under Option 3

Type of exhibitor	Fee (\$) <sup>27</sup>	
	New licence application	Licence renewal application
Up to 3 paid full-time equivalent staff	3062 (in the range 2910–3216)	1531 (in the range 1455–1608)
Between 4 and 15 paid full-time equivalent staff	4813 (in the range 4572–5054)	2406 (in the range 2286–2527)
16 or more paid full-time equivalent staff	7292 (in the range 6927–7657)	3646 (in the range 3464–3828)
Rabbits only (e.g. magic act)	291 (in the range 277–306)	146 (in the range 139–153)

A non-refundable fee of approximately \$438 (in the range \$416–\$459) would apply for any application for a *major* licence amendment. This is an amendment that reflects a significant change in the activities undertaken under the licence, such as exhibiting a different species in a new enclosure. A non-refundable fee of approximately \$146 (in the range \$139–\$153) would apply for any application for a *minor* licence amendment. In the Consultation RIS, this was an amendment where there would *not* be significant change in the activities undertaken under the licence, such as a change in the address of the licence holder.

Some respondents to the Consultation RIS were concerned about amendment fees being charged for trivial changes. These fees could discourage improvements to risk management. To reduce this likelihood, this Decision RIS recommends that the new legislation give the chief executive discretion to approve an amended management plan when a licence is renewed, and make some clerical or agreed amendments outside the formal application process. No amendment fee would be charged in these circumstances.

The chief executive may grant an interstate exhibitors permit allowing the holder of the interstate equivalent of an exhibition licence to conduct specific exhibition activities in Queensland. This may include the mobile exhibition of an animal that is prohibited matter under the *Biosecurity Act 2014*, such as in a circus, for film or television production or for a one-off event. A non-refundable fee of approximately \$438 (in the range \$416–\$459) would apply for each interstate exhibitors permit application. The Consultation RIS referred to these permits as special exhibition permits - the renaming in this Decision RIS more clearly articulates their purpose.

The Consultation RIS proposed that such permits would be valid for scheduled activities in Queensland over a period of up to 6 months. Some circus exhibitors who responded to the Consultation RIS and submitted to the inquiry into the Exhibited Animals Bill 2014 suggested that the length of the permit should be extended from the proposed six months to 12 months or longer. They were concerned about the need to apply for consecutive permits to authorise a year-long tour of Queensland. Consequently, this Decision RIS recommends that an interstate exhibitors permit should be valid for up to 12 months. Given the heightened animal welfare, biosecurity and safety risks associated with managing itinerant collections of these animals, regular review of such authorisation in Queensland is a proportionate risk treatment. However, these risks could be managed under a permit of 12 months. In this respect the approach recommended in this Decision RIS differs from the Exhibited Animals Bill 2014.

<sup>27</sup> To calculate fees that would apply when the legislation commences, the Queensland Government anticipated when the legislation would commence and estimated salary costs beyond the life of current industrial agreements. The actual fee charged when the legislation commences may differ from the indicative fee calculated for this consultation RIS. However, it is unlikely that it would differ by more than 5%. The ranges provided indicate the likely bounds within which the fee would be set.

The Consultation RIS proposed that special exhibition permits could also be issued to Queensland-based licence holders, allowing off-site exhibition of prohibited matter. However, issuing these permits to existing licence holders may complicate enforcement of the new legislation. It would not be clear at which times an animal was being dealt with under the exhibition licence or the permit. Consequently, this Decision RIS recommends that instead of issuing a permit, a special exhibition approval on the exhibition licence could be granted. For consistency with the term of an interstate exhibitors permit it is recommended that these approvals be granted for up to 12 months. The effect would be very similar to granting authorisation under a permit.

An official assessment of compliance involving a site visit would generally be required to provide the chief executive with sufficient evidence to assess an application for the granting, renewal or major amendment of a licence. The cost of this visit would be charged to the applicant. However, sometimes other evidence may be sufficient—the chief executive could only request consent to an official assessment site visit where it was reasonably necessary to decide an application. An official assessment would not be conducted if there were already reasonable grounds for believing the risks would be minimised. For example, photographs of the enclosure may be sufficient evidence for fixed exhibition of very low risk species. Where the exhibitor participates in an industry quality-assurance scheme that deals with the requirements of the legislation, an assessment report from an accredited independent assessor for the scheme may provide sufficient evidence to assess a licence renewal application.

A follow-up official assessment site visit, also charged to the exhibitor, could be conducted within 12 months of noncompliance being identified during the term of a licence, for example during an earlier official assessment, a random inspection or an inspection to investigate a complaint. Site visits to conduct a random inspection or an inspection to investigate a complaint would not be charged to the exhibitor.

Official assessment charges would recover the full cost of services. The following fees would apply to official assessments:

- a fixed base fee per visit of approximately \$200<sup>28</sup> (in the range \$190–\$210) to cover travel or alternatively the actual cost of travel for the visit if the exhibitor requests an urgent visit
- an hourly rate of approximately \$173 (in the range \$164–\$184) charged for a minimum of 1 hour per day, then in 15-minute increments.

Authorised officers and inspectors would be able to issue exhibitors with written directions to address any breach of their obligations. The government may step in where an exhibitor fails to comply with a direction and may charge the cost of the action to the exhibitor. Also, if the exhibitor does not comply with written directions, the chief executive may suspend or cancel a licence.

## Options analysis

Table 9 shows how Options 1 (Retain existing provisions), 1A (Retain existing provisions with a 44% fee increase), 2A (Have minimal legislative intervention to allow industry self-regulation) and 3 (Develop new legislation) would address the policy issues identified in the

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<sup>28</sup> The proposed base fee was calculated by broadly estimating the cost of travel in 2012–13 to visit each current Queensland-based exhibitor (excluding magic acts), then dividing this by 4 (to reflect that on average 4 visits might be conducted each time an officer visited a region) to determine the average cost per exhibitor. This was indexed by 2.5% per year to obtain an average cost for 2015–16.

issues statement. Option 2 (Have no industry-specific legislation) is not included because it is not considered a feasible option.

**Table 9** Analysis of options against policy problems identified in the issues statement

Policy problem	Option 1—Retain existing provisions	Option 1A—Retain existing provisions with a 43% fee increase	Option 2A—Have minimal legislative intervention to allow industry self-regulation	Option 3—Develop new legislation
Risks to animal welfare, biosecurity and safety	A licence for some sectors of the industry could not be refused or cancelled on the grounds that risks to animal welfare and safety were inadequately addressed. In some sectors and circumstances, exhibitors would have no specific obligations to manage risks associated with their activities.	A licence for some sectors of the industry could not be refused or cancelled on the grounds that risks to animal welfare and safety were inadequately addressed. In some sectors and circumstances, exhibitors would have no specific obligations to manage risks associated with their activities.	Exhibitors could keep and exhibit animals without government scrutiny of the measures taken to minimise the associated risks. Exhibitors would have no specific obligations to manage risks associated with their activities. There may be some self-regulation by some sectors of the industry.	Licensing decisions would be risk-based—a licence could only be granted where risks were minimised. There would be a specific obligation on all exhibitors to prevent or minimise risks to animal welfare, biosecurity and safety associated with their activities. Aspects of the obligation would be made explicit in codes of practice.
Enabling animal exhibition in Queensland	Restrictions on which exotic animals can be exhibited by each sector of the industry would remain even if they are unjustified if associated risks can be managed.	Restrictions on which exotic animals can be exhibited by each sector of the industry would remain even if they are unjustified if associated risks can be managed.	There would be no effective restrictions on exhibition of animals.	Exhibitors could exhibit any species if they could adequately minimise the risks. Risk-based licensing decisions would unlock new opportunities for operators who are currently precluded, even if they can demonstrably manage the risks, from exhibiting some exotic species that are allowed in other Australian jurisdictions. However, animals that are prohibited matter would need to be based in a fixed exhibition.
Complexity, consistency and equity of regulatory regime	Industry would continue to operate under multiple legislative and licensing schemes and pay multiple fees as a result, and the government would need to continue their administration. Large-scale exhibitors who require significant regulatory attention would continue to pay the same as small exhibitors. Licensing fees for exotic animals would continue to be much less than those for native animals. Fees would continue to under-collect for the cost of government services.	Industry would continue to operate under multiple legislative and licensing schemes and pay multiple fees as a result, and the government would need to continue their administration. Large-scale exhibitors who require significant regulatory attention would continue to pay the same as small exhibitors. Licensing fees for exotic animals would continue to be much less than those for native animals. Full cost recovery would be achieved.	Regulation of the industry would be minimal—only generalised obligations in relation to animal welfare, biosecurity and safety would apply and even these may be excluded in certain circumstances. There would be no licensing requirements or fees.	There would be only one licence type. Exhibitors who currently require multiple licences could operate under a single licence. Different industry sectors, such as zoos, wildlife parks, wildlife demonstrators, circuses and magic acts, would be treated more consistently. The licence fees payable would reflect the complexity of an exhibitor's activities and therefore how much regulatory attention is required. Full cost recovery would be achieved.

## **Alternative approaches in other jurisdictions**

Regulatory approaches to the exhibited animals industry in other jurisdictions are summarised in Appendix 2.

No jurisdictions have an approach comparable to Options 2 or 2A—in all Australian jurisdictions, a licence, permit or some other kind of authority is required to exhibit many exotic animals and native animals.

No jurisdiction has consolidated management in a single Act of the risks to animal welfare, biosecurity and safety that are associated with the exhibition of exotic and native animals, as is proposed under Option 3. However, both New South Wales and Tasmania have consolidated licensing of exhibition of exotic and native animals under a single Act. Otherwise, the legislative approach in other Australian jurisdictions is somewhat similar to Option 1—the exhibited animals industry is generally regulated by several pieces of legislation that deal separately with pest management and animal disease, wildlife conservation and risks to animal welfare.

Additionally, in New South Wales, Victoria and Western Australia, legislation provides for state ownership and operation of zoos.

## **4 Impact assessment**

A comprehensive quantitative assessment of the costs and benefits is not possible for these options because it is difficult to quantify some of the benefits and costs in a meaningful way. For example, the animal welfare outcomes of each option would be difficult to quantify. Establishment of market values for animal welfare outcomes is an embryonic field of economics with very few accepted methods and no consensus about the best analytical technique to use. Consumer economics models of production animal welfare are still in their infancy. Extension of production animal market economics to a credible model for non-production markets is challenging. Data collection would require extensive surveys, the cost of which would be difficult to justify given the scope of the legislation. Values reported by survey respondents could be highly volatile in response to media reporting of relevant events. Therefore, any monetary value placed on animal welfare outcomes could not be seen as truly representative of social preferences.

### **Quantification of application-related costs for each option**

Although it is not possible to quantify all the costs and benefits and determine the net present value of each option, some costs are quantifiable. In particular, it is possible to estimate the total application fees payable by the industry, total cost of preparation of applications and total official assessment charges associated with new licence applications, licence renewal applications and licence amendment applications.

### **Assumptions about number of entities in each category and number of applications**

There is some inter-annual variability in the size and composition of the industry, but there are no discernible trends in the data. Some applications for a new licence are received each year, but there are also some exhibitors who surrender or do not renew their authority. Generally the turnover relates to small demonstrators and exhibitors. The calculations in this Decision RIS (based on the number of applications received in 2011) rest on the assumption that every year 14 applications for a new licence would be received (9 from small demonstrators with less than 15 native species, 2 from small exhibitors with less than 15 species and 3 from small exhibitors with more than 15 species) but that there would be no net change in the number of exhibitors because an equivalent number of exhibitors would leave the industry.

It is also assumed that the size and composition of the industry would remain the same—135 entities would hold licences (as in August 2012, see Appendix 1) and they would have the characteristics shown in Table 10.

**Table 10** Assumed numbers of exhibitors

Type of exhibitor	Keeping native species only	Keeping exotic species only	Keeping noxious fish only	Keeping native and exotic species
Small demonstrators with up to 15 species	20	0	5	0
Small demonstrators with over 15 species	22	0	0	0
Medium demonstrators with over 15 species	2	0	0	0
Small fixed exhibitors with up to 15 species	4	1	0	0
Small fixed exhibitors with over 15 species	4	0	0	0
Medium fixed exhibitors with up to 15 species	4	1	0	2
Medium fixed exhibitors with over 15 species	14	0	0	11
Large fixed exhibitors with over 15 species	0	0	0	5
Medium circuses or film and television productions	0	6	0	0
Magic acts	0	34	0	0
<b>Total</b>	<b>70</b>	<b>42</b>	<b>5</b>	<b>18</b>

From the number of amendment applications received in 2011 and part of 2012 (the only period for which reliable data is available), it is assumed that the total number of licence amendment applications received annually would be 139 and that these would be broken down as shown in Table 11.

