

# Policy

## Application considerations for fixed exhibit locations

*Exhibited Animals Act 2015*

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## 1 Policy statement

In certain circumstances a business may propose to develop a facility with the intention of predominantly exhibiting native wildlife and non-indigenous species to members of the public at a particular address (licensed premises). Exhibition at a licensed premises refers to members of the public being permitted entry to the licensed grounds or building to view exhibited animals.

This policy details the Department of Agriculture and Fisheries (department) considerations when assessing applications for a person that proposes to exhibit authorised animals at premises under the *Exhibited Animals Act 2015* (Act). Animals acquired for the purpose of exhibit at a licensed premises must be secured in an authorised regular enclosure for the animal that is generally in a fixed position. This policy should be read in conjunction with *Policy – Exhibition licence requirements for fixed exhibitors* and additional reading material located on the [Qld Government Publication Portal](#) and the [Exhibited Animals website](#).

## 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 animals at the licensed premises. In addition, an existing authority holder may apply under section 94 of the Act to amend an exhibition licence. This policy applies to applications for new licenses or amendment for an existing licence, including the change of licence address.

## 3 Species category

There are three main categories of animals under the Act, category A, B or C. Category C is further divided into two distinct categories - C1 and C2. All native wildlife is primarily managed under the *Nature Conservation Act 1992* (NCA). Excluding category B dingo and European rabbit species, native species identified as category A or B are prescribed in accordance with each species status under the NCA. Category C species are all non-indigenous species and are prescribed as prohibited or restricted matter under the *Biosecurity Act 2014*.

In summary:

- *Category A* - an authorised animal that is a class 1 or class 2 animal (including dangerous animals) under the Nature Conservation (Animals) Regulation 2020.
- *Category B* - an authorised animal that is neither a category A nor category C animal.
- *Category C* - an authorised animal that is designated prohibited matter under the *Biosecurity Act 2014* other than an animal that is international wildlife under the NCA. Category C is separated into authorised animals of a species prescribed under the Exhibited Animals Regulation 2016 (Regulation) as category C1 species, and all other prohibited or restricted matter as category C2 species.

## 4 Applying for a licence

The Act provides for the granting of, amendment, renewal, or restoration of an exhibition licence. An applicant will be required to provide a substantial amount of information for assessment including evidence that legislative requirements can be met. Minimum requirements will include a completed application form accompanied by the appropriate fee for the licence, relevant management plans for proposed species and any policies or standard operating procedures. In addition, an applicant may be asked to provide templates that will be used for record keeping requirements under the Regulation to ensure the applicant understands how to fulfil ongoing legislative requirements.

Section 37 of the Act identifies relevant risks and adverse effects that require addressing in an application. The department has developed a template management plan (available on the department's exhibited animals website) that provides guidance and aids applicants address key criteria required for the grant of a licence.

On submission of an application, department staff will assess the information and identify any relevant risks or adverse effects that have been noted by the applicant. The department has an obligation to ensure there is no ambiguity or conflicting information in the documentation provided and to ensure that an applicant can identify and prevent or minimise risks associated with the activities proposed. Relevant risks and adverse effects

Section 17 of the Act identifies relevant risks and adverse effects being:

- relevant risks
  - risks to the welfare of any animal
  - biosecurity risks
  - risks to public safety, death of, injury or illness to a person, caused directly by, or originating from, the exhibited animal; and
- a relevant adverse effect caused by an event such as an escape whilst exhibiting and dealing with an animal includes
  - the welfare of the animal
  - the health, safety or wellbeing of a person
  - social amenity, the economy, and the environment.

Information about how an applicant will prevent or minimise relevant risks or adverse effects must be detailed in accompanying species management plans.

## **5 Business and address requirements**

To apply for a licence under the Act, an applicant must be a recognised legal entity. The Act provides for the granting of an authority to an individual or business such as a sole trader, company or other structure of business that is acknowledged by the Australian Government and Queensland law as a legal entity. Some structures such as the way some charity structures are created may not be recognised as a legal entity.

