

Policy

Licensing requirements for category C1 species

Exhibited Animals Act 2015

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1 Purpose

The purpose of this policy is to detail Biosecurity Queensland's licensing requirements for applicants applying for and exhibiting category C1 species under the *Exhibited Animals Act 2015* (Act).

2 Application/Scope

This policy applies to all licence applications including new licences, licence renewals and licence amendments where the application must be accompanied by a management plan.

3 Category C species

Category C species are all non-indigenous species and are prescribed as prohibited matter under the *Biosecurity Act 2014*. Category C is further separated into authorised animals of a species prescribed under the Exhibited Animals Regulation 2016 (Regulation) (category C1) and all other category C authorised animals (category C2). A distinction between categories C1 and C2 authorised animals has been made to allow certain lower risk species of category C authorised animals to be prescribed by Regulation as category C1 authorised animals, permitting them to be used for mobile exhibition.

3.1 Category C1 species used for mobile exhibition

To be prescribed as a category C1 species, a formal assessment using a well-established pest risk assessment process (such as the Bomford model) must be undertaken. The Minister must be satisfied that the species would only pose a low risk of establishment if it escaped and must be satisfied that if the species became established, it would pose no more than a moderate risk of having an adverse effect on the health, safety or wellbeing of people or on social amenity, the economy or the environment. Only then can the Minister make a recommendation to the Governor in Council to amend the Regulation to include new species.

Approving a species as a category C1 species means all exhibitors can apply for approval to exhibit those species in a mobile display. However, caution must still be exercised when permitting exotic species to be exhibited in mobile displays. These species require special consideration as they would still pose a risk to Australia's unique fauna and flora and social amenity if they were to escape and establish in the wild.

A person may, at any time, apply to add additional species to category C1. The application must satisfy the Minister of the suitability of the species to meet the legislative requirements.

Regulated C1 species

The following species are prescribed under the Regulation as C1 species:

- blue poison arrow frog (*Dendrobates azureus*)
- radiated tortoise (*Geochelone radiata*)
- cotton top tamarin (*Saguinus Oedipus*).

4 Requirements for all C1 species

To ensure the risks of mobile exhibition of C1 species are managed the following minimum requirements must be met.

4.1 Experience

A licence holder applying for a C1 species must provide evidence of at least one (1) year's full-time experience managing the species daily. Equivalent species experience may be considered where the licence holder can demonstrate they have managed a similar species with similar requirements or similar levels of risk.

Due to the risk posed by these species, voluntary and part-time work with the species should not be considered sufficient experience, unless there are exceptional circumstances. The applicant must prove any exceptional circumstances by providing satisfactory evidence and the contact details of a relevant reference, to enable the department to confirm the applicant's experience.

4.2 General C1 species requirements

The species must be approved for commercial activity as required under Australian Government importation requirements. Some species may only be imported into Australia to be used for conservation programs rather than being used solely for commercial activity. The licence holder must ensure they have a thorough understanding of all Australian Government requirements for the species being applied for.

Due to the limited placement opportunity within the industry and the potential risk that these species pose if they become established, only single sex colonies or desexed animals will be authorised as category C1 species for mobile display.

All records and animal identification requirements in the Regulation must be adhered to, including ensuring C1 species are identified in a prescribed way¹.

An application for category C1 species must address all relevant risks and adverse effects particularly in circumstances such as public interaction and film and television, where members of the public may be interacting with a category C1 animal. Associated risks include:

- risks to the welfare of the exhibited animal
- biosecurity risks
- risks to public safety, death of, injury or illness to a person, caused directly by, or originating from, the exhibited animal
- the welfare of any other animal
- the health, safety or wellbeing of a person
- social amenity, the economy and the environment.

The department must also consider community expectations and how the proposed activity will be perceived by the public.

4.3 Regular enclosures

A licence holder must demonstrate that the premises where the C1 species is normally housed (regular enclosure site) is fully secure and only the licence holder, and/or people with the required experience, are able to access the secure area where the regular enclosure is located. Because of the higher biosecurity, welfare and safety risks of these species, family members, volunteers, or inexperienced staff must not be able to access these areas.

An example of a fully secure premises could be one that has a 6-foot perimeter fence with a locked gate which includes another security system – e.g. CCTV.

Within the regular enclosure site, each regular enclosure must be fully enclosed in a secure, key/code entry locked area (such as a dedicated secure shed or holding enclosure) that is lockable from both the outside and inside to prevent unauthorised persons from entering the secure area. The licence holder must ensure that only

¹ The prescribed ways to identify an animal are detailed in the Exhibited Animals Regulation 2016

the licence holder and/or suitably qualified staff have key access to the secure area for the purposes of routine husbandry.

Each regular enclosure must also be fully enclosed with a key or code entry lock to which only the licence holder or suitably qualified staff have access.

The regular enclosure used for exhibition off the regular enclosure site must be fully enclosed, key or code entry locked.