**Table 11** Assumed number of amendments undertaken annually

Type of amendment	Exhibitors with native species	Exhibitors with exotic species
Minor	100.5	7
Major	17.5	14
<b>Total</b>	<b>118.0</b>	<b>21</b>

### Assumptions about application-related costs

The application and site visit fees payable by various categories of exhibitors under each option are summarised in Table 12. This assumes that fees and charges would increase at 3.5% per year. Under Options 1 and 1A the application fee for a licence to keep native animals depends on the duration of the licence the applicant requests. Also, the maximum duration of licence is 3 years in some circumstances and 2 years in others. In this summary and for calculations in this RIS, it is assumed that exhibitors apply for the maximum licence period of 3 years except where indicated that the maximum duration is 2 years.

**Table 12** Fees payable under each option in 2015–16 (to the nearest dollar, for up to 3 years unless indicated otherwise)

Category of exhibitor	Fees (\$)									
	Option 1			Option 1A			Option 3			Official assessment
	Renewal	Amendment	New licence	Renewal	Amendment	New licence	Renewal	Amendment	New licence	
<b>Small demonstrator with mobile exhibitions</b>										
Up to 15 native species	2266	16	2266	3263	23	3263	1531	438	3062	200 + 173 per hour
Over 15 native species	2266	16	2266	3263	23	3263	1531	438	3062	200 + 173 per hour
Up to 15 species of noxious fish under approved program that assists in educating public about obligations	na	na	na	na	na	na	n/a	n/a	n/a	(unlikely to be required)
<b>Medium demonstrator with mobile exhibitions</b>										
Over 15 native species	2266	16	2266	3263	23	3263	2406	438	4813	200 + 173 per hour
<b>Small fixed exhibitor</b>										
Up to 15 native species	3445	16	3445	4962	23	4962	1531	438	3062	200 + 173 per hour
Over 15 native species	3445	16	3445	4962	23	4962	1531	438	3062	200 + 173 per hour
Up to 15 exotic species	219 (2 years)	0	512 (2 years)	316 (2 years)	0	737 (2 years)	1531	438	3062	200 + 173 per hour
<b>Medium fixed exhibitor</b>										
Up to 15 native species	3445	16	3445	4962	23	4962	2406	438	4813	200 + 173 per hour
Over 15 native species	3445	16	3445	4962	23	4962	2406	438	4813	200 + 173 per hour
Up to 15 exotic species	219 (2 years)	0	512 (2 years)	316 (2 years)	0	737 (2 years)	2406	438	4813	200 + 173 per hour
Up to 15 native and exotic species	3445 + 219 (2 years)	16	3445 + 512 (2 years)	4962 + 316 (2 years)	23	4962 + 737 (2 years)	2406	438	4813	200 + 173 per hour
Over 15 native and exotic species	3445 + 219 (2 years)	16	3445 + 512 (2 years)	4962 + 316 (2 years)	23	4962 + 737 (2 years)	2406	438	4813	200 + 173 per hour
<b>Large fixed exhibitor</b>										
Over 15 native and exotic species	3445 + 219 (2 years)	16	3445 + 512 (2 years)	4962 + 316 (2 years)	23	4962 + 737 (2 years)	3646	438	7292	200 + 173 per hour
<b>Medium circus or film and television production</b>										
Up to 15 exotic species	219 (2 years)	0	512 (2 years)	316 (2 years)	0	737 (2 years)	2406	438	4813	200 + 173 per hour
<b>Magic act</b>										
Rabbit	88 (2 years)	0	131 (2 years)	126 (2 years)	0	189 (2 years)	146	438	291	(unlikely to be required)



Table 13 shows the hours that it was assumed would be needed to conduct an official assessment site visit prior to deciding an application for a new licence or renewal of a licence.

**Table 13** Assumed number of hours to complete an official assessment site visit

Category of exhibitor	Number of hours			
	Keeping native species only	Keeping exotic species only	Keeping noxious fish only	Keeping native and exotic species
Small demonstrators with up to 15 species	1.5	—	—	—
Small demonstrators with over 15 species	3	—	—	—
Medium demonstrators with over 15 species	6.5	—	—	—
Small fixed exhibitors with up to 15 species	2.5	2.5	—	—
Small fixed exhibitors with over 15 species	4	—	—	—
Medium fixed exhibitors with up to 15 species	4.5	4.5	—	6
Medium fixed exhibitors with over 15 species	6	—	—	7.5
Large fixed exhibitors with over 15 species	—	—	—	10
Medium circuses or film and television productions	—	6	—	—
Magic acts	—	1	—	—

It was assumed that an official assessment site visit conducted prior to deciding a major amendment application would take 1 hour and an official assessment site visit would not be required to decide a minor amendment application.

It was assumed that the time taken by an entity to prepare an application under each option was:

- for a licence renewal—3 hours
- for a licence amendment—2 hours
- for a new licence—6 hours.

The average hourly salary cost was assumed to be \$38.82 in 2013–14 (based on Australian Bureau of Statistics November 2013 average full-time adult ordinary time weekly earnings and a 40-hour working week). This cost was increased by 2.5% per year in line with the average of the Reserve Bank’s target inflation rate.

Feedback in response to the Consultation RIS indicated that in certain circumstances salary costs may be higher than was estimated. For example, a larger fixed exhibitor may elect to send a senior member of staff to accompany an inspector undertaking an official assessment site visit. In this instance, the cost to the exhibitor may be higher. However, the assumptions are likely to be appropriate for the majority of exhibitors.

## Total present value of application-related costs

Table 14 shows the total costs associated with new licence applications, licence renewal applications and licence amendment applications under each option for the 10-year period commencing 2015–16. In each case these include application fees payable by industry, total cost of preparation of applications and total official assessment charges. It is unsurprising that the total costs for Options 1A and 3 are comparable and are both about 44% more than for Option 1.

**Table 14** Estimated costs associated with new, renewal and amendment licences for the 10-year period commencing 2015–16 (in present value, discount rate 2.5%)

Type of licence	Costs (\$)			
	Option 1	Option 1A	Option 2	Option 3
Renewals	1 047 877	1 534 781		1 169 696
Amendments	125 174	132 939		490 960
New applications	385 381	544 128		485 294
<b>Total</b>	<b>\$1 558 432</b>	<b>\$2 211 848</b>	<b>n/a</b>	<b>\$2 145 950</b>

## Projected government fee revenue

Table 15 shows the estimated fee revenue under each option in 2015–16. Under Option 3, fee revenue would vary significantly with the number of amendment applications. However, for Options 1 and 1A, fee revenue would vary only slightly in response to significant variations in the number of amendment applications and so would not track variations in government costs resulting from such fluctuations.

**Table 15** Estimated fee revenue in 2015–16 for each option (to the nearest \$1000)

Type of licence	Fee revenue (\$)			
	Option 1	Option 1A	Option 2	Option 3
Renewals	88 000	127 000		93 000
Amendments	2 000	3 000		41 000
New applications	38 000	55 000		49 000
<b>Total</b>	<b>128 000</b>	<b>184 000</b>	<b>n/a</b>	<b>183 000</b>

## Case studies

This section provides some case studies that give context for consideration of the options.

Table 16 shows the estimated average costs for different categories of exhibitor under Options 1, 1A and 3. The table gives the *average cost per year over 10 years* to allow direct comparison between the options; this is because currently some fees are payable every 2 years and others every 3 years. The estimates are indicative only—each exhibitor is different and the actual time taken to conduct a site visit (and hence the cost of the official assessment, which is included in the estimate) would differ from exhibitor to exhibitor.

Crucially, the visit would take longer (and therefore costs would be higher) if the exhibitor was noncompliant or was not properly prepared for the official assessment site visit.

**Table 16** Estimated costs over 10 years from 2015–16 for different categories of exhibitor

Category of exhibitor	Costs (\$) over 10 years (and average annual costs) <sup>29</sup>		
	Option 1	Option 1A	Option 3
<b>Small demonstrator with mobile exhibitions</b>			
Up to 15 native species	10 164 (on average 1 016 each year)	14 636 (on average 1 464 each year)	8 930 (on average 893 each year)
Over 15 native species	10 164 (on average 1 016 each year)	14 636 (on average 1 464 each year)	10 092 (on average 1 009 each year)
Up to 15 species of noxious fish under approved program that assists in educating public about obligations	0	0	0 <sup>30</sup>
<b>Medium demonstrator with mobile exhibitions</b>			
Over 15 native species	10 164 (on average 1 016 each year)	14 636 (on average 1 464 each year)	16 730 (on average 1 673 each year)
<b>Small fixed exhibitor</b>			
Up to 15 native species	15 455 (1 546 each year on average)	22 256 (2 226 each year on average)	9 705 (970 each year on average)
Over 15 native species	15 455 (1 546 each year on average)	22 256 (2 226 each year on average)	10 867 (1 087 each year on average)
Up to 15 exotic species	1 214 (121 each year on average)	1 748 (175 each year on average)	9 705 (970 each year on average)
<b>Medium fixed exhibitor</b>			
Up to 15 native species	15 455 (1 546 each year on average)	22 256 (2 226 each year on average)	15 180 (1 518 each year on average)
Over 15 native species	15 455 (1 546 each year on average)	22 256 (2 226 each year on average)	16 342 (1 634 each year on average)
Up to 15 exotic species	1 214 (121 each year on average)	1 748 (175 each year on average)	15 180 (1 518 each year on average)
Up to 15 native and exotic species	16 669 (1 667 each year on average)	24 004 (2 400 each year on average)	16 342 (1 634 each year on average)
Over 15 native and exotic species	16 669 (1 667 each year on average)	24 004 (2 400 each year on average)	17 505 (1 750 each year on average)
<b>Large fixed exhibitor</b>			
Over 15 native and exotic species	16 669 (1 667 each year on average)	24 004 (2 400 each year on average)	25 002 (2 500 each year on average)
<b>Medium circus or film and television production</b>			
Up to 15 exotic species	1 214 (121 each year on average)	1 748 (175 each year on average)	21 244 (2 124 each year on average) <sup>31</sup>
<b>Magic act</b>			
Rabbit	485 (49 each year on average)	699 (70 each year on average)	654 (65 each year on average) <sup>32</sup>

<sup>29</sup> For this calculation, inflation is assumed to be 2.5% per year over 10 years—in the middle of the Reserve Bank’s target range.

<sup>30</sup> The five existing holders of general fisheries permits, who demonstrate noxious fish to educate members of the public (such as those involved in a fishing competition) about their responsibilities in dealing with these fish, would likely qualify for a fee waiver under the proposal. If they did not qualify for a fee waiver, the fee for a small demonstrator would apply.

<sup>31</sup> For this calculation, it was assumed that circuses would be granted one special exhibition approval each year on an exhibition licence. Each approval would be granted for a period of up to 12 months.

<sup>32</sup> For this calculation, it is assumed that the chief executive would make licensing decisions without conducting an official assessment site visit.

### **Case study 1—Small mobile exhibitors of native species**

Biosecurity Queensland estimates that there are 42 exhibitors in this category. These exhibitors would pay about the same or less under Option 3 than they would under the current system (Option 1).

Under Option 1, these exhibitors would pay an average of \$1016 per year over 10 years.

Under Option 1A, they would pay about \$1464 per year over 10 years.

Under Option 3, the total fees payable by exhibitors in this category would vary because the length of an official assessment site visit would vary. To allow calculation of total costs, Biosecurity Queensland has assumed an official assessment site visit would take longer for an exhibitor with more species:

- For those with up to 15 species (approximately 22 exhibitors), Biosecurity Queensland estimates that the site visit would take approximately 1.5 hours. This means that under Option 3, an exhibitor would pay about \$893 per year over 10 years.
- For those with over 15 species (approximately 20 exhibitors), Biosecurity Queensland estimates that the site visit would take approximately 3 hours. Under Option 3, an exhibitor would pay about \$1009 per year over 10 years.

An exhibitor (who asked not to be named) told Biosecurity Queensland that operating costs (net of wages) in their first year were in the range \$20 000 – \$25 000. This included some establishment costs, so the exhibitor expects that operating costs will fall slightly in future years. This is a full-time business supporting two people who exhibit, and keep for exhibition, 40 species. On average they complete two exhibits per week, but there is a lot of variation between weeks. Assuming that their future annual operating costs (net of wages) were \$15 000 – \$20 000 over 10 years, the fees under Option 3 would account for 5–6% of their annual operating costs.

The benefits of Option 3 for an exhibitor with fewer species would be greater—their fees would decrease by around 10% from what they would pay under the current system. Unfortunately, financial information was not available for a case study for such an exhibitor.

### **Case study 2—Medium fixed exhibitors of native and exotic species**

Biosecurity Queensland estimates that there are 13 exhibitors in this category.

Under Option 1, these exhibitors would pay on average \$1667 per year over 10 years.

Under Option 1A, they would pay about \$2400 per year over 10 years.