It is the applicant's responsibility to acquire advice from a relevant professional to ensure that a sound understanding of the proposed business structure meets legal requirements, is acknowledged by Queensland law as being a legal entity for intended business activities and that relevant proof is submitted with an application.

### **5.1 Individual/Sole Trader**

If applying as an individual without an Australian Business Number (ABN) or registered business name, an application must only record the proposed authority holder's name to be recorded on the licence. No other names such as a proposed business name should be used unless that business name is registered with the Australian Government and has an associated ABN. If an application relates to a person who has a registered business name with an accompanying ABN, these details must be supplied on application if proposing to record details other than the applicant's name on the licence. Proof that the ABN is linked to the applicant's name and registered business name must be provided and that the ABN is currently registered with the Australian Government.

## 5.2 Company/Trust/Partnership or other business structure

Applicants must provide relevant information about the business structure and the primary people that are directly authorised under the structure (e.g., Director, Partnerships). Proof of documentation provided on application, such as certification issued by the Australian Securities and Investments Commission (ASIC) and accompanying documents, will be used to determine the name on a licence granted and ensure that an applicant has legal holding over a proposed business name. This includes the primary people involved in a Company, Partnership and Trust.

## 5.3 Granting an authority to a particular place (address)

The granting of a licence may only be issued to a particular place (an address) when the applicant has legal entitlement<sup>1</sup> over the place. Applicants must provide proof that they are legally permitted to be at the place and have primary control of the address where animals will be primarily held (regular enclosure site).

In circumstances where the proposed exhibition licence is located on a certain part of a private address (e.g., leasing one acre on a private residence titled to someone not affiliated with the licence) a licence will generally not be granted. A licence may be considered in the following circumstances provided that the applicant has legal or equitable title<sup>2</sup> to the address and proof of legal occupancy (such as a Rates Notice) that clearly identifies the name and address and matches the name and address recorded on the application. Generally, an applicant may be granted a licence to exhibit and deal with animals at the licenced premises in the following circumstances.

- An applicant owns a block of land with a house on it at a particular address and the applicant, or their business, holds title for the proposed licence address (not part of the address) and intends on exhibiting or dealing with animals at that particular address.
  - *An example of an approved proposed place includes a house on land where the applicant owns or is otherwise legally in day to day control of all parts of the proposed licence address (long term lease), lives at the address and intends to establish a zoo by way of exhibiting and dealing with authorised animals at the proposed address.*
- An applicant or their business holds title for the proposed address (not part of the address) and intends on exhibiting animals at that proposed address but does not live at the proposed address.
  - *An example of an approved proposed place includes a zoo facility where the applicant owns or is legally in day-to-day control of the proposed licence address, holds mortgage of, or has a legally binding lease for all parts of the address, intends to exhibit and deal with animals at the address but does not live at the address (all staff go home at the end of the day).*

In all circumstances, an applicant must have legal entitlement over the property and provide official documentation that identifies the applicant as the title holder or legal occupant of the address. This may include a copy of a Rates notice, official lease/rental agreement from a real estate company or similar. Proof does not include a person who has title over a private residence or similar writing a letter of authorisation for the applicant to exhibit and deal with animals at the premises where the title holder lives. An applicant must be able to provide proof from their relevant State or Local Government that the use of land and proposed activities are authorised. If relevant authorisations such as Local Government approvals, including development approval under the *Planning Act 2016*, are applicable and have not been granted, including the completion of any associated conditions, the application will not be successful.

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<sup>1</sup> Owns all parts of the place (address), or has a legally binding agreement for the place (address)

An exhibition licence is issued to an address for the purpose of identifying where authorised animals will be primarily dealt with and exhibited and provides for entry by inspectors to check compliance with the Act. There are many risks associated with holding native wildlife and non-indigenous animals at an identified location, particularly in circumstances where the facility is not set up as a commercial facility for the primary purpose of conducting animal exhibits. An exhibition licence should not be applied for in circumstances where the intent is to exhibit animals to promote other business activities not related to the exhibition of animals. Examples include medical centres, dentist practices, outdoor sporting goods facilities, pet shops or other commercial services where the intent is to promote an existing commercial business. The proposed licence address should be designed primarily for the purpose of exhibiting and dealing with animals in a way that provides educational value and promotes appreciation of and respect for animals of a species and their environment.

