

Policy

Exhibiting or dealing with animals at two or more premises

Exhibited Animals Act 2015

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Contents

1	Policy statement	1
2	Background and context	1
3	Scope	1
4	Key principles	1
5	Additional laws for consideration	2
6	Checklist	2
7	Responsibilities and accountabilities	2
8	Human rights considerations	2
9	Related and reference documents.....	3

1 Policy statement

The purpose of this policy is to clarify the requirement under section 60 of the *Exhibited Animals Act 2015 (Act)* that provides for exhibiting and dealing with animals at two or more premises.

2 Background and context

Under section 50 of the Act, a person may apply to the chief executive for the granting of an exhibition licence that provides for exhibiting and dealing with authorised animals.

3 Scope

This policy applies to all exhibition licence applications including new and amendment applications submitted in accordance with the Act.

4 Key principles

Section 71(c) requires each regular enclosure site under the licence to be located at premises of which the authority holder is the occupier. Furthermore, section 60 provides for an application to exhibit and deal with one or more animals at two or more premises provided that:

- exhibiting or dealing with the animals at each premises is **operationally interrelated**
- the **same individuals** have day-to-day care and control of the animals at each premises
- the **location of each premises allows the integrated day-to-day care and control** of the animals by the designated carers to be feasible.

In understanding the requirements of section 60 the following must be taken into consideration

- The provision was included in the Act to allow for large facilities that were divided into two lot on plans via council requirements to conduct activities across the two properties under the one licence and company name.
- Each premises being **operationally interrelated** means that they are connected in such a way that each premises has an effect on, or depends on, the other. This could include a second premises used for breeding stock or quarantining animals. The premises would be operationally similar to the existing premises but physically separate for animal husbandry or other reasons (e.g., two allotments).

It is not intended that section 60 applies to exhibiting an animal at an unrelated and separate premises.

- Designated carers (the **same individuals**) must demonstrate that they have care and control of the animals at each premises. For example, be able to provide prompt attention and veterinary care in response to an injured or ill animal or respond to the perception by the public of injury or illness. Premises must be physically located so that prompt emergency care is feasible.
- Designated carers must be able to respond in a timely manner to instances where animals may be placed in danger, such as through vandalism or theft, or where the public may have unsupervised access to the animal and/or the enclosure at any time.
- To allow appropriate care and control, both premises must be wholly under the direct and legal control and management of the authority holder. A second site that is wholly or part of a property or a building owned and operated by another person or business, such as a marketplace, school, hotel, council education centre, shopping centre, professional practice or similar facility does not allow the authority holder to adequately control relevant risks and relevant adverse events. In these circumstances the authority holder cannot ensure that appropriate animal welfare and safety standards are maintained.

- The location of each premises must allow the integrated day-to-day care and control of the animals by the designated carers to be feasible. This means that travel time between the two premises must be minimal (if designated carers are not located at both premises), to allow regular monitoring of each individual animal and reporting processes and animal information management systems must be seamless between the two premises, so that records for a particular animal are available at the premises where the animal is held.

5 Additional laws for consideration

There may be additional laws outside the scope of the Act that an authority holder may be subject to. It is the obligation of the authority holder to ensure that the exhibition of animals is approved at particular premises and relevant laws, or requirements are adhered to. This may include specific Local Government laws, Queensland Health or Workplace Health and Safety Queensland requirements. An applicant should provide proof that they have an understanding and are compliant with laws that relate to acquiring an exhibition licence or animals of a species under the licence. In particular, applicants will be required to provide proof on application that the application does not relate to relevant additional requirements such as development approval under the *Planning Act 2016* or local government approval for the number and type of animals being applied for.

6 Checklist

The following criteria must be satisfied for the granting of an exhibition licence that provides for exhibiting and dealing with authorised animals at two or more premises under an Exhibition Licence:

- both premises must be wholly under the direct and legal control and management of the authority holder (i.e., the authority holder is the occupier of both premises)
- the premises are operationally interrelated
- the same individuals have day-to-day care and control of the animals at each premises
- travel between the two premises can be undertaken in a timely manner
- reporting systems are accessible at each premises
- all relevant legislative approvals under other jurisdictional requirements such as development approval under the *Planning Act 2016* have been granted for each premises.

7 Responsibilities and accountabilities

The Exhibited Animals team, in 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 the Exhibited Animals Regulation 2016 may be acquired from the department's website at <https://www.business.qld.gov.au/>

Additional reference documents include

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