Under Option 3, the total fees payable by exhibitors in this category would vary because the length of a site visit would vary. To allow calculation of total costs, Biosecurity Queensland has assumed a site visit would take longer for an exhibitor with more species:

- For those with up to 15 species (approximately 2 exhibitors), Biosecurity Queensland estimates that a site visit would take approximately 6 hours. This means that under Option 3, an exhibitor would pay about \$1634 per year over 10 years.
- For those with over 15 species (approximately 11 exhibitors), Biosecurity Queensland estimates that a site visit would take approximately 7.5 hours. Under Option 3, an exhibitor would pay about \$1750 per year over 10 years.

Under Option 3, these exhibitors would also save about \$38 per year<sup>33</sup> over 10 years in reduced procedural costs because they would no longer need to apply for more than one licence. (Currently they require a licence for the native animals they exhibit and a licence for the exotic animals they exhibit.)

The Rockhampton Zoo has annual costs of approximately \$690 000.<sup>34</sup> Even if its other expenses did not increase at all, the CPI-escalated licence fees under Option 1 would still be only about 0.24% of its annual costs in 2015–16 (the first full operational year of the new licensing system). Annual government fees and charges under Option 3 would be about 0.25% of their annual costs in that year—this would be slightly more than Option 1 but would not recover the cost of government services.

Another exhibitor who falls into this category (who asked not to be named) has approximately 200 000 visitors per year and annual costs of around \$455 000. Even if this exhibitor's other expenses did not increase at all, the CPI-escalated licence fees under Option 1 would still be only about 0.36% of annual costs in 2015–16. Annual government fees and charges under Option 3 would be about 0.38% of their annual costs in that year—this would be slightly more than Option 1 but would not recover the cost of government services.

### **Case study 3—Large fixed exhibitors of native and exotic species (and fish in some cases)**

Biosecurity Queensland estimates that there are 5 exhibitors in this category. Currently, small exhibitors subsidise the cost of licensing these large exhibitors.

Licensing fees would remain a small proportion of operating costs for these large exhibitors, despite increasing from approximately \$1667 (under Option 1) to \$2500 (under Option 3) per year over 10 years. Under a 44% across-the-board fee increases to achieve full cost recovery (Option 1A), these exhibitors would pay about \$2400 per year over 10 years.

In 2012–13, Currumbin Wildlife Sanctuary had total annual costs of around \$13 million<sup>35</sup>, including administrative and professional costs of around \$1.4 million. Even if this exhibitor's other expenses did not increase at all, from 2015–16 onwards the CPI-escalated licence fees under the Option 1 would still amount to only 0.013% of total annual costs, or 0.12% of administrative and professional costs. Annual government fees and charges under Option 3 would amount to about 0.018% of total annual costs, or 0.18% of administrative and professional costs in 2015–16. This would be a 0.005% increase in their total annual costs or a 0.06% increase in their administrative and professional costs.

Under Option 3, these exhibitors would also save about \$42 per year<sup>36</sup> over 10 years in reduced procedural costs because they would no longer need to apply for two licences. (Currently they require a licence for the native animals they exhibit and a licence for the exotic animals they exhibit.) However, as noted earlier in this Decision RIS, some feedback indicated that a large fixed exhibitor may elect to send a senior member of staff to accompany an inspector undertaking an official assessment site visit. In this instance, there may be a more significant cost to the exhibitor associated with an official assessment.

<sup>33</sup> See 'Quantification of application-related costs for each option' for assumptions used to calculate the saving.

<sup>34</sup> Based on Rockhampton Zoo's 2010–11 budget management report as at 30 March 2011.

<sup>35</sup> *National Trust of Queensland annual report 2012–2013*.

<sup>36</sup> See 'Quantification of application-related costs for each option' for assumptions used to calculate the saving.

The exhibitors that are likely to fall into this category currently do not exhibit noxious fish. However, several of these exhibitors do exhibit regulated fish.<sup>37</sup> Under Option 3, these fish would not have to be listed under the exhibition licence, but relevant exhibitors would still need to hold an authorisation under the *Fisheries Act 1994* (e.g. a general fisheries permit) if they intended to keep regulated fish.

#### **Case study 4—Circuses**

The overall number of circuses and the number of circuses exhibiting animals that are prohibited matter under the *Biosecurity Act 2014* (such as lions and monkeys) has dwindled dramatically in recent decades, reflecting public attitudes to circus exhibition of wildlife. Many circuses no longer exhibit animals or else exhibit domestic animals for which there are no licensing requirements. Some animals are used for film and television.

Under Option 1, circus and film and television exhibitors (including the 4 exhibitors who also hold licences in New South Wales) would pay an average of \$121 per year over 10 years.

Under Option 1A, these exhibitors would pay about \$175 per year over 10 years.

Circus exhibition of llamas, goats, ponies, dogs and other domestic animals would not be affected by the new legislation. However, exhibitors would be obliged to manage risks and comply with any relevant codes of practice under Option 3.

Under Option 3:

- Interstate-based circuses (currently 3) touring Queensland with animals that are prohibited or restricted matter under the *Biosecurity Act 2014* would not need to hold Queensland exhibition licences provided they maintained their interstate licences. However, they would pay the cost of an interstate exhibitors permit (in the range \$416–\$459) for each permit allowing entry to Queensland for up to 12 months.<sup>38</sup>
- The exhibitor who currently keeps elephants in a Queensland zoo and other species interstate when not using them in a circus and/or for film and television would pay about \$2124 per year over 10 years (comprising licence and official assessment site visit fees for their Queensland-based animals and fees for 1 interstate exhibitors permit each year to tour with the animals based interstate).<sup>39</sup>
- The fees for the remaining Queensland-based circuses (currently 2) who use macaques (monkeys) would be about \$1634 per year over 10 years. An exemption, for the existing macaques, recommended below, would ensure that a special exhibition approval would not be required as long as they are not replaced.<sup>40</sup>

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<sup>37</sup> Regulated fish may, for example, be fish that are smaller than the minimum size limit for that species or fish that cannot be taken at all in Queensland.

<sup>38</sup> Alternatively, if they retained their Queensland licence, their fees would be about \$2 124 per year over 10 years (including fees for 1 interstate exhibitors permit each year). They would also need to have a fixed (permanent) enclosure in which to keep their animals between tours and comply with minimum exhibition requirements. However, given the requirement to establish a fixed exhibit, it is unlikely that they will retain Queensland licences.

<sup>39</sup> Assuming that they retain a licence for the animals kept in the Queensland zoo only and obtain an interstate exhibitors permit (in the range \$416–\$459) when bringing other animals kept under an interstate licence into Queensland for exhibition (e.g. filming) and/or when exhibiting the animals kept under the Queensland licence outside the zoo where they are normally kept.

<sup>40</sup> It is likely these costs may be overstated because all circuses have been assumed to be medium exhibitors requiring a 6-hour monitoring visit. Given that these circuses only keep macaques, it is unlikely they would have more than 3 paid full-time equivalent staff acting under the licence or that it would take 6 hours to complete a monitoring visit.

Under Options 1 and 1A, circuses would not be required to have a fixed (permanent) enclosure in which to keep their animals between tours and would not be subject to minimum exhibition requirements.

The practical impact of proposed licensing restrictions for animals that are prohibited matter under Option 3 would largely be confined to the two Queensland-based circuses who between them keep four macaques. These circuses would need to arrange to keep and exhibit their macaques in a zoo (or similar) between tours.

The Consultation RIS proposed that the existing circuses could be given five years to make arrangements for fixed exhibition of their animals between tours. The one-off cost of developing a suitable fixed enclosure for macaques was broadly estimated at \$75 000 – \$100 000. Circus operators have indicated that developing their own fixed enclosure is too expensive. They also indicate that temporarily leaving their animals in an existing zoo is not practical and would disrupt their training. The Zoo and Aquarium Association, Australasia - Queensland Branch has confirmed that their policy is for members to not transact animals with circuses and the film and television industry. This makes it unlikely that these circuses could enter into an arrangement with an existing zoo.

Consequently, this Decision RIS recommends that fixed exhibition of the four macaques currently held by the two Queensland circuses not be required. These particular macaques would be exempt (grandfathered) from the requirement to be based in a fixed exhibit. However, the circuses would still be subject to obligations under the Bill and need to prepare management plans for these species. Any macaques acquired after the commencement of new legislation would not be grandfathered and would need to be based in a fixed exhibit. The Decision RIS does not recommend maintaining a broader exemption for circuses from fixed exhibition of animals that are prohibited matter because it could open the door to mobile exotic wildlife collections in Queensland – it is largely intangibles such as tradition and culture that differentiates a circus from a mobile wildlife collection.<sup>41</sup>

Fees under Option 3 would be increasing from a very low base. Current licensing fees for circuses do not reflect the resources required to assess applications and to undertake compliance activities for the relatively risky mobile exhibition of wild animals in a circus. Therefore, they do not recover the full cost in line with government policy.

Biosecurity Queensland has no accurate data about the operating costs of these circuses, but they are likely to be substantial. Licence fees are likely to remain a small proportion of operating costs.

Under Option 3, circuses may derive some benefits that partly offset the increased compliance costs. The new legislation may increase public confidence in the welfare of circus animals. This may result in a relaxation of current local government restrictions on where circuses can perform (or at least avert any additional restrictions) and so reduce operating costs.

### **Case study 5—Magic acts**

There are 34 exhibitors who fall into this category.

Under Option 1, magic acts would pay an average of \$49 per year over 10 years.

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<sup>41</sup> See section 5 for further discussion on the mobile exhibition of exotic wildlife.

Under Option 1A, they would pay about \$70 per year over 10 years.

Under Option 3, they would pay an average of \$65 per year over 10 years.<sup>42</sup> This compares with Brisbane City Council's 2014–15 annual registration costs for a dog—\$128.90, reduced to \$44.95 if the dog is desexed or increased to \$505.20 if the dog is dangerous or menacing.<sup>43</sup> Unlike dog registration, however, an exhibition licence would allow magic acts to keep a species that cannot be kept for private recreation in Queensland.

Magic acts have been given their own fee category under Option 3. This recognises the relatively low risks associated with keeping and exhibiting a single castrated rabbit. However, the current fee charged for renewal of a declared pest permit to keep a rabbit for a magic act is not sufficient to cover the associated administration costs. The relatively large percentage increase in fees is necessary to ensure the rest of the exhibited animals industry is not subsidising the cost of licensing magic acts to keep rabbits (which the general public cannot keep in Queensland).

Financial data for magic acts is not publicly available. However, the prices magic acts charge for their services provides some context for the fees under Option 3. For example, 'Magic Mike'<sup>44</sup> advertises a \$295 30-minute magic show that involves a rabbit. The rabbit is an important component of the show—the advertisement states that there is an additional 15 minutes 'to feed the bunny', or that he will stay up to 60 minutes 'if the kids would like more time with the bunny'.

Magic acts vary in the extent of their commercial orientation. For serious businesses, the licence and site visit fees are legitimate business expenses for taxation purposes. At the hobbyist end of the spectrum, the higher fees may be an incentive to replace a live rabbit with an inanimate object in the show.

### **Case study 6—Exhibitors who do not need a licence but are subject to the general obligation and standards**

There is little data to assist in estimating the number of exhibitors currently in this category. They could number as few as 1000 or as many as 10 000. It is expected that a small percentage of these exhibitors would need to upgrade their existing animal enclosures to comply with the general obligation and mandatory standards under Option 3.

Most of those who would need to upgrade their enclosures are likely to be displaying a large bird (such as a sulphur-crested cockatoo) in an area that is accessed by the public (such as at a petrol station) in a cage that does not allow it to flap its wings. A new cage suitable for keeping a sulphur-crested cockatoo under the code of practice<sup>45</sup> currently retails for \$200–\$300.

Biosecurity Queensland would adopt an educational approach to informing these exhibitors about their obligations under the new legislation. Except for gross breaches, enforcement action would be deferred until an exhibitor had been given ample opportunity to comply (or cease exhibiting the animal).

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<sup>42</sup> This calculation assumes that the chief executive would make a licensing decision without conducting a site visit.

<sup>43</sup> Brisbane City Council registration fees 2014, Brisbane City Council, Brisbane, viewed 8 August 2014, <<http://www.brisbane.qld.gov.au/laws-permits/laws-and-permits-for-residents/animals-and-pets/cats-dogs/cat-dog-registration/registration-fees/index.htm>>.

<sup>44</sup> Magic Mike 2013, Magic Mike, Brisbane, viewed 8 August 2014, <<http://www.magicmike.net.au/>>.

<sup>45</sup> A cage with 1500 cm<sup>2</sup> of floor space and height 150 cm would allow a large bird (such as a sulphur-crested cockatoo) to flap its wings.