Exhibition licence holders that exhibit at the licensed premises are predominantly licensed to a location that is on a large block of land outside of built-up suburban areas due to additional state or local law requirements. The facilities generally are purpose built, designed, and constructed for conducting commercial activities related to exhibiting at the address. The proposed facility must provide evidence that they are able to significantly reduce risks associated with exhibiting and dealing with animals at the address. The granting of an application to exhibit at a licensed address will only be considered in circumstances where the proposal identifies that:

- the facility is purpose built with security in mind to accommodate commercial activities associated with the exhibition of animals.
- people are employed or otherwise engaged to manage the animals daily
- people are employed or otherwise engaged to manage structures that hold animals and other aspects of the property (security, grounds etc)
- the proposal meets all relevant State and Local Government requirements
- entry by members of the public to view animals occurs for numerous hours of the day and most days of the week
- the proposal meets all requirements of the Act and provides for adequate monitoring and compliance functions
- people are primarily entering the property to benefit from the commercial activities associated with the exhibition of animals rather than other commercial activities such as the sale of animals.

Applications that relate to facilities that are primarily used for another commercial purpose where animals are intended to be exhibited to promote the primary business, including animals in dental practices, pet shops, schools and similar, will not be approved.

Facilities that exhibit at the licensed premises have generally undergone more than one assessment under State and Local Government laws to ensure risks and requirements under relevant legislation have been met. These types of facilities are generally associated with

- people entering or exiting the licensed premises in a controlled manner
- entry is generally always for the purpose of conducting business activities under the licence. In addition, the facilities are not being located on standard suburban blocks in built-up areas
- the majority of the facility is not exposed to activities associated with a residential living i.e., visits by family members, private parties, visitors consistently entering and exiting the address, neighbours living in very close proximity.

The department will review each application and circumstance on a case-by-case basis to identify whether the applicant has met the requirements under the Act and the associated risks have been identified and can be prevented or minimised. For guidance purposes, the following provides some examples of circumstances where a licence would generally not be granted due to associated risks, legitimacy of legal occupancy and entry limitations imposed on inspectors to enter for monitoring and compliance purposes.

- In circumstances where the applicant does not have legal entitlement to the majority of the premises
- In a circumstance where a person is not the applicant, or the person does not have legal entitlement of the premises.
- The applicant is not lawfully entitled to the use of the majority of the premises.
  - *An example - the applicant lives in a dwelling and rents, leases, or has some other arrangement of the particular area where the dwelling is and has access to an additional yet separate part of the property at the same address for the purpose of exhibiting authorised animals. In this case, the applicant only has entitlement to use specific parts of the property located. These types of circumstances do not allow for adequate access for compliance purposes under the Act.*
- An applicant lives at a place and proposes to exhibit and deal with animals at another place such as another person's residential property by renting, leasing or similar, a part of the place as the licensed address. This includes circumstances where:
  - the proposed address is not purpose built with the intention of exhibiting or dealing with animals
  - the proposed address is not open to members of the public for the purpose of exhibiting animals generally, for most days of the week for particular hours of the day
  - the applicant cannot provide sufficient proof that the address where animals are to be exhibited and dealt with is legally authorised for use in its entirety by the applicant and for the purpose of exhibiting or dealing with animals.