4.4 Transport

Animal welfare requirements and adequate biosecurity and safety risk mitigation measures must be demonstrated during the transport process.

Some species, such as the blue poison arrow frog (Dendrobates azureus), require specialist handling methods. This could be, for example, because of their captive environment requirements, or because of their size, meaning they could be difficult to locate if escape was to occur.

Transport enclosures must be fully secured, and key/code entry locked. The enclosure must be prepared prior to transport to ensure the enclosure does not need to be opened during transport, at the exhibition venue (unless releasing into a larger fully enclosed key/code entry locked enclosure) or during return, unless in the case of an emergency situation.

An example of an emergency situation is if the vehicle is involved in an accident and the transport enclosure is unable to be retrieved from the vehicle. In these circumstances an alternative suitable enclosure must be used to remove the animal for secure safe storage and transport from the scene of the accident.

The transport enclosure must also fully provide for the animal's welfare needs during transport, without requiring the enclosure to be opened, or for the licence holder to have any contact with the animal, unless in the case of an emergency.

If a C1 species is taken out of its transport enclosure (contrary to an approved management plan) a written record must be made and kept of the circumstances.

Journeys should be planned to and from the display venue to minimise the number of stops during the journey. The species must not be displayed to the public during the journey.

Unless approved in a management plan, a C1 species is not permitted to be kept overnight outside its regular enclosure within the regular enclosure site. A C1 species also must not be left in the transport vehicle unattended at any time unless additional security measures have been approved. The species must be returned to the regular enclosure site as soon as possible following the exhibit.

Individual travel enclosures used to transport animals for release into larger enclosures at the exhibit site must be designed to be carried into the larger enclosure and, on return, into the regular enclosure at the regular enclosure site, for secure and safe capture and release of the animal. If this is unachievable, releasing animals from travel enclosures into other authorised enclosures must be done in a secure and fully enclosed environment (such as entry through a chute or tunnel) where all risks are minimised.

All enclosures must be key/code entry locked or designed in a manner that produces the same result. If the animal is to be released from a transport enclosure into an exhibit enclosure, the exhibit enclosure must be locked at all times while occupied by the animal, or fully enclosed and secure in a way that provides the same result. These details must be included in management plans.

4.5 Exhibiting

Applicants must declare they can meet the minimum exhibition requirements for category C species as part of the application process for category C1 species. Due to the risks posed during mobile exhibition of category C1 species, only the authority holder is permitted to conduct exhibits and must always be present at the exhibit.

Category C species must be exhibited for a combined total of at least 50 hours in each calendar month during the term of the licence or for a combined total of 600 hours in the year.

4.6 Public interaction

The public are not permitted to interact with C1 species or enter an enclosure where these species are being held without approval.

Where *all* risks can be managed, approval for the public to interact with the C1 species can be applied for as part of a management plan. The management plan must identify all the applicable risks and how they will be managed. The public can only interact with a category C1 species after approval has been provided.

During displays category C1 species must not be taken out of the enclosure (unless this has been previously approved or in exceptional circumstances) due to the increased risks of escape or theft of these animals.

4.7 Film and television activities

Film and television activities proposed with an animal must be detailed in the management plan for the species. The management plan must also provide sufficient information about any activity outside the scope of standard exhibit i.e., the animal acting as it normally would inside its authorised enclosure. Film and television activities for standard exhibit practices, including the use of images or filming, are authorised provided the activity is recorded on the relevant management plan.

Filming or images taken of an authorised animal during standard exhibit practices do not count towards minimum exhibition timeframes. This means an authority cannot be granted solely for the purpose of providing images or video of an authorised animal. In the event filming or imaging for standard exhibit activities is proposed, no additional information is required if:

- A. the animal will be recorded while displaying normal behaviour for the species inside its authorised regular enclosure
- B. the animal is being filmed or photographed during activities that are generally recognised as acceptable activities and these activities are authorised under the licence.
 - *An example of an acceptable activity is a public interaction encounter approved under the licence i.e., a member of the public holding a koala.*

The use of category C1 animals during film and television or standard imagery must address all stated risks. The following are circumstances where an activity is not approved unless specifically applied for:

- Dressing animals in clothing, using props or similar and posting images or video on social media platforms.
- The use of category C1 animals on programs such as documentaries or reality television programs in circumstances where the animal is not used for standard exhibit activities.

If proposing these types of activities, a licence holder must apply for the activity each time the activity is proposed. The management plan must clearly stipulate how the animal will be used during the activity and address all relevant risks. These requirements apply to all circumstances where film and television or general

imaging is proposed including the use of all social media platforms such as Facebook and Instagram, standard advertising, documentary, or reality television.

4.8 Contingencies

A licence holder applying for a category C1 species must document, as part of their management plan, how the species will be managed should they no longer want to, or be able to, exhibit the species, or on the surrender/cancellation of their licence.