## Assessment of all costs and benefits

The remainder of this section provides a qualitative assessment of the costs and benefits of Options 1A, 2A and 3 compared to Option 1.

### Option 1A

The impacts of Option 1A on government, business and the community are shown in Table 17.

**Table 17** Impacts of Option 1A compared to those of Option 1

Sector	Benefits	Costs
Government	<p>Provided there were no significant changes to the composition of the industry, the government would recover the full cost of providing services—total fee revenue in 2015–16 would be about \$184 000 (compared to \$128 000 under Option 1—see Table 15), which is close to the estimated total administrative costs of \$184 000.</p> <p>As is the case at present, the government would not have to incur the costs associated with the implementation of new legislation and licensing arrangements.</p>	<p>As is the case at present, the government may have difficulties taking action against exhibitors who do not mitigate all of their animal welfare, biosecurity and safety risks. This is because there are gaps in the coverage of some of these risks by current legislation and licences are generally not subject to a requirement to manage these risks.</p> <p>Retention of the current legislative regime for exhibited animals would require the government to continue to administer several licensing systems.</p> <p>The extent of cost recovery would be highly sensitive to the number of exhibitors of exotic species—fees for a licence to exhibit an exotic animal are far less than those for a licence to exhibit a native animal, but administrative costs are comparable.</p> <p>The extent of cost recovery would also be highly sensitive to the number of amendment applications—administrative costs for amendments are much higher than application revenue.</p> <p>The current legislative provisions could be amalgamated into one instrument; however, this would not reduce the overall licensing and administrative burden nor increase cost recovery.</p>
Business	<p>Exhibitors would not have to adjust to new legislation and licensing arrangements.</p>	<p>Exhibited animal businesses would still have to obtain different licences and pay different fees depending on the animals being kept. Some exhibitors would continue to have licence application costs under several schemes.</p> <p>All exhibitors, including those with relatively less capacity to pay, would experience a 44% increase in licensing fees.</p> <p>Exhibitors of native animals would continue to pay much higher fees than exhibitors of exotic animals and small exhibitors would continue to subsidise large exhibitors. These fee inequities would be amplified by</p>

Sector	Benefits	Costs
		the across-the-board fee increase. The estimated application-related costs for the 10-year period commencing 2015–16 expressed in present value would be \$2 211 848 (compared to \$1 558 432 under Option 1—see Table 14).
Community	The community would no longer be subsidising the provision of licensing services to the industry.	Retention of the current legislative regime with its gaps and deficiencies in management of risks to animal welfare, biosecurity and safety would fail to address community interests in minimising these risks. Further, the fee structure would not provide an economic incentive for industry members to proactively minimise these risks.  It could be anticipated that the fees payable by the community to visit exhibited animals facilities would increase in some way to match the increase in licensing fees.

### Option 2A

Under Option 2A, private keeping under the guise of keeping for exhibition would be difficult to identify and would likely proliferate. Without a notification scheme, register or licensing requirement, the government would not even know who was keeping wild animals for exhibition. In the absence of regulatory oversight, black-market demand for pest animals, noxious fish and protected wildlife illegally taken from the wild would likely increase.

Under Option 2A, an increase in risks to animal welfare, biosecurity and safety would be likely because of the following:

- More people would keep pest animals, noxious fish and protected (native) wildlife for exhibition and privately under the guise of keeping for exhibition.
- It is unlikely that all exhibitors would participate in a self-regulation scheme.
- There is no guarantee that all sectors would develop codes of practice and that any code of practice developed would meet community expectations of risk minimisation.
- Without a proactive regulatory framework, people with insufficient competence and facilities may attempt to keep animals without a full appreciation of the risks and/or the capacity to minimise them.

The impacts of Option 2A on government, business and the community are shown in Table 18.

**Table 18** Impacts of Option 2A compared to those of Option 1

Sector	Benefits	Costs
Government	Administration costs broadly estimated at \$184 000 per year (if self-regulation commenced in 2015–16) would be avoided. Also, there is potential for additional savings in avoided policy development costs.  Industry would be encouraged to be less reliant on the government to manage risks.	The less comprehensive and less consistent minimisation of risks to animal welfare, biosecurity and safety may not meet community expectations in some cases.  Prohibitions on private keeping of declared pests and noxious fish (which reduce the

Sector	Benefits	Costs
		<p>risks of pest establishment) would be undermined.</p> <p>Prohibitions on private keeping of protected (native) wildlife (which reduce the risk of unsustainable illegal take from the wild) would be undermined.</p> <p>Government compliance and enforcement costs that could not be recovered from industry would increase in response to complaints under animal welfare, biosecurity and occupational health and safety legislation.</p>
Business	<p>Compliance and administrative costs would be avoided if self-regulation commenced (although some of this saving may be offset by the costs of self-regulation).</p> <p>New exhibitors would be able to enter the industry more easily.</p> <p>Exhibitors would be able to exhibit a greater range of species in various circumstances, provided the risks can be minimised.</p>	<p>Exhibitors may not be clear about what is required to address risks (although industry-developed codes of practice and national standards currently under development would establish a benchmark in time).</p> <p>More frequent animal welfare, biosecurity and safety incidents may impact the community's perception of the industry and this may adversely affect visitor numbers. If there was a serious incident that caused significant damage to the reputation of the industry, the costs (e.g. loss of income from a significant drop in visitor numbers or if the exhibitor was forced to close for a period) could be significantly higher than the avoided costs of government regulation.</p> <p>Theoretically, exhibitors would need to participate in an industry self-regulation scheme or risk losing visitors, particularly if they directly competed for visitors with similar exhibitors who did participate in such a scheme. However, public recognition of the schemes may be insufficient for participation to generate any significant benefit to participants or to overcome damage to public perception of the industry (especially if there were separate industry self-regulation schemes for each sector or participation rates were low).</p>
Community	<p>The community may be able to see animal exhibits not previously allowed in Queensland.</p>	<p>The likelihood and severity of animal welfare, biosecurity and safety incidents would increase.</p> <p>Even low levels of unmitigated risk under self-regulation could have very serious consequences not just for visitors to exhibits but also the broader community. Biosecurity incidents, in particular, could have serious and irreversible consequences for the economy, the environment, human health and social amenity. For example, establishment of a pest animal could have major impacts on Australia's livestock and/or agricultural industries and ultimately</p>

Sector	Benefits	Costs
		its economy.

### Option 3

Option 3 would not change who must obtain a licence to exhibit animals (compared to Options 1 and 1A). However, the fee burden would be redistributed across the industry—some exhibitors would pay more and others less than currently, depending on the characteristics of their business.

The impacts of Option 3 on government, business and the community are shown in Table 19.

**Table 19** Impacts of Option 3 compared to those of Option 1

Sector	Benefits	Costs
Government	<p>More comprehensive and more consistent regulation would meet community expectations.</p> <p>The legislation would provide modern regulatory tools.</p> <p>Administration costs would be reduced via a more efficient and more effective regulatory scheme, but this would be offset by increased monitoring costs.</p> <p>The government would recover the full cost of providing services—total fee revenue in 2015–16 would be approximately \$183 000 (compared to \$128 000 under Option 1—see Table 15), which is close to the estimated administrative costs of \$184 000. Further, the fee structure should ensure that full cost recovery is not compromised by changes over time in the number of applications being received (e.g. an increase in the number of operators exhibiting exotic animals or changes to the number of amendment applications).</p> <p>The legislation would encourage industry to be less reliant on the government to manage risks—exhibitors would have an obligation to minimise risks. A site review conducted under an industry quality-assurance scheme that deals with the requirements of the legislation may substitute for a site visit before licence renewal.</p>	<p>The same obligations, standards and licensing requirements would apply to government wildlife parks as to the rest of the industry (which means approximately \$38 077 would be payable in licensing and site visit fees for the three government parks currently operated—David Fleay Wildlife Park, Daisy Hill Koala Centre and Walkabout Creek) over the first 10 years of the new legislation.</p> <p>The government would incur some costs associated with implementing a new legislative and licensing regime.</p>
Business	<p>Exhibitors would be able to exhibit a greater range of species provided the risks could be minimised.</p> <p>Exhibitors would have more flexibility in changing operations (e.g. fixed to mobile operations, exotic to native animals, new exhibition activities, new species, transfer to</p>	<p>The keeping and exhibition of unlicensed animals (such as sulphur-crested cockatoos) would need to comply with a higher standard (see Case study 6 for indicative costs).</p> <p>Exhibitors would be required to prepare and submit a plan for managing risks when</p>

Sector	Benefits	Costs
	<p>a new owner).</p> <p>Exhibitors could be more certain about what is required to address risks (by the legislation providing for the adoption of more comprehensive codes of practice).</p> <p>By providing for the adoption of national standards (currently under development), the new legislation would ensure Queensland's requirements are broadly similar to those of other Australian jurisdictions.</p> <p>There would be reduced requirements to obtain approval or give notice when moving native (and some exotic) species.</p> <p>There would be less subsidisation of large exhibitors by small exhibitors and generally fees would better reflect the cost of assessing an application.</p> <p>Industry efforts to self-manage risks would be acknowledged (because a site review conducted under an industry quality-assurance scheme that deals with the requirements of the legislation may substitute for a site visit before licence renewal and compliant businesses would not have to pay for follow-up site visits).</p> <p>18 (out of 46) fixed exhibitors would require a reduced number of licences (which would reduce procedural, recordkeeping and education costs for exhibitors that currently require multiple licences under several pieces of legislation). Procedural cost savings are estimated to be about \$42 per year over 10 years (from 2015–16). Other cost savings would depend on the circumstances of each exhibitor.</p> <p>Small demonstrators would pay about the same or less in fees than under Option 1 and considerably less than under Option 1A—see Case study 1.</p> <p>Generally, interstate-based circuses would not need to maintain Queensland licences—see Case study 4.</p>	<p>applying for a licence. The extent of the plan would vary in proportion to the risks associated with the proposed activities.</p> <p>The estimated costs related to applications and site visits for the 10-year period commencing 2015–16 expressed in present value would be \$2 144 581 (compared to \$1 558 432 under Option 1)—see Table 14.</p> <p>The licence-related fee burden would depend on the characteristics of the fixed exhibitor—some fixed exhibitors would have lower fees than under Options 1 and 1A (e.g. small wildlife parks exhibiting native species only) while others would pay higher fees than under Options 1 and 1A (e.g. small parks exhibiting exotic species only and large exhibitors). Table 16 and Case studies 2 and 3 indicate of the impacts on various types of fixed exhibitors.</p> <p>Fixed exhibitors who wished to take an animal that is prohibited matter off site for a mobile exhibition would need to apply for a special exhibition approval.</p> <p>Medium demonstrators would pay more in fees than under Options 1 and 1A—see Table 16.</p> <p>Interstate-licensed circuses would need to obtain an interstate exhibitors permit for a tour of up to 6 months duration.</p> <p>If they replaced their current animals that are prohibited matter, circuses holding Queensland licences could need to arrange to keep and exhibit them in a zoo (or similar) between tours. The impact would</p>

Sector	Benefits	Costs
		<p>depend on the characteristics of the exhibitor and how they chose to adjust their operations in response to the requirements. See Case study 4 for a discussion of the possible impact on the circuses that currently hold licences to exhibit Class 1 pests in Queensland.</p> <p>Circuses would pay more in fees than under Options 1 and 1A—see Case study 4.</p> <p>Magicians would pay more in fees than under Option 1 but less than under Option 1A—see Case study 5.</p>
Community	<p>Regulation of the industry would be more comprehensive and more consistent.</p> <p>The community may be able to see animal exhibitions not previously allowed in Queensland.</p> <p>Regulation of risks to safety and animal welfare may improve (e.g. by implementing animal welfare standards for exotic animal exhibits).</p>	<p>It could be anticipated that the fees payable by the community to visit exhibited animals facilities would increase in some way to match the increase in licensing fees. However, the effect may not be as significant as under Option 1A—the largest fee increases would generally be borne by those exhibitors with the greatest capacity to pay.</p>

### Summary of costs and benefits

Tables 20 and 21 summarise the costs and benefits of Options 1A, 2A and 3 compared to Option 1. Note that the issues do not all have the same importance and the costs and benefits have not been weighted to enable an overall assessment of options against each other.

