

Policy

The use of standards and codes of practice in assessing management plans

Exhibited Animals Act 2015

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1 Purpose

The purpose of this policy is to detail the Department of Agriculture and Fisheries use of standards and codes of practice (hereafter referred to as codes) in the assessment of management plans when clients are submitting applications for licences or licence amendments under the *Exhibited Animals Act 2015 (Act)* in relation to the exhibition and dealing of animals in Queensland.

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 an animal in a performance in a circus or a rabbit in a magic show
- showing an animal as part of an educational wildlife demonstration

The Act does not apply to a number of species and situations where the animal is authorised under the *Biosecurity Act 2014* or *Nature Conservation Act 1992*. However, if exhibiting these animals the general exhibition and dealing obligation will apply. In circumstances where exempt species are held in the same enclosure as authorised animals, information for both exempt and authorised animals must be included in management plans. Generally, the Act does not apply to domestic and commercial livestock and in situations where the animal is displayed for no longer than 11 days at a time¹.

2 Application/Scope

This policy applies to all licence applications including new licences, renewal of licences, amendment of licences and transitional licences where the application must be accompanied by a management plan.

3 Statement of Policy

The community has an expectation that all animals that are exhibited and dealt with for exhibition purposes are treated humanely and meet certain standards of care and management to ensure that the risks to animal welfare, biosecurity and human safety are minimised.

Codes of practice and minimum standards play an important part in ensuring that animals being dealt with for the purposes of exhibit are afforded appropriate care that is consistent with industry, community and stakeholder expectations.

The Act allows, by regulation, the making of codes relating to the exhibiting and dealing with exhibited animals.

There are a number of codes recognised by both industry, the wider community and government departments that detail acceptable ways of exhibiting and dealing with animals. These codes are currently available in Queensland and interstate.

The Act takes a risk based approach by placing responsibility on the exhibitor to put in place measures to ensure animal welfare, public safety and biosecurity risks are addressed and minimised. Codes referred to during the assessment process are those that have been developed by the Queensland Government, by interstate governments, or are recognised industry standards or codes for the keeping of certain species that are recognised by the Queensland Government.

All state and territory government codes produced within Australia are normally developed through a wide ranging consultation process that includes the industry body(s) affected by the application of the code, animal welfare groups, other government agencies, the community and other stakeholders. In the event that there is no recognised code of practice for a particular species, industry codes may be made available or proposed by an applicant as a suitable species code to be used for the assessment of a species management plan. The proposal must provide proof that the code of practice or standard has been through a similar consultation process to that of recognised codes. Alternatively, the proposed code may provide proof of adequate peer review and acceptance by a recognised industry body including proof of acknowledgement and acceptance from the broader community.

Primarily codes that are recognised in Australia will be used during the assessment of species management plans. These codes have generally been developed according to Australian conditions and therefore are likely to be more appropriate

¹ For information on when the Act does not apply to an animal when being exhibited or dealt with, please refer to s10 of the Act.

for assessing the exhibition and dealing of species in Australia. Where no such codes exist, an applicant may suggest an international (industry or government) code that could be referenced as requiring the minimum standards for the exhibition and dealing of the particular species; however, these may only be referred to in the absence of Australian codes. Where reference to an international code is proposed, the department may consult with broader industry groups to determine its suitability as a benchmark for the species. Policy on approval of enclosures that are below recognised standards

It is the responsibility of Exhibited Animal staff assessing an application under the Act to ensure that at minimum, the requirements stipulated in the following are considered during application assessment.

- Legislative requirements including the
 - *Exhibited Animals Act 2015*
 - Exhibited Animals Regulation 2016
- Relevant standards and codes of practice requirements.
- Exhibited Animals policy requirements
- Community expectations

If an application requests exhibiting and dealing with animals in a way that is not in accordance with requirements, the application may be refused without issuing a *requirement for further information*² (RFI). If in application, significant substantiated reasoning for diversion of the requirements has been provided the application may be considered further.

Note, consideration may include the transfer of an animal whereby the movement to a larger enclosure may be detrimental to the animals health and the application for the request is supported by a letter from a relevant qualified veterinarian. Consideration will not be granted in circumstances where there is no legitimate reason for the request (the applicant already has the enclosure constructed; the applicant has held other animals of the proposed species within).

4 Recognised Australian codes of practice

Queensland codes must be adhered to in the first instances. In the event that there is no Queensland code, the following are recognised codes of practice that will be referenced by the Department of Agriculture and Fisheries as guides for suitable exhibition requirements for Queensland in the assessment of management plans and issuing of licenses:

Queensland

Code of Practice – Captive reptile and amphibian husbandry.

Code of Practice – Aviculture

New South Wales

General Standards for Exhibiting Animals in New South Wales

Standards for Exhibiting Australian Mammals in New South Wales

Standards for Exhibiting Carnivores in New South Wales

Standards for Exhibiting Animals at Mobile Establishments in New South Wales

Policy for Exhibiting Primates in New South Wales

Code of practice for the private keeping of reptiles

² An RFI is issued to the applicant within 30 days of receipt of an application under the Act. The RFI process provides further opportunity for an applicant to clarify information submitted or provide further supporting documentation.

For further information regarding the RFI process please refer to the *Policy – Assessing requirements for further information or a document*.

Victorian Standards

Code of practice for the keeping of amphibians in captivity

Code of practice for the housing of caged birds

Code of practice for the public display and exhibition of animals

Code of practice for the welfare of animals: Private keeping of reptiles

Code of practice for the welfare of film animals

Australian Standards*

Australian Animal Welfare Standards and Guidelines - Exhibited Animals – General

Australian Animal Welfare Standards and Guidelines - Exhibited Animals – Crocodylian

Australian Animal Welfare Standards and Guidelines - Exhibited Animals – Koala

Australian Animal Welfare Standards and Guidelines - Exhibited Animals – Macropod

Australian Animal Welfare Standards and Guidelines - Exhibited Animals – Ratite

Australian Animal Welfare Standards and Guidelines - Exhibited Animals – Wombat

* *The above listed Australian animal welfare standards will no longer be referred to on finalisation of adoption as codes of practice under the Exhibited Animals Regulation 2016 (Regulation).*

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 Responsibilities and accountabilities

The Exhibited Animals team, in DAF, 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.

7 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*.

8 Related and reference documents

Related reference material including defined terms in the Act and Regulation 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](#)*