*Examples of circumstances where an authority cannot be granted include:*

- *A person living at one address and renting the backyard or another similar place at another person's address for the purpose of exhibiting or dealing with animals.*
- *A person living at one address and renting out a section of another address in circumstances where they do not have legal entitlement to the entire address. An example includes a person living in a residential dwelling and proposing to exhibit animals at another location such as a shopping centre, education centre, tourist office or otherwise for the purpose of exhibiting and dealing with animals.*
- *A person living/leasing a dwelling located on a property and leasing another separate part of the property to exhibit animals, where the entire property is not titled to the person.*

#### **5.4 Entry by consent**

The Act provides for various monitoring and compliance functions to ensure authority holders are meeting their obligations under the Act. An inspector appointed under the Act may enter a licenced premises that is open to the public to check compliance. On each application, an applicant is required to identify if the address where the animals are to be primarily dealt with is used in its entirety or partly for residential purposes. If the address is used entirely or in part for a residential purpose, regardless of whether the authority holder is the occupier or not, the



applicant must provide consent for an inspector to enter the residence. Exhibiting or dealing with animals at an address that is deemed residential in its entirety or in part, pose significant risks that are considered during the application assessment.

If an application relates to a residential premises or part of a premises where animals will be exhibited or dealt with and no consent is provided, an authority cannot be granted. An application requires an applicant to authorise entry if a private residence is located on the property and the applicant's intention is to exhibit or deal with animals within part of the premises that is deemed private i.e., the dwelling or rooms deemed private residence within a building. It is a condition of the licence that a licence holder provide an inspector, access to an area deemed residential, at any reasonable time and within one hour's notice. If a licence holder refuses access to an inspector, the holder may be deemed as breaching a condition of the licence and the licence may be amended, cancelled, or suspended. If an application relates to the address being solely or in part used for a residential purpose, the applicant must clearly identify on initial application where the residential area is located at the address.

If an application relates to exhibiting animals at a particular address for the purpose of being open for viewing by the public, an inspector may enter the premises at a reasonable time during opening hours without consent.

## **6 Application and exhibition licence activities**

There are certain activities that are standard practice within the industry where associated risks have been known to be historically managed. These activities and measures required to ensure associated risks are managed have been refined over many years of standard industry practice and meet community expectation. In other circumstances proposed activities may pose risks that cannot be managed including potential damage to industry reputation or they may not meet community expectation. The department acknowledges that some applicants may like to try and apply for activities that may be considered unusual or novel to gain a commercial advantage. It is the department's responsibility to assess all proposals and consider all related matters to ensure the integrity of the legislation is maintained and activities meet current community values.

An exhibition licence holder is primarily authorised to conduct activities associated with exhibiting in the following ways.

Exhibit and deal with

- animals in a way that provides educational value and promotes appreciation of and respect for animals of a species and their environment
- animals for the purpose of film and television such as movies and documentaries about the species, their behaviour and natural habitat
- non-indigenous (category C) animals by way of traditional circus activities
- European rabbits as part of a magic show or domestic animal petting exhibit.

### **6.1 Activities not authorised**

There are some activities the department is unable to consider when proposing to exhibit and deal with animals of a species. These activities and their associated risks are sufficiently high as to be deemed unmanageable and the department has determined that these activities cannot be authorised. The following (non-exhaustive) list identifies the types of activities that cannot be authorised under an exhibition licence.

- Exhibiting native wildlife or non-indigenous animals at venues such as private parties associated with activities stated in the *Policy – Approved premises for the exhibition of authorised animals*.