**Table 20** Summary of costs of Options 1A, 2A and 3 compared to Option 1

Sector	Issue	Position relative to Option 1		
		Option 1A	Option 2A	Option 3
Government	Administration and enforcement costs	Same	Less	Same
Business	Administration and compliance costs	More	Less	More
	Barriers to entering industry and moving between sectors	Same	Much less	Less
	Restrictions on species kept	Same	Much less	Less
Community	Taxpayer contribution to oversight of industry	Less	Same	Much less
	Cost of visits to animal exhibitions	More	Less	More
	Risk of animal welfare, biosecurity and safety incidents	Same	Much more	Less

**Table 21** Summary of benefits of Options 1A, 2A and 3 compared to Option 1

Sector	Issue	Position relative to Option 1
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		<b>Option 1A</b>	<b>Option 2A</b>	<b>Option 3</b>
Government	Comprehensive and consistent regulation	Same	Less	More
	Powers to take action where risks not being managed	Same	Less	More
	Cost recovery	More	Less	More
Business	Protection of industry reputation for animal welfare, biosecurity and animal welfare	Same	Less	More
Community	Availability of animal exhibits	Same	Much more	More

## 5 Consultation

### Release of the Consultation RIS

On 25 November 2013, the Queensland Government released the Consultation RIS for public comment. The consultation period was open for 84 days closing on 10 February 2014. The Consultation RIS was made available on two Queensland Government websites:

- Get involved - [www.getinvolved.qld.gov.au](http://www.getinvolved.qld.gov.au)
- The then Department of Agriculture, Fisheries and Forestry (DAFF) - [www.daff.qld.gov.au](http://www.daff.qld.gov.au).

The Get involved and DAFF websites invited members of the public to lodge submissions by mail or email, or participate in an online survey about the proposed changes.

Exhibitors with declared pest permits or wildlife demonstrator and exhibitor licences were alerted by email to the public release of the Consultation RIS. The same email invited exhibitors to participate in an information webinar on 10 December 2013. A recording of the information webinar was published on YouTube for those who could not attend.

### Summary of feedback

Twenty-five respondents submitted feedback on the Consultation RIS. Twelve responses were by mail and email, and 13 through the online survey. Thirty-two participants took part in the information webinar held on 10 December 2013.

A diverse range of stakeholders provided feedback, as shown in Table 22. A summary of individual written submissions is included in Appendix 3.

**Table 22:** Summary of feedback collection method and stakeholder interest

Stakeholder Interest	Online survey	Written submissions	Total
<b>Circus</b>	1	3	<b>4</b>
<b>Film and Television Production</b>	1	1	<b>2</b>
<b>Fixed Exhibitors</b>	2	4	<b>6</b>
<b>Magic Acts</b>	-	1	<b>1</b>
<b>Wildlife Demonstration</b>	5	1	<b>6</b>
<b>Local Government</b>	-	1	<b>1</b>
<b>Tourism Interest</b>	2	-	<b>2</b>
<b>Animal Welfare Interest</b>	2	1	<b>3</b>
	<b>13</b>	<b>12</b>	<b>25</b>

### Support for the proposed legislation

Seventy-two per cent<sup>46</sup> of respondents to the Consultation RIS, who expressed a preference, supported developing new legislation—Option 3. Some written responses did

<sup>46</sup> Including the two respondents who expressed a preference for more than one option.



not clearly express a preference but assumed new legislation would be developed consistent with Option 3.

The majority of exhibitors (85%), who expressed a preference and who would be directly affected by the proposed legislation, were in favour of Option 3. The other exhibitors (15%), who expressed a preference, supported minimal legislative intervention—Option 2A.

Many of the submissions expressed support for:

- streamlining and simplifying licencing
- enabling the exhibition of a greater range of species in Queensland
- minimising the risks posed by the exhibition of animals.

Additionally, most supported the key aspects of Option 3.

### **Common concerns**

The most common concerns were:

- risk management under the proposed legislation
- minimum exhibition requirements
- licence renewal and amendment application fees.

### ***Risk management***

Many of the submissions supported exhibitors developing risk management plans. However, some fixed exhibitors suggested they may represent additional red tape.

Two submissions expressed concern that the proposed legislation would extend to safety risks for staff.

A number of the submissions expressed concern about how risk-based decision making powers would be exercised under the proposed legislation. For example, some queried what would be considered high risk and low risk species.

### ***Minimum exhibition requirements***

There was strong support in the submissions for the proposed minimum exhibition requirements. However, some demonstrators, who keep only native animals, misunderstood which requirement would apply to them when expressing concern that they would be required to exhibit species they keep for 900 hours each year.<sup>47</sup>

### ***Site visits***

There was general support for official assessment site visits depending on the compliance record of an exhibitor and participation in industry quality assurance schemes. Some exhibitors cautiously accepted the need for site visits but were concerned that their cost could escalate if conducted excessively. Two respondents suggested the Consultation RIS understated the cost to exhibitors of facilitating the visits. Some exhibitors misunderstood the site visit proposal expressing concern that they would be charged for a random visit or a visit to investigate a complaint. They were also concerned that their particular location and the number of officers involved would increase the cost of a visit.

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<sup>47</sup> The 900 hours per year requirements would only apply to animals that are prohibited matter under the *Biosecurity Act 2014* and hence would not apply to native wildlife demonstrators.

### ***Licence renewal fees***

Feedback on the proposed licence renewal fees was mixed. Fifty-eight per cent of respondents agreed that the proposed licencing fees were reasonable, and a number of written submissions expressed support for full cost recovery through fees. Conversely, some submissions suggested that full cost recovery would not be achievable in the exhibited animals industry. It was also suggested that exhibitors should not pay the full cost of services as their exhibition activities constitute a public good and exhibitors pay significant taxes. Some opposition to the fees was based on a misunderstanding of estimates included in the Consultation RIS for various categories.

### ***Licence amendment fees***

Respondents expressed a range of views on the proposed increase of licence amendment fees from their low base<sup>48</sup>. A number of submissions were supportive of full cost recovery for licence amendment applications. However, others expressed concern about the scale of the increase for licence amendment fees. One submission suggested that the licence amendment fees would act as a disincentive for upgrading enclosures or acquiring more animals.

Several submissions requested clarification as to when a major licence amendment application fee would be payable compared to a minor licence amendment application fee. The implication was that they were concerned about paying a major licence amendment application fee for changes they considered relatively trivial. There was also concern about having to pay a fee for purely administrative amendments.

### ***Permits for exhibition of animals that are prohibited matter***

Respondents expressed broad support for a permit for the mobile exhibition of animals which are prohibited matter.<sup>49</sup> Interstate circuses were concerned that their Queensland tours lasted longer than the duration of a permit (proposed six months).

### **Industry workshop on draft Bill**

On 17 July 2014, the Queensland Government held a workshop to discuss a working draft Exhibited Animals Bill. They invited exhibitors to attend the workshop during the Consultation RIS process. Seventeen industry participants attended and provided feedback on the draft Bill. Two key issues arose regarding arrangements for:

- native species that can be kept under a recreational wildlife licence under the *Nature Conservation Act 1992*
- animals that are prohibited matter under the *Biosecurity Act 2014*.

### ***Restrictions on native species able to be kept under a recreational wildlife licence***

Participants suggested that the administrative burden posed by management plans could be decreased by reducing the planning requirements for certain animals. In particular, those animals that are currently kept by thousands of other Queenslanders for private recreation under recreational wildlife licences under the *Nature Conservation Act 1992*.

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<sup>48</sup> Currently \$0 for exotic animals and \$15.70 for native wildlife.

<sup>49</sup> However, concerns about this aspect of the new legislation were raised during the industry workshop on the draft Bill.

In response, this Decision RIS varies from the Consultation RIS on this point. It recommends that a type of enclosure rather than a specific enclosure might be approved for these species.

### ***Keeping of animals that are prohibited matter by demonstrators***

Some demonstrators highlighted that they would not be able to keep animals, which are prohibited matter under the *Biosecurity Act 2014*, for mobile exhibition even if the risks could be managed. This is despite the general intent of the new legislation to apply a risk-based approach consistently across all sectors. Although mobile exhibition could be authorised under a special exhibition approval, the animals would need to be based in a fixed exhibition.

Exhibit in a fixed exhibit is generally the most effective way to mitigate risks associated with these animals. This reflects that it is possible to use engineering solutions to reduce risks to extremely low levels in a fixed regular enclosure (e.g. permanent fences). Other risks can be avoided entirely (e.g. risk of misadventure during travel and animals becoming agitated during extended periods of travel). Once established, engineering control measures such as this generally remain in place unless deliberately removed or they are degraded by neglect. For example, it is relatively easy to visit a zoo and check if its fences and enclosures are sufficiently robust to reduce the risk of escape or theft of an animal.

Risk mitigation outside the regular enclosure is generally reliant on administrative controls and hence highly vulnerable to human factors (e.g. whether a person followed certain risk-minimisation procedures, employee expertise, warnings about risks being provided to an audience and whether the audience observed the information and warnings they were given). It is generally accepted that administrative controls are less reliable than engineering measures for controlling risks<sup>50</sup> and that ensuring compliance with agreed administrative controls requires more regular monitoring. Maintenance of administrative controls, such as procedures for ensuring the security of the animal while it is in a vehicle or at a site away from its regular enclosure, heavily depends on daily adherence to the procedures.

Ensuring acceptable biosecurity risk management is a problem for pest-potential animals. Increased government monitoring and enforcement of risk mitigation measures would be essential to managing risks if high pest-potential animals were not based in a fixed exhibit open to the general public. There is very limited community visibility of animals kept by demonstrators out of public view. In contrast, public exhibit of animals in their regular enclosure provides high level visibility of risk management, promoting compliance.

Some demonstrators suggested risk mitigation measures, such as limiting exhibition to sterilised and microchipped males, which would be difficult to enforce. The difficulties include:

- some amphibians change gender
- no accepted sterilisation methods exist for some species
- monitoring compliance for some species, particularly for reptiles including alligators and venomous snakes.

Only regular inspection could ensure non-compliant animals had not been added to collections kept out of public view.

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<sup>50</sup> These form part of what is commonly termed the 'hierarchy of control methods' in risk management literature.

There are highly professional demonstrators who can effectively mitigate the risks of keeping prohibited matter. However, the sector is relatively immature with high participant turnover and very little self-regulation. The higher barriers to establishing a fixed exhibit (such as infrastructure development and planning approval) also have the effect of stabilising the fixed exhibition sector of the industry. This encourages self-regulation to maintain public support and hence ensure a return on investment.

The Decision RIS is consistent with the Consultation RIS on licensing restrictions for animals that are prohibited matter under the *Biosecurity Act 2014*. Maintaining a requirement for some fixed exhibition to the general public is an efficient way of ensuring the cost of risk management for these pest-potential species is not transferred to government. In effect it will ensure that exhibitors with these species will have a significant investment to protect, and are in regular public view. An alternative would be significant increases in fees to recover Government enforcement of risk mitigation for collections kept out of public view.

Some demonstrators at the workshop were frustrated that Queensland businesses would be at a competitive disadvantage compared to those in New South Wales. New South Wales–licensed exhibitors with prohibited matter collections that are not based in a fixed exhibition would be able to tour Queensland under an interstate exhibitors permit. However Queensland exhibitors could not be licensed to tour Queensland unless their animals were based in a fixed exhibition.

In practice, the competitive disadvantage would be quite limited. There are less than ten large circuses licensed to keep exotic animals in New South Wales. The two remaining small Queensland circuses are very different in character to the large New South Wales-based circuses which tour nationally. In addition, there are only two demonstrators currently permitted to exhibit exotic animals in New South Wales, and New South Wales no longer allows exotic reptiles and amphibians (other than cane toads) to be kept in a mobile wildlife collection.

### ***Other Matters***

Participants agreed that the department should consider the following matters as the draft Bill was refined:

- information about species and enclosure locations should not be publicly available on the register of authorities
- clarification of language to delineate between requirements applying to each individual animal of a species rather than all animals of that species
- omission of the restriction on obtaining animals that have caused injury or death in favour of a licence condition preventing disclosure of that history of an animal for promotional purposes
- providing the perimeter fence around a zoo as an example of a controlled area
- transitional arrangements for multiple authority holders
- raising the threshold for when an incident is a notifiable incident
- omitting mention of 'branding' in favour of examples for animal identification more appropriate for exhibited animals.

### **Parliamentary Committee inquiry into Exhibited Animals Bill 2014**

The Exhibited Animals Bill 2014 was introduced into Parliament on 14 October 2014 and referred to the former Agriculture, Resources and Environment Committee (AREC). AREC

called for public submissions on the Bill on 21 October 2014. The department advised all licenced exhibitors of the inquiry, as well as any party previously consulted during the development of the Bill.

As detailed in Table 23, 19 submissions to the AREC inquiry were received.

**Table 23:** Submission by stakeholder interest

	Total
Circus	9
Film and Television Production	1
Fixed Exhibitors	3
Wildlife Demonstration	3
Animal Welfare Interest	3

Generally submitters to AREC, including the RSPCA and ZAAQ, welcomed the Bill. Key issues are outlined below.

### ***Keeping of prohibited matter***

Circuses that keep wild animals and wildlife demonstrators who have an interest in obtaining exotic animals for mobile exhibition raised concerns about the proposed restrictions on keeping high pest-potential exotic animals ('prohibited matter' under the *Biosecurity Act 2014*).