Examples include transferring the species to another license holder, surrender or placement through the Queensland ZAA Ex-Situ Placement Process (Q-ZEPP). As a last resort, euthanasia may be considered; however, this must only be carried out following exhausting all alternative avenues and providing notification to Biosecurity Queensland of the intention to euthanize.

A written agreement from an established organisation (or authority approved to hold or place the species) to place the species must accompany the application.

Before applying to exhibit the species, licence holders should enquire about the feasibility of obtaining particular category C1 species and consider any ongoing issues which may pose a risk to either the animal or the licence holder.

For example, the extremely long lifespan of a radiated tortoise and the weight of the animal during its adult stage of life should be considered before applying to conduct mobile displays for this species.

5 Cotton top tamarin (*Saguinus Oedipus*)

The regular enclosure at the regular enclosure site for cotton top tamarins must, at a minimum, meet the *Exhibited Animals Protection Act 1986* - Policy on Exhibiting Primates in New South Wales (Primate Policy). All requirements of the Policy must be adhered to.

The cotton top tamarin has high social and hierarchical structural need so individual animals of the species must not be kept. Groups of compatible animals kept must be de-sexed or kept as a single-sex primate group. Separation can occur in exceptional circumstances, such as if an individual is required to be taken for veterinary treatment or requires isolation for quarantine purposes. If separation is required, the department must be notified.

The primate group may only be exhibited off the regular enclosure site in an enclosure that meets the spatial requirements and the following per the Primate Policy:

- ☐ relevant enclosure fixtures to support the natural movements of the species, promote the movement of each individual in all directions of the enclosure and include safely secured aerial pathways at varied elevated heights
- ☐ support the hierarchical structure of the group including retreat areas and platforms to support each individual or more than one individual at a time
- ☐ shelter from the elements (rain, wind, extremes in temperatures etc.)
- ☐ ensure the exhibit enclosure can be easily transported without transportation affecting the integrity of the enclosure and all fixtures within
- ☐ provide fresh water and food when required without having to access the enclosure
- ☐ ensure there are key/code entry lockable double doors to the exhibit enclosure to allow doors to be secured from the inside and outside

- sight barriers or hide boxes are provided to ensure the primates may retreat from view from members of the public.
- the enclosure is a standalone purpose-built structure that does not use parts of other structures located at the residential premises.

Examples of structures not to be used to form part of a primate enclosure include the use of a perimeter fence or the wall of a house as an enclosure wall.

If proposing a travel enclosure for transporting an individual cotton top tamarin, the travel enclosure must be fully secured and locked with key/code entry at all times while the animal is contained. If transporting a group, the enclosure must be large enough so any aggression towards subordinates is not initiated or exacerbated.

Each animal must be conditioned to move freely into travel enclosures without additional stressors caused by inappropriately implemented capture methods. The conditioning methods to be used must be outlined in the management plan for the species. Details should include all steps proposed to condition and manage the animals in a way that ensures they are conditioned to travelling and being exhibited in varied environments. This must include precautionary steps which will be taken to ensure the animals have sufficient rest days between travel periods and the maximum time they will travel for each exhibit. Long periods of restraining animals in smaller enclosures prior to taking animals off the regular enclosure site is not acceptable. Details of the maximum timeframe individuals will be held in smaller enclosures prior to and after travel must be recorded in the management plan. Restricting a primate's daily food intake is not an acceptable method of encouraging the movement of primates into their relevant enclosures or an endorsed method of encouraging public interaction.

Due to the additional stresses that will be placed on the species during mobile exhibition (travel, enclosure changes, exposure to varied environments), the primate group must be an established group with an existing hierarchy. The group must not be separated for the purposes of mobile display and all individuals must travel and be exhibited as a group.

6 Additional laws for consideration

There may be additional laws outside the scope of the Act that an authority holder may need to comply with. It is the authority holder's responsibility to ensure the exhibition of animals is approved at a premises and relevant laws or requirements are adhered to. This may include Local Government laws, Queensland Health or Workplace Health and Safety Queensland requirements. An applicant should provide proof they have an understanding of and are compliant with laws that relate to acquiring an exhibition licence or animals of a species under the licence. Applicants will be required to provide proof on application that additional requirements such as development approval under the *Planning Act 2016* do not apply to their application.

7 Responsibilities and accountabilities

The Exhibited Animals team in the Department of Agriculture and Fisheries is responsible for assessing applications submitted under the Act.

Applicants are responsible for providing complete, true and accurate information in their applications that meet the requirements of this policy and the Act.

8 Human rights considerations

This policy has been reviewed to ensure actions and decisions under this policy can be made in a way that is compatible with the *Human Rights Act 2019*.

9 Related and reference documents

Related reference material including defined terms in the Act and Regulation may be acquired from the department's website at business.qld.gov.au

Additional reference documents include

- *Exhibited Animals Regulation 2016*
- *Exhibited Animals Act 2015*
- *Additional policy:* [Qld Government Publication Portal](#)