- Exhibiting native wildlife or non-indigenous animals in a way that does not meet requirements stated in the *Policy – Criteria for exhibiting or dealing with authorised animals at two or more premises*.
- Proposing to acquire category C1 animals in a way that does not meet requirements stated in the *Policy – Licensing requirements for category C1 species*.
- Proposing to acquire category C2 animals in a way that does not meet requirements stated in the *Policy – Requirements for acquiring category C2 species*
- Proposing to exhibit and deal with animals in a way that does not comply with the Act including recognised standards and codes of practice or any additional Exhibited Animals policies.
- Public interaction with venomous snakes in circumstances that do not relate to Animal Ethics Committee (AEC) approvals.
- Exhibiting native wildlife or non-indigenous animals in a manner that is degrading or associated with degrading activities including activities that do not meet community expectations. An example would be the dressing up of authorised animals. This excludes any materials being used for welfare reasons and activities that are historically accepted by the community such as the use of rabbits in magic shows.
- The use of animals for the following or similar activities:
  - abatement
    - *an example of abatement includes the use of raptors to scare away pigeons*
  - animals used for therapy
  - using animals for domestic animal awareness training
    - *An example of domestic animal awareness training includes the use of snakes for dog snake avoidance training.*
  - exhibiting and dealing with category B or C species for the purpose of training that would generally require Animal Ethics Committee (AEC) authorisation such as the provision of a competency certificate after attending a day course on animal handling (this does not include provision of certification to people engaged under the authority or references for staff members).
- Proposing to exhibit or deal with animals away from the licensed premises unnecessarily, instead of returning animals directly to the licensed premises. Examples include the keeping of animals at
  - commercial premises such as an educational, health or medical centre, pet shops, shopping centres or similar
  - the keeping of animals at staff, volunteer, or family premises whereby the address is not the licensed address.
    - *This requirement excludes the authority holder or a responsible employed person keeping the animal with them overnight whilst traveling for preorganised mobile exhibits in situations where they are a large distance from the licensed premises.*

## 6.2 Requirements for further information

Department staff conducting an application assessment may choose to forward a requirement for further information (RFI). RFI's are requested when further information or documents on application proposals are necessary to support an application. The issuing of an RFI to an applicant provides additional opportunity for

applicant to clarify information, provide further documentation or amend management plans that may have been identified as a potential issue during the application assessment phase.

Department staff are not obligated to issue an RFI and the decision to do so is at the discretion of the assessing staff member. In some circumstances applicants may feel that department staff are requesting too much information or information that is commercial in-confidence. Department staff are responsible for acquiring all relevant information including information that may be required for ongoing monitoring programs under requirements or legislation outside but affiliated with the Exhibited Animals program. An applicant may be required to submit a substantial amount of information relevant to their proposed business activities. This information is required for the delegate to make an informed decision and the application to be successful. Failure to provide information requested through a RFI process may result in the application being withdrawn or refused. In addition, information may be required that demonstrates the applicant's ability to meet mandatory obligations under the Act, for example ongoing record requirements. If an applicant is not willing to provide this information, the department has no assurance of the applicant's suitability for a licence and granting of the authority may be unsuccessful.

Applicant responses to RFIs that do not comply with criteria stipulated in the *Policy – Assessing requirements for further information or a document (RFI)* may result in the application being withdrawn due to insufficient response provided to the department. Although department staff try to aid applicants by identifying issues within an application, it is not their responsibility to identify all the risks for the proposed activities. Department staff may choose to send an RFI requesting a review of management plan detail without further identification of application issues, or the application may be forwarded to the delegate for decision without an RFI. It is the applicant's responsibility to provide sufficient clear and concise information in applications that demonstrates a sound understanding of managing animals proposed in application and Act requirements.

Some circumstances that may trigger an RFI or refusal of an application may be due to the following or similar circumstances.

- Inconsistent or ambiguous information such as the request to use a particular enclosure for one or more species whereby the maximum number for each species and their ratios to be held is not identified.
- Copy and pasting information throughout various documents that leads to mistakes and inconsistent information.
- Proposing the acquisition of numerous individuals of a species or breeding of animals without justification of a need to breed.
  - *Sound justification does not include meeting industry requirements, meeting business needs or similar unless adequate proof of the need is provided. An example of proof could include Regulation records for exhibits conducted that prove there is a genuine business need for additional animals or species of animals.*
- Submitting existing management plans without review of existing non-relevant information that leads to incorrect or ambiguous information.
- Not identifying proposed changes in management plans i.e., tracking changes or using different coloured text.
- Providing insufficient information for enclosure details, particularly for category B and C species.
- Providing a statement of proven skills, knowledge, and experience (reference) whereby the referee was not employed as a senior member of staff to the applicant at the place where the experience was stated to have occurred.