The Bill effectively required that these exotic animals must be based in a fixed exhibit open to the public (e.g. at a zoo). A permanent engineering solution is widely recognised as the most reliable means to reduce risks associated with these animals to extremely low levels. Further, having enclosures in public view ensures transparency and promotes high levels of compliance.

Wildlife demonstrators currently cannot obtain exotic animals. Two wildlife demonstrators made submissions and appeared before AREC arguing they should be able to keep exotic animals. The department believes few other demonstrators have an interest in keeping exotic animals. While there are some highly professional demonstrators who could effectively mitigate the risks of keeping these species, enforcement of risk mitigation is extremely difficult if animals are kept out of public view (i.e. where animals are only exhibited off-site to select audiences).

Circuses can currently tour with exotic animals (such as lions, elephants and monkeys). However, the number of circuses doing so has dwindled in recent decades reflecting changing public attitudes to circus exhibition of wildlife. Two very small Queensland circuses keep four macaques (monkeys) between them. These macaques were proposed to be 'grandfathered' under the Bill. These circuses could keep their current macaques but only replace them if they were based in a fixed exhibit. Visits by the few large interstate-based circuses that still exhibit exotic animals (e.g. lions and elephants) could continue under permits. While these circuses continue to be closely regulated interstate, their activities in Queensland pose little risk.

### ***Permit Length***

Given the heightened animal welfare, biosecurity and safety risks associated with managing off-site exhibition and itinerant collections of these animals, regular review of these

authorisations is a proportionate risk treatment. Some interstate circuses submitted to AREC that the length of permit should be extended from the proposed six months to 12 months or longer to cover the full length of their tours of Queensland. Consequently, it is proposed that the maximum term of an interstate exhibitors permit would be 12 months, and for consistency that a special exhibition approval could also be granted to a Queensland-licensed exhibitor for up to 12 months.

### **Management plans**

There were some concerns expressed about the potential burden on exhibitors of having to prepare a risk management plan. The department suggests the flexibility afforded by allowing exhibitors to propose how they would manage risks would more than outweigh the cost to them of documenting their proposed activities in a plan. The department would consult with exhibitors during the development of templates for management plans.

### **Animal Welfare**

Animal rights groups Animal Liberation Queensland and Animals Australia expressed concerns that the Bill would displace animal welfare obligations under the *Animal Care and Protection Act 2001*.

By authorising exhibition of native animals in legislation other than the *Nature Conservation Act 1992*, the Bill would ensure the *Animal Care and Protection Act 2001* applies to all animal exhibits. Currently, under s 6A of the *Animal Care and Protection Act 2001*, a person generally does not commit an offence under the *Animal Care and Protection Act 2001* if what they are doing or not doing is authorised under the *Nature Conservation Act 1992*. This is a gap in risk management.

In addition, it is intended that an exhibitor guilty of an offence under the Bill may be prosecuted instead for an offence committed under the *Animal Care and Protection Act 2001* if the offence and penalty under that legislation is more appropriate, for example having regard to the gravity of what occurred.

Further, the Bill would ensure that the chief executive must be satisfied that risks to animal welfare would be minimised before a licence or permit to exhibit and deal with the animal can be granted. Currently, there are some specific licensing considerations relevant to animal welfare under the *Nature Conservation Act 1992* but there are none under the *Land Protection (Pest and Stock Route Management) Act 2002*.

Finally, there is provision for adoption of codes of practice specific to the industry under the Bill. This would ensure that community expectations for animal welfare in the industry are reflected in more specific requirements than are available under the *Animal Care and Protection Act 2001*. The only current specific requirements under the *Animal Care and Protection Act 2001* are the mandatory *Queensland code of practice for the welfare of animals in circuses 2003* and a voluntary code - *the Queensland code of practice for the welfare of animals in film production*.

### **Other Matters**

It was also suggested to AREC that:

- provisions allowing the dealing with animals across multiple premises should be revised;
- the definition for 'serious incident' should be revised to exclude euthanasia;
- the definition of 'serious injury or illness' should be revised to a higher threshold;

- consideration should be given to the possibility of an exhibitor complying with the minimum exhibition requirement by streaming content through a webcam;
- the legislation was complex and in places difficult to follow.

## 6 Recommendations following consultation

The quantifiable costs under Options 1A and 3 are higher than under Option 1 and do not exist under Option 2A. However, although the benefits of Option 3 cannot be meaningfully quantified, they are much more significant than all other costs and benefits and align with the government's policy objectives.

Option 3 would reasonably enable animal exhibition in Queensland. Most respondents to the Consultation RIS welcomed this approach which would simplify licensing requirements and would allow a greater range of species to be exhibited, providing the risks could be minimised.

The new legislation would be a cohesive framework with modern regulatory tools for ensuring the risks to animal welfare, biosecurity and safety are minimised. It would be comprehensive and consistent. It would also address identified deficiencies in the current legislation, including multiple licensing schemes and gaps in coverage of some risks.

The new legislation would meet all of the government's policy objectives in relation to fees. It would recover the full cost of services and ensure fees are more equitable and better reflect the resources required to authorise and monitor exhibitors of different scale and complexity. It would also provide for the recognition of industry quality-assurance schemes that dealt with the requirements under the legislation, reducing unnecessary red tape and encouraging industry self-reliance.

Although Option 1 would generally address risks to animal welfare, biosecurity and safety consistent with the policy objective, the existing gaps in coverage of some risks would remain. This option would not simplify how exhibition of animals is authorised, nor provide a cohesive, comprehensive and consistent framework to consolidate and streamline how risks to animal welfare, biosecurity and safety are addressed. It would not allow a greater range of species to be exhibited in Queensland if the relevant risks could be minimised. It would not meet any of the policy objectives in relation to fees.

Two responses to the Consultation RIS supported Option 1A—retain existing provisions with a 43% fee increase. Option 1A would impose a great cost on the industry by imposing a 43% fee increase. The impacts of this option are otherwise generally the same as those for Option 1. By increasing licensing fees, Option 1A would meet one of the government's policy objectives in relation to fees by recovering the full cost of services, but it would amplify inequities in the current fee structure. While Option 1A would generally address risks to animal welfare, biosecurity and safety consistent with the policy objective, the existing gaps in coverage of some risks would remain. Also, it would not simplify how exhibition of animals is authorised. It would not consolidate and streamline how risks to animal welfare, biosecurity and safety are addressed in a cohesive, comprehensive and consistent framework. It would not allow a greater range of species to be exhibited in Queensland if the risks could be minimised.

Three responses to the Consultation RIS preferred Option 2A—minimal legislative intervention to allow for industry self-regulation. Option 2A would simplify how exhibition of animals is authorised and allow a greater range of species to be exhibited in Queensland. However, this option would be unlikely to meet community expectations for how animal welfare, biosecurity and safety risks should be managed. Therefore it would not meet the overarching policy objective of government intervention.



Option 3 remains the preferred option, both for government and exhibitors. Some specific changes have been made to the proposal for legislation described in the Consultation RIS. These changes are highlighted in context throughout the Decision RIS and include:

- The type of enclosure rather than a particular enclosure would be approved for species that can be kept for private recreation under a recreational wildlife licence.
- Off-site exhibition of an animal that is prohibited matter under the *Biosecurity Act 2014* would be authorised under a special exhibition approval on an exhibition licence, rather than under an interstate exhibitors permit.
- The chief executive would have the discretion to approve an amended management plan when a licence is renewed, and make clerical or agreed amendments outside the formal application process.
- Animals that are prohibited matter under the *Biosecurity Act 2014* that are currently held by Queensland circuses (principally four macaques held under two permits) would be exempt from fixed exhibition requirements.
- The maximum term of a special exhibition approval and interstate exhibitors permit would be increased from six months to 12 months.

## **7 Consistency with other policies and regulation**

### **Competition Principles Agreement**

The proposed legislation is generally consistent with Clause 5 of the Competition Principles Agreement.

It would not reduce competition in the industry for entities that satisfy community expectations about safety, managing biosecurity risk and the treatment of animals. Regulations in the proposed legislation would be rules-based, would apply equally to all industry entities and would not favour any specific segment. Licence conditions could only be imposed administratively if they were reasonable and necessary to achieve the purpose of the new legislation. If any entities in the industry tried to gain a competitive advantage by reducing costs via noncompliance, their site visit costs (and consequently their competitive position within the industry) could be affected.

While the new fee model may result in relatively large percentage fee increases for some exhibitors, no other intra-industry impact is expected. The proposed fee increases are generally not significant enough to compromise business viability and so would leave the industry's competitive position within the economy effectively unchanged.

### **Fundamental legislative principles**

Under the proposed legislation, breaches of fundamental legislative principles would generally be avoided. However, it is anticipated that the proposed legislation would lead to several unavoidable breaches of fundamental legislative principles typical of legislation of this type (e.g. that provide for delegated decision-making and inspectorial powers). These breaches are justified in the circumstances and will be limited in effect by ensuring that, to the greatest extent possible:

- decisions under the proposed legislation are subject to appropriate procedural requirements and review rights
- the matters for which licence conditions can be imposed are clearly defined
- inspectorial powers are based on precedent provisions developed by the Office of the Queensland Parliamentary Counsel that include appropriate safeguards
- regulation-making powers are clearly defined and limited to appropriate matters.

### **Financial accountability**

Section 18 of the Financial and Performance Management Standard 2009 (under the *Financial Accountability Act 2009*) provides that when setting charges for services, the full cost of providing the services must be considered. The proposed licence fees and site visit fees under Option 3 reflect the cost to the government of licensing exhibitors and undertaking site visits throughout the state.

## **8 Implementation, evaluation and compliance strategy**

On commencement of the legislation, exhibitors would continue to exhibit under their existing wildlife exhibitor licence, wildlife demonstrator licence, general fisheries permit or declared pest permit.

Exhibitors would generally not need to apply for an exhibition licence until their licence or permit was close to expiry. The application would be assessed under the new legislation. The application fee would be the same as for a licence renewal under the new legislation even though the exhibitor would be applying for an exhibition licence for the first time.

Where an exhibitor held a wildlife exhibitor licence and a declared pest permit that were due to expire on different days, the exhibitor would need to apply for an exhibition licence when close to the first expiry that was due. The application would only need to cover the animals kept under the licence or permit that was close to expiry. The application fee would be the same as for a licence renewal under the new legislation, even though the exhibitor would be applying for an exhibition licence for the first time. The application would be assessed under the new legislation and an exhibition licence could be granted for up to 3 years. When the remaining wildlife exhibitor licence or declared pest permit was close to expiry, the exhibitor could apply to amend the exhibition licence to cover the animals kept under that licence or permit. The amendment application would be assessed under the new legislation, but there would be no cost to apply.

Fixed exhibition of the four macaques held by two Queensland-based circuses would not be required. These two circuses could continue to tour with their domestic animal acts when these macaques pass.

Monitoring of compliance by unlicensed exhibitors would generally be reactive to complaints received from the public. Biosecurity Queensland would initially take an educational approach to informing exhibitors who do not require a licence (particularly those not involved in large commercial enterprises) about their obligations under the new legislation and the requirement to comply with codes of practice. Except for gross breaches of obligations, enforcement action would be deferred until an exhibitor had been given reasonable opportunity to comply with the codes of practice. Alternatively, these minor exhibitors could take their animals off display until they were able to comply with the codes of practice.

The proposed legislation would be reviewed within 10 years of its commencement. Performance indicators would be developed to evaluate the effectiveness of the legislation and may include the size of the exhibited animals industry, the number of compliance deficiencies identified and the recovery of regulatory costs. The size of the industry could be measured by the number of licences held. The number of compliance deficiencies identified could be measured by the number of follow-up site visits required. The recovery of costs could be measured by comparing licensing-related costs with licensing fee revenue and comparing monitoring-related costs with monitoring fee revenue.

## Appendix 1 Background information about the exhibited animals industry in Queensland

Of the 135 exhibitors licensed to exhibit animals under Queensland legislation as of August 2012 (see Table 24):

- 46 were fixed exhibitors such as zoos and aquariums
- 44 were demonstrators who conducted mobile exhibitions of native animals
- 5 exhibited noxious fish for educational purposes
- 34 were performers who conducted magic acts
- 6 were circuses.

