

Version: [2]

# Policy

Approved premises for the exhibition of authorised animals

*Exhibited Animals Act 2015*

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## 1 Policy statement

The purpose of this policy is to clarify approved activities and premises when exhibiting and dealing with authorised animals under the *Exhibited Animals Act 2015 (Act)*.

## 2 Background and context

Generally, exhibiting an animal means displaying the animal to the public in a mobile or fixed exhibit, including for commercial, cultural, educational, entertainment or scientific purposes.

Examples of exhibiting an animal include:

- displaying an animal in a zoo or wildlife park
- using a European rabbit in a magic show
- allowing public interaction with animals at a petting farm
- educational displays of native wildlife in mobile exhibits

Generally, dealing with an animal means carrying out an activity involving or relating to the animal, other than exhibiting the animal.

Examples of dealing with an animal include:

- moving an animal
- keeping or possessing the animal
- breeding, culturing, growing or raising the animal
- giving, selling or otherwise disposing of the animal.

The purpose of the Act is primarily achieved by imposing a general exhibition obligation on persons exhibiting and dealing with exhibited animals to prevent or minimise associated relevant risks and the adverse effects of exhibiting and dealing with exhibited animals. The Department also considers community expectations and what is considered reasonable and humane use of an animal. This includes ensuring all animals exhibited and dealt with for the purposes of exhibition meet certain standards of care and management and minimise the risks to animal welfare, biosecurity and human safety.

## 3 Exhibiting animals at licensed venues – alcohol and food services

All operators have a duty of care to their animals and must ensure that all authorised animals are exhibited in a way that associated risks are prevented or minimised and are exhibited in a manner acceptable to the general community.

The Department recognises there are instances where the exhibition of animals will include exhibiting at individual events and premises where alcohol is served and consumed. These may include private events such as:

- industry gala dinners intended for charity fundraising events
- industry business promotions held at facilities, such as golf courses
- children's parties at private residences
- public venues such as fetes, shopping centers and marketplaces.

In recognition that these are individual events, and the purpose is for promotion, celebration or fundraising and not primarily for the serving and consumption of alcohol, exhibiting at these types of venues is generally acceptable, provided licence holders have identified how they will manage associated risks and these risks have been approved through the licence application process.

The Department generally does not approve the exhibition and dealing of authorised animals at premises where the venue is licensed primarily for the purposes of serving alcohol and food, and the exhibition of animals is

organised for the entertainment of patrons and/or to increase clientele. Some examples of these premises include:

- pubs
- nightclubs
- adult entertainment venues.

The Department considers these premises pose a high risk to the welfare of animals from noise, disorderly and intoxicated conduct and potential harm that are outside of an authority holder's ability to control. Exhibiting at these premises also poses an unacceptable health and safety risk due to potential spread of zoonotic diseases.

The Department acknowledges that there may be questions with respect to exhibiting in a particular part of a licensed venue such as a room or section of the premises that may be annexed for the purpose of exhibiting animals. Given the intent is to exhibit at premises whereby the primary purpose for business is the serving of alcohol, these types of exhibits are not acceptable.

In approving activities, the Department must consider:

- the primary purpose of patrons entering the premises – whether it is for alcohol and/or food consumption
- the authority holder's ability to effectively control these situations
- the legitimacy of proposed exhibits in accordance with the intent of the Act and that animal exhibits must be conducted in a manner and within an environment that meets community expectations.

Premises that are built on large properties with expansive outside areas that are used for the purposes of markets or family days out are generally acceptable. These areas outside the main facility on the premises may not be primarily approved for the serving and consumption of alcohol. In these circumstances the exhibition of animals can be approved within the designated areas provided the area where the exhibit is to occur is not primarily for the serving and consuming of alcohol.

#### **4 Additional things to consider**

There are additional laws outside the scope of the Act that do not permit the exhibition of animals at particular venues. It is the obligation of the authority holder to ensure that the exhibition of animals is approved at a particular premises and to abide by any additional laws or requirements. This may include specific Local Government laws, Queensland Health or Workplace Health and Safety Queensland requirements. An example of this is Queensland Health requirements that generally prohibit animals in premises licensed primarily for the serving of food due relevant health and food contamination risks.

There may be circumstances where authority holders are presented with an opportunity to exhibit at a premises licensed to serve food such as a café or restaurant that has a designated area for exhibits. If an authority holder or applicant believes they are able to mitigate all associated risks, these risks should be detailed in relevant management plans or policies and include proof of approval from the relevant regulatory agency or local law authority.

On application for an exhibition licence, 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*.

#### **5 Exhibiting animals for entertainment or therapy**

In some circumstances authority holders may be requested to conduct exhibits at events where the intention is for entertainment rather than for the purposes of education. Examples of these activities include:

- the use of exotic species in circuses

- the use of rabbits at magic shows.

These activities may be approved provided licence holders have identified how they will manage associated risks and these risks have been approved through the licence application process.

There are other instances where the service of an authority holder may be requested for entertainment activities. The Department must consider all risks associated with the exhibition and dealing of authorised animals including whether or not animals will be used within an environment that meets community expectations.

Examples of activities that are outside the scope and intent of the Act and are not approved include:

- shows that involve dancing with authorised animals under the Act (belly dancing or similar)
- using animals primarily for the use of therapies.

## 6 Checklist for authorised exhibits

The Department encourages authority holders to seek ways to grow their business by exhibiting and dealing with animals in an ethical manner and in a safe environment within the intentions of the Act. A fundamental premise underpinning the legislation is that authority holders have a general exhibition and dealing obligation to their animals and must ensure all relevant risks and adverse effects associated with the exhibition and dealing of animals is minimised or prevented.

Prior to accepting offers for the exhibition of authorised animals, authority holders should consider the following checklist. Is the proposed activity:

- In accordance with the Act and any relevant supporting documentation (standards, policies & similar documentation)
- Meeting your exhibition and dealing obligation to the animals
- In accordance with the information set out in this policy
- Meeting community expectation
- In accordance with all relevant risks and adverse effects associated with exhibiting and dealing with the animals
- A risk to the individual or corporation's public image
- In accordance with the parameters of external policies or laws outside the scope of the Act:
  - Business insurance
  - Workplace Health and Safety
  - Queensland Health
  - Local Laws
  - Other

## 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](#)