- Providing referee support statements for the acquisition of new species whereby there is no detail about the training that was provided to the applicant including timeframe (dates) of training, experience of trainer, training elements covered etc.
- Including species whereby no relevant skills, knowledge or experience is demonstrated or assurance that there will be an ongoing declaration agreement to ensure staff with the relevant skills, knowledge and experience are employed.
- Information related to the rescue, release, rehabilitation or similar of authorised animals.
- Incomplete applications including application forms that accompany management plans.
- Providing a reference that does not clearly stipulate the applicant's level of engagement that directly relates to employment responsibilities for the species being applied for.
  - Volunteering and one day skills courses, although taken into consideration with other proven animal management skills, are not sufficient when used as stand-alone proof of experience. References need to identify the capacity to which an applicant was engaged (employed or volunteer, full-time, part-time), animal species managed on a daily basis and timeframe of employment.
- Providing limited general information that does not explicitly state proposed animals will be exhibited and dealt with.
  - Insufficient enclosure detail that does not identify each proposed enclosure for each proposed animal, particularly for category B and C species of animal including all aspects of enclosure design including fixtures, denning/hide areas, ponds, water feeders vegetation, enrichment, heating/light requirements where relevant to the species.
- Requesting the holding of nonbreeding animals in the same enclosure without adequate means of ensuring breeding does not occur (single sex animals).
  - Note that
    - *the proposed separation of animals during breeding seasons cannot be relied on due to an individual animal's potential to breed outside of the standard breeding season*
    - *stating that an animal has not bred for a period of time does not provide assurance and will not be considered*
    - *euthanasia of animals such as mammals and reptiles that are not oviparous is not considered a sufficient management option.*

### 6.3 Application detail

The application process provides for entities interested in acquiring an exhibition licence to demonstrate their suitability for a licence and identify how they propose to exhibit and deal with animals of a species. Generally, a person that has relevant skills, knowledge and experience with animals proposed to be exhibited has sufficient understanding of how to manage each animal and should easily be able to record aspects relevant to the day-to-day care and management of each animal including enclosure requirements, diet, enrichment, and handling.

Application proposals are unique to each business model, facility, proposed animal(s) and the person making the application. Applications need to reflect the risks specific with that model and not try and replicate or copy another authority holder's application. In doing so, the applicant can identify specific areas of risk unique to their

proposal and determine how best to mitigate those risks. The use of third-party templates and management plans may not fully address all risks or may address risks that are not necessarily relevant to the applicant's unique business model. This may lead to compliance matters becoming evident and action required to be taken for breaches of the licence conditions.

Applicants may strengthen their application by submitting documentation such as:

- a business plan that details predicted future growth of the business and how the applicant proposes ongoing viability of the business
- previous experience relevant to running a business and meeting legislative requirements
- documentation that identifies the applicant has a sound understanding of the Act's requirements including
  - *templates for record keeping requirements under the Regulation*
  - *statements identifying applicant knowledge or requirement such as circumstances that require department notification (serious indecent, significant change notification)*
  - *mandatory licence conditions stipulated in the Act (Chapter 3, Part 7)*
- working knowledge of legislative requirements
- approvals or exemptions from other State or Local Government requirements associated with proposed business activities
- standard operating procedures, staff policies, detailed training manuals, enclosure cleaning, feeding and enrichment procedures.

#### **6.4 Application submission**

An application in the approved form must be accompanied by management plans for each proposed species or group of species and the relevant fee<sup>3</sup>. In most circumstances enrichment programs, public interaction limitations including animal handling timeframes, standard operating procedures, policies, escape plans and other relevant information will be required for the assessment of an application.

The Act, Regulation, fact sheets, policies, management plan templates and examples are available on the department's website. The decision to grant an authority rests with the chief executive who will review an application to determine the following.

- The applicant maintains adequate skills, knowledge and experience for the proposed species and numbers of each species.
- There is compliance with other State laws such as ensuring and providing proof that enclosure development, proposed species and their numbers meet relevant legislative requirements including Local Government requirements.
  - *An example of relevant legislation includes assessable development under the Planning Act 2016.*
- The number and type of species being applied for is appropriate and realistic to business needs.
- There is compliance with relevant Australian standards and codes of practice.

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<sup>3</sup> Where application fees are applicable, they are non-refundable.

- The applicant has an understanding of and can meet requirements such as licence conditions.
- There is an understanding of exhibit timeframe requirements for categories of species proposed.
- There is an ability to meet animal welfare, biosecurity requirements and community expectations on an ongoing basis.
- The proposed species and number of species requested are for the purpose of exhibit and relevant to exhibit needs or form part of a breeding program recognised by the department.
  - *Commercial activities not associated with exhibit such as the breeding of animals for sale to other authority holders such as animal keeping licence holders under the Nature Conservation Act 1992 (NCA), has no association with dealings under the Act and will not be approved.*
- There is an ability to exhibit and deal with animals in accordance with approved licence requirements.
- There is sufficient reason for substantial animal proposals, particularly for Category C species
- There are sufficient enclosures and available land for enclosures and each animal that is a category B or C animal for the number proposed
- There is an ability to comply with record keeping requirements under the Regulation i.e., the submission of record templates proposed for use.

Exhibition licence holders must demonstrate that authorised animals are held separately to other animals held under different authorities such as native animal keeping licenses (recreational licenses) under the NCA.

Enclosures used to deal with or exhibit animals under an exhibition licence must not hold animals kept under another authority. Holders of multiple authorities must manage each animal according to the required relevant legislation and the conditions imposed for that animal.

## **7 Facility and enclosure security**

When applying for an exhibition licence, an applicant is required to identify risks, such as escape, theft, or animal welfare issues associated with the place and detail how these risks will be prevented or minimised. Applications should at minimum, address risks associated with the following.

- Security - Overall facility security including access points, perimeter fences or secure areas where animals are to be kept. Consider a professionally constructed perimeter fence of sufficient height, depth and material that prevents or minimises a breach by animals escaping the property if an enclosure escape occurs. Access should be via key or code entry lock. Design and structure construction - Enclosure construction and security design at the facility must be secure, of high integrity and maintained in a way that will not be detrimental to the animal's welfare issues or facilitate escape. Enclosure quality should mimic that of commercial professionally built enclosures and be purpose built for the species being held. Examples of enclosure issues that are not acceptable include
  - the integrity of fencing such as chain link fencing that promotes escape or injury
  - enclosures that are rusting and are structurally degraded e.g., have holes or the initial formation of holes
  - the use of removable bricks or rocks to close up unintended gaps
  - enclosure walls and flooring that does not join in a way that prevents or minimises escape
  - enclosures that are poorly maintained e.g., have missing screws, bolts or similar

- protrusions or enclosure structures that could have unintended welfare outcomes
- insufficient drainage that promotes flooding or similar issues during weather events.
- Pond liners, other substrate liners or enclosure structures or fixtures that are not secured, turned up or outwards in a way that pose a risk to the animal including entrapment of an animal or part of an animal, regardless of how long the animal has been held without an issue occurring.
- Issues that facilitate escape and unauthorised entry
- Whether the facility is set in a suitable location to hold all species including
  - the number of species proposed
  - the size and spatial capacity of the area proposed for enclosures
  - the relevant space and proximity of other enclosures and the type of species held.
- Whether the location of the facility is primarily for industrial, commercial or in part a private residence.
- Relevant local or state laws required for activities proposed at the facility including land use, the type and number of animals proposed.
- Community expectations including areas that are primarily set in suburban areas with adjoining standard sized suburban blocks.

In most circumstances, animals are to be held in enclosures that incorporate key or code locked entry to access points. In accordance with the Regulation, all enclosures holding authorised animals must include the common and scientific name of animals held within, regardless of the enclosure being in an area not intended for public exhibit. This signage is often considered and implemented during construction of enclosures.

## **8 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 undertaking the exhibition of animals under the licence. In particular, applicants will be required to provide proof that the application is not subject 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.

## **9 Responsibilities and accountabilities**

The Exhibited Animals team, in Department of Agriculture and Fisheries, is responsible for assessing applications..

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

## **10 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*.

## 11 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](