**Table 24** Licence holders in Queensland by category of animal, August 2012

Category	Native species only	Exotic species only	Noxious fish species only	Native and exotic species	Total
Demonstrators	44	0	5 <sup>51</sup>	0	<b>49</b>
Fixed exhibitors	29	3	0	14	<b>46</b>
Circus, film or television	0	6	0	0	<b>6</b>
Magic acts	0	34	0	0	<b>34</b>
<b>Total</b>	<b>73</b>	<b>43</b>	<b>5</b>	<b>14</b>	<b>135</b>

Source: Licensing data held by Biosecurity Queensland

There is no single peak body that represents the diverse range of entities licensed to exhibit animals in Queensland. Some larger exhibitors are represented by the Zoo and Aquarium Association, Australasia (formerly the Australasian Regional Association of Zoological Parks and Aquaria). In 2009, the Zoo and Aquarium Association, Australasia, estimated that 5.2 million people visit its members in Queensland every year. The *World zoo and aquarium conservation strategy*, developed by the World Association of Zoos and Aquariums (with which the Zoo and Aquarium Association, Australasia, is associated), defines the roles of zoos as contributing to conservation, research and education, and as being places of recreation for the community.

Most Queensland-licensed exhibitors are based in Queensland (see Table 25); however, a small number (4 demonstrators and 4 circuses) are based interstate and visit Queensland for short periods.

<sup>51</sup> An entity conducting an educational display of noxious fish at a fixed location is considered a demonstrator for the purposes of this table if there is no minimum requirement to be open to the public.

**Table 25** Location of licence holders (excluding magic acts and those who demonstrate noxious fish only), August 2012

Region	Fixed exhibitors	Demonstrators	Circus, film and television	Total
Brisbane	2	9	1	12
Gold Coast	7	11	0	18
Sunshine Coast	3	6	0	9
Wide Bay	5	3	0	8
Central Queensland	5	1	0	6
Townsville	3	2	0	5
Cairns and Tablelands	17	3	0	20
Far North Queensland	2	0	0	2
South West Queensland	2	4	1	7
Central West Queensland	0	0	0	0
North West Queensland	0	1	0	1
Interstate	0	4	4	8
<b>Total</b>	<b>46</b>	<b>44</b>	<b>6</b>	<b>96</b>

Source: Licensing data held by Biosecurity Queensland

The total annual expenditure by the exhibited animals industry in Queensland is broadly estimated to be \$100 million<sup>52</sup>, and the number of paid employees in the industry in Queensland is estimated to be 1000.<sup>53</sup> The industry's supply-chain links are also minor in the context of the total Queensland economy in both financial and employment terms but may be important regionally (e.g. Australia Zoo attracting visitors to the Sunshine Coast hinterland).

An IBISWorld industry report estimates that in 2012–13 around 6.8 million people will visit a zoo or aquarium<sup>54</sup> and that domestic visitors will account for 73% of total industry revenue. A 2009 report commissioned by the former Australasian Regional Association of Zoological Parks and Aquaria (now the Zoo and Aquarium Association, Australasia) estimated that international tourists make about 3.3 million visits to Australian zoos each year.<sup>55</sup> There is a direct net benefit to the Queensland economy when tourists stay longer in Queensland to visit an animal exhibition. The report estimated that the annual Australia-wide net benefit

<sup>52</sup> A 2009 report (Aegis Consulting Australia & Applied Economics 2009, *Report on the economic and social contribution of the zoological industry in Australia*, Australasian Regional Association of Zoological Parks and Aquaria, Sydney) estimated that total annual expenditure by zoos in Australia is about \$424 million per year—annual operating expenditure of about \$358 million and capital expenditure of about \$66 million. Based on relative employment figures for zookeepers in each state and allowing for the additional contribution of demonstrators and other exhibitors not surveyed in this study, Biosecurity Queensland estimates that the total annual expenditure of the exhibited animals industry in Queensland would be about \$100 million.

<sup>53</sup> Using data from the 2006 household census, the Australian Bureau of Statistics reported 211 Queenslanders out of a total of 871 people Australia-wide reported working as a 'zookeeper', but this would not include those in management, administration, retail sales and other work. It would also not include those involved in other segments of the industry in Queensland. The widely varying data on employment is discussed in the 2009 industry report (see note 47), which concluded that zoos employ a total of about 5300 people nationwide (3700 full time and 1600 part time). Based on relative employment figures for zookeepers in each state, Biosecurity Queensland estimates that there are about 1000 paid employees in the industry in Queensland.

<sup>54</sup> IBISWorld 2012, *Zoological and botanical gardens in Australia*, Industry report P9231. This figure does not include visits to mobile exhibitions such as wildlife demonstrators and circuses.

<sup>55</sup> Aegis Consulting Australia & Applied Economics 2009, *Report on the economic and social contribution of the zoological industry in Australia*, Australasian Regional Association of Zoological Parks and Aquaria, Sydney.

from international tourist visits to zoos is \$58 million (in addition to the payments for admission to zoos).

The industry makes a more significant indirect contribution to the economy that cannot be quantified. The opportunity to experience iconic wildlife contributes to Queensland's image as a tourist destination, both domestically and internationally. Encounters with Australian native animals constitute an essential part of the overseas tourist experience. A 2006 report examined the place that wildlife experiences had within the entire suite of visitor experiences during visits to Tropical North Queensland. The report found that 76% of visitors were interested or very interested in experiencing native wildlife, particularly iconic Australian animals (such as koalas, kangaroos, platypuses and crocodiles), and of these more than half preferred to see the animals in a controlled environment (such as a zoo or a wildlife park) rather than to take a tour in the wild.<sup>56</sup>

Animal exhibitions are culturally important. For Australians, visiting zoos is the second most popular form of cultural entertainment (behind the movies).<sup>57</sup> This is despite the cost of zoo visits (admission, transport etc.), strongly indicating the value that consumers place on zoos.

The education, conservation and research activities undertaken by exhibitors provide non-economic benefits to the wider community. Some exhibitors are involved in animal rescue and rehabilitation; for example, the Australian Wildlife Hospital is associated with Australia Zoo, the Currumbin Wildlife Hospital is associated with the Currumbin Wildlife Sanctuary, and a marine rescue team is based at Sea World. Other exhibitors undertake captive breeding of endangered animals, including both native animals (e.g. tinkerfrogs, Tasmanian devils and bilbies) and exotic animals (e.g. Sumatran tigers and cotton-top tamarins). Some also support and promote fundraising for in-situ conservation as well as research that assists efforts to care for animals in captivity and to conserve them in the wild. Education about animals, biodiversity and the importance of conservation efforts is often part of recreational family visits to see an exhibition. Demonstrators may educate the public through visits to social events or via arranged visits. An excursion to a zoo or wildlife sanctuary may be part of a school curriculum. Some non-profit exhibitors (most of those currently licensed to exhibit for an 'educational purpose') exist only to help raise community awareness about a pest and to assist in its management.

Many animal exhibitions also provide entertainment. Circuses and magic acts are the most obvious examples, as they are primarily for entertainment; however, entertainment is also often part of a visit to a large wildlife park or zoo.

A range of other social benefits flow from animal exhibition. For example, there are many volunteers in the industry who, although unpaid, derive social benefits from this experience. They also receive skills training that can help them obtain paid employment.

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<sup>56</sup> Prideaux, B 2006, *Wildlife tourism in TNQ: an overview of visitor preferences for wildlife experiences*, Fact sheet, James Cook University.

<sup>57</sup> Aegis Consulting Australia & Applied Economics 2009, *Report on the economic and social contribution of the zoological industry in Australia*, Australasian Regional Association of Zoological Parks and Aquaria, Sydney.

## Appendix 2: Regulatory approaches in other jurisdictions

### New South Wales

The *Exhibited Animals Protection Act 1986* (EAP Act) is the principal piece of exhibited animals legislation in New South Wales. With some exceptions, the EAP Act applies to all fixed and mobile displays of native, exotic and domestic animals.

The EAP Act requires separate authorities for fixed and mobile displays of animals. Additional authorities are required to exhibit animals at a mobile display (such as a circus) and to exhibit any listed animals (which pose higher risks to animal welfare, safety and/or biosecurity). Under the EAP Act, authority holders are required to provide education to the public concerning the conservation of animals. Specific conditions can also be imposed on an authority at the chief executive's discretion. Payment of a bond may be required for the exhibit of Cetacea (e.g. dolphins and whales).

The EAP Act imposes mandatory minimum standards for animal welfare and safety on all authority holders. Some standards apply generally, others to particular exhibition activities or specific taxonomic groups. The EAP Act provides several exemptions from licensing requirements, such as where an animal is displayed under an authority deriving from another Act. However, where identical animals are exhibited on the same premises under different authorities, any authority issued under the EAP Act in relation to the premises applies to all of the animals.

An authority under the EAP Act avoids the need for an authority under some other Acts that indirectly regulate exhibited animals (e.g. the *Non-Indigenous Animals Act 1987* and the *National Parks and Wildlife Act 1974*). Authorities under some other Acts, such as an approval to keep a pest under the *Rural Lands Protection Act 1998*, are still required for some animal exhibitions. Animal exhibitors are also subject to the requirements and duty of care imposed by the *Prevention of Cruelty to Animals Act 1979*.

New South Wales exhibitors generally need a licence for a fixed animal display establishment or an approval for a mobile display (including a circus). Lower licence issue fees are paid if the exhibitor has no more than 30 animals (of any species). Exhibitors must obtain a permit if they wish to exhibit certain species. There is an initial permit application lodgement fee of \$23 for each species, but renewal lodgement and permit issue fees are not charged if the exhibitor holds a licence or approval.

The *Zoological Parks Board Act 1973* establishes a statutory board responsible for the operation of several zoos including Taronga Zoo (Sydney) and Taronga Western Plains Zoo (Dubbo). The zoos operated under this Act are subject to the same licensing requirements and standards as privately owned zoos.

Current fees payable under New South Wales legislation are described in Table 26. This follows a 15% fee increase in 2010 that the relevant RIS indicated was intended to 'go further towards recovering government's administrative costs'.<sup>58</sup>

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<sup>58</sup> Industry and Investment NSW 2010, *Exhibited Animals Protection Regulation 2010: Regulatory Impact Statement*, p. 9.

**Table 26** Fees payable under New South Wales legislation by a fixed exhibitor, demonstrator or circus

Type of application	Fees
Initial licence/approval (pro-rata issue fees to end of June)	Licence/approval application lodgement fee \$230 + permit application lodgement fee \$23 per species for certain animals + issue fee \$1035 (\$285 for minor exhibitor) = \$1265 (\$515 for minor exhibitor) + \$23 per species for certain animals
Annual renewal (July–June)	Renewal application lodgement fee \$115 + issue fee \$1035 (\$285 for minor exhibitor) = \$1150 (\$400 for minor exhibitor) per year
Approval of alteration or extension	Application lodgement fee = \$46
Transfer	Transfer application lodgement fee \$230 + issue fee \$1035 (\$285 for minor exhibitor) = \$1265 (\$515 for minor exhibitor)
Licence variation	Application lodgement fee = \$23

Source: Exhibited Animals Protection Regulation 2010 (NSW)

## Victoria

Several Acts directly and indirectly regulate exhibited animals in Victoria.

The *Wildlife Act 1975* (WL Act) creates a system of licensing for exhibiting prescribed wildlife and requires separate licences for fixed and mobile displays of wildlife. A narrower range of wildlife (generally limited to native wildlife) can be kept under a licence for mobile display than under a licence for fixed display. Wildlife can only be exhibited under a licence to promote conservation or for use in film and television, and must be exhibited to the public a minimum number of times.

The *Catchment and Land Protection Act 1994* (CaLP Act) prohibits the keeping of an animal prescribed as a pest unless authorised under the Act. The CaLP also provides for permits to import, keep, sell or release declared pest animals for specific purposes.

Licence holders are subject to general and licence-specific conditions, including safety requirements. All persons keeping wildlife under the WL Act must meet housing and transport requirements for the security of the animal.

The *Zoological Parks and Gardens Act 1995* establishes a statutory board, the Zoological Parks and Gardens Board, that is responsible for managing several zoos: Melbourne Zoo, Healesville Sanctuary and Werribee Open Range Zoo. The board's functions include conservation and management, and promotion of research and knowledge of the zoos. The Act does not prescribe any standards for the keeping or exhibition of animals. The board is exempt from provisions of the WL Act and the CaLP Act regulating dealings with native wildlife or pest animals.

The *Prevention of Cruelty to Animals Act 1986* (PCA Act) is the principal piece of animal welfare legislation in Victoria. Although it generally does not apply to activities authorised under the WL Act, the PCA Act prescribes a voluntary code of practice for the display and exhibition of exotic and native animals.



Fees for exhibition of native animals in Victoria under the WL Act are set by reference to fee units, with the value of a fee unit for a financial year set by the Treasurer. The current fees are given in Table 27. To recognise the contribution to the public good provided by the educational services of exhibitors of native wildlife, these fees include a 25% discount on the fees that would be payable to recover costs of administrative and compliance activities.

**Table 27** Fees payable under Victorian legislation by a fixed exhibitor or demonstrator of native animals

Type of application	Fee units	Fees (\$13.24 per fee unit)
Commercial wildlife (wildlife displayer) licence	51.3	\$679.20 per year
Commercial wildlife (wildlife demonstrator) licence	37.3	\$493.80 per year
Licence variation	2	\$26.50

Source: Wildlife Regulations 2013

Fees payable for exhibiting pest animals are set by policy under the *Conservation, Forests and Lands Act 1987*. The current fees are given in Table 28.

**Table 28** Fees payable under Victorian legislation for a pest animal permit

Type of permit	Annual fees
Pest animal approved collections (zoo)	\$650
Pest animal approved collections (animal exhibition)	\$300

Source: Victoria Government Gazette 4 August 2011

## Tasmania

The Wildlife (Exhibited Animals) Regulations 2010, under the *Nature Conservation Act 2002*, regulate exhibited animals in Tasmania.

A wildlife exhibition license may be granted to allow a fixed exhibitor to keep and exhibit their animals. The 2012–13 application/renewal fee of \$74.00 (50 fee units for a 12-month license) would not achieve cost recovery. Exhibitors require a wildlife display permit to exhibit off-site (20 fee units or \$29.60 in 2014–15).

Demonstrators in Tasmania who hold a herpetology permit (which allows the collecting and private keeping of most Tasmanian reptiles and amphibians) must apply for a wildlife display permit to exhibit these animals.

A travelling wildlife exhibition permit may be granted for circuses, but none have been granted in recent years.

## **Other Australian jurisdictions**

Several Acts regulate the risks associated with animal exhibits in other Australian states and territories. These pieces of legislation predominantly deal with wildlife conservation, animal welfare, pest management and animal disease.

In Western Australia (as in New South Wales and Victoria, as outlined above), legislation provides for state ownership and operation of several zoological parks.

## **United Kingdom**

Several Acts directly and indirectly regulate animal exhibits in the United Kingdom.

The *Performing Animals (Regulation) Act 1925* (PA Act) incorporates considerations of animal welfare. It creates a system of registration for all people training or exhibiting animals to address relevant risks.

The *Animal Welfare Act 2006* (AW Act) also incorporates considerations of animal welfare. It imposes several duties of care on several classes of people, including a duty to prevent unnecessary suffering and a duty to ensure animal welfare. Codes of practice provide guidance as to whether a duty has been breached. The AW Act also creates a licensing system to address animal welfare risks of prescribed animals. Any person with a licence under the AW Act does not need to register under the PA Act.

The *Zoo Licensing Act 1981* incorporates considerations of animal welfare and safety. It creates a licensing scheme that applies to any fixed exhibitions of wild animals. The licensing scheme does not apply to mobile exhibitions, such as circuses. Licence holders must implement conservation measures such as promoting conservation awareness and education, and undertaking research, breeding or reintroduction activities.

The *Dangerous Wild Animals Act 1976* creates a licensing system for prescribed animals. Although primarily concerned with safety, it incorporates some animal welfare and biosecurity considerations. There is no requirement for a wild animal to be exhibited.

The *Animal Health Act 1981* incorporates considerations of biosecurity. It provides wide scope for the minister to make orders to prevent or control the spread of disease (e.g. prohibiting or regulating the exhibition of animals).

## **Appendix 3: Detailed summary of feedback on the Consultation RIS**

### **Summary of written submissions**

The 12 written submissions received are summarised below.

#### ***Zoo and Aquarium Association, Australasia***

The Queensland branch of the Zoo and Aquarium Association, Australasia (ZAAQ) made an extensive submission, generally supportive of Option 3. ZAAQ stated, 'this is undoubtedly the industry's preferred option though it must be implemented in a workable (i.e. not resource intensive), and affordable way'.

ZAAQ supported the key principles of the proposed legislation, specifically the simplification of licencing requirements, and allowing a greater range of species to be exhibited. ZAAQ also supported the policy objective of the Bill—enabling exhibition while minimising risks created. In addition, they noted that the development of new legislation would establish the regulatory framework for adopting the proposed *Australian Animal Welfare Standards and Guidelines for Exhibited Animals*.

ZAAQ also supported key elements of the proposed legislation, including the minimum exhibition requirements, discretionary site visits, the development of comprehensive risk management plans, and only requiring licences for currently listed species.

However, ZAAQ cautioned that there was little evidence that red tape would be reduced other than by streamlining the licencing process, and noted the potential for increased red tape around risk management plans.

ZAAQ was concerned about achieving full cost recovery through fees, highlighting the public good provided by fixed exhibitors, and taxes paid by business. ZAAQ suggested that licence amendment fees should not apply to low risk species that can be kept on a recreational licence or to purely administrative changes.

ZAAQ was concerned about overlap with workplace health and safety laws.

ZAAQ suggested that requiring a perimeter fence that could contain an animal, which is prohibited matter, exhibited on site, was unrealistic and would be inconsistent with the proposed national standards and guidelines.

#### ***Magician***

The respondent, a magician, indicated support for cost recovery of the services provided, and expressed confidence that government would show consideration to the needs of industry.

#### ***Film and Television Exhibitor***

The respondent, an exhibitor specialising in film and television production, raised concerns that a specific licence class or unique conditions were not considered for the exhibition of animals in film and television production.

#### ***Fixed Exhibitor***

The respondent, a fixed exhibitor, was supportive of Option 3, and the general principles of the proposed legislation. However, the submission suggested the implementation of the proposed legislation would pose a challenge, and was concerned it could create more red tape than it removed. In addition, the submission expressed concerns about full cost recovery, and suggested that licence amendment fees would act as a disincentive for upgrading enclosures and acquiring more animals.

The respondent raised concerns about the requirements for licence transition, and requested clarification about how *major* and *minor* licence amendments would be assessed.

The submission also noted and supported the proposed adoption by the legislation of the *Australian Animal Welfare Standards and Guidelines for Exhibited Animals*.

### ***Fixed Exhibitor***

The respondent, a fixed exhibitor, expressed concerns that the proposed legislation, especially the requirement to develop a risk management plan, could be implemented inconsistently and unreasonably, creating more red tape. Given the proposed fees for licence amendments, the submission queried whether, authorisation to keep a species would be removed if the species was not currently kept by the licence holder.

### ***Circus***

The respondent, representing the Circus Federation of Australia, supported the grant of interstate exhibitors permits to facilitate exhibition within Queensland by interstate licence holders. However, they expressed concerns about the maximum six month duration of an interstate exhibitors permit. They state that a circus tour into Queensland might last between 9–12 months.

### ***Circus/Mobile exhibitor***

The respondent, a mobile exhibitor based in NSW, expressed support for an interstate exhibitors permit for interstate licence holders. The submission suggested increasing the maximum duration of a permit to 12 months. The submission suggested that limiting an interstate exhibitors permit to six months would discourage circuses and other mobile exhibitors from staying longer than six months in Queensland. They accepted that a fee increase was necessary, however, noted that circuses seemed to be going to be charged more than similarly sized fixed exhibitors<sup>59</sup>.

### ***Animal Liberation Queensland***

Animal Liberation Queensland, an organisation with an interest in animal welfare, opposed the use of captive animals for entertainment purposes. It supported developing new legislation provided that it excluded the exhibition of animals purely for entertainment purposes. It supported full cost recovery through fees arguing that government should not continue to subsidise private business. It supported site visits, arguing they were critical regulatory activities and should be more frequent under the proposed legislation.

The submission suggested that the transition period of five years to give circuses time to comply with new minimum exhibition and enclosure requirements was too long, and that a period of between 12–24 months would be more appropriate. To speed up the move away from exhibition for entertainment, the submission suggested an immediate increase in fees,

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<sup>59</sup> This comment reflects that the fee estimates for circuses in the RIS assumed they had between 4–15 FTE employees. However, circuses vary in size and circuses with fewer employees would pay less.

in line with Option 1A. It also suggested cessation of licensing approvals to magicians, government assistance to rehouse circus animals in zoos and rehome magician’s rabbits.

### **Mackay Regional Council**

The Mackay Regional Council expressed support for Option 3—the development of new legislation.

### **Fixed Exhibitor**

The respondent, a fixed exhibitor, queried the difference between *major* and *minor* licence amendments.

### **Demonstrator**

The respondent, a demonstrator, stated that they were very happy with the proposed legislation and looked forward to the changes coming into effect. However, they expressed concerns about the minimum exhibition requirements and requested clarification that they did not apply to all species.

### **Circus**

The respondent, a circus proprietor, expressed support for the proposed legislation—Option 3. They endorsed its main principles, specifically that it would simplify licencing requirements, allow a greater range of species to be exhibited in Queensland, and would manage risks. The submission supported full cost recovery for government services.

## **Summary of survey responses**

Table 29 summarises the data collected by the survey. Differences in the views of stakeholder sectors are not statistically significant due to the low number of respondents. The questions in the left-most columns appear in the same order as on the response form. Note, references to class 1 pests are references to prohibited matter under the *Biosecurity Act 2014*.

**Table 29** Summary of responses to the online survey

	<b>Total Disagree</b>	<b>Neither Agree nor Disagree</b>	<b>Total Agree</b>
Exhibitors should be obliged to minimise risks to animal welfare, biosecurity and public safety	-	1 (8%)	12 (92%)
Standards for keeping each species should be consistent across all sectors of the exhibited animals industry	2 (15%)	2 (15%)	9 (69%)
Exhibitors should be obliged to minimise risks and to comply with the standards whether or not they require a licence	1 (8%)	1 (8%)	11 (85%)
Licences should only be issued if the exhibitor has a satisfactory plan for minimising risks	1 (8%)	1 (8%)	11 (85%)
Only those exhibitors who currently need a licence should need a licence under new legislation	5 <sup>60</sup> (38%)	3 (23%)	5 (38%)
Licences should be granted for up to 3 years	-	2 (15%)	11 (85%)
Licensing fees paid should be higher for exhibitors with more paid full-time equivalent employees acting under the licence	3 (23%)	3 (23%)	7 (54%)

<sup>60</sup> Comments suggest that some respondents believe that any exhibition should require a permit.

There should be a minimum requirement to exhibit any animals that cannot be kept for private recreation but are kept under an exhibition licence	3 (25%)	3 (25%)	6 (50%)
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	Each Animal	Each Species
If there is a minimum exhibition requirement, do you think it should apply to each animal, or each species?	-	12 (100%)

	Less than 12 days	12 days	More than 12 days
If there is a minimum requirement to exhibit each animal, what is the least number of times you think each animal should be exhibited?	5 (50%)	2 (20%)	3 (30%)
If there is a minimum requirement to exhibit each species what is the least number of times you think each animal should be exhibited?	2 (18%)	5 (45%)	4 (36%)

	Total Disagree	Neither Agree nor Disagree	Total Agree
The exhibition of a greater range of species should be allowed in Queensland, provided the risks will be minimised	2 (17%)	1 (8%)	9 (75%)
There should be more stringent minimum exhibition requirements for exhibiting Class 1 pests because of the higher risks associated with keeping them	1 (8%)	3 (25%)	8 (67%)
Off-site exhibition of Class 1 pests should only occur under a separate permit	2 (17%)	2 (17%)	8 (67%)

	Less than 900 hours	900 hours	More than 900 hours
If there are more stringent minimum exhibition requirements for Class 1 pests, what is the minimum total time you think each species of Class 1 pest should be exhibited for?	7 <sup>61</sup> (64%)	2 (18%)	2 (18%)

	Total Disagree	Neither Agree nor Disagree	Total Agree
There should generally be a monitoring visit before a licence is granted, renewed (every 3 years) or amended	2 (18%)	2 (18%)	7 (64%)
An exhibitor should not be visited if the risks are low for that species	3 (33%)	3 (33%)	3 (33%)
An exhibitor should be visited more often if they have a poor compliance record	-	1 (8%)	11 (92%)
An exhibitor should be visited less often if they participate in an industry quality-assurance scheme that deals with the requirements of the legislation	1 (8%)	4 (33%)	7 (58%)
Only exhibitors who are visited should pay for visits - monitoring visit charges should be separate from licence fees	4 (33%)	1 (8%)	7 (58%)
The proposed licensing fees are reasonable	3 (25%)	2 (17%)	7 (58%)
The proposed monitoring visit fees are reasonable	6 (50%)	2 (17%)	4 (33%)

	Option 1	Option 1A	Option 2A	Option 3
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<sup>61</sup>Comments may reflect that respondents were under misapprehensions about class 1 declared pests.

<p>The consultation RIS describes several options for regulating the exhibited animals industry. Please indicate the option you broadly prefer.</p> <ul style="list-style-type: none"> <li>• <b>Option 1</b>—Retain existing provisions (status quo)</li> <li>• <b>Option 1A</b>—Retain existing provisions with a 45% fee increase</li> <li>• <b>Option 2A</b>—Have minimal legislative intervention to allow industry self-regulation</li> <li>• <b>Option 3</b>—Develop new legislation</li> </ul>	-	2 (17%)	3 (25%)	7 (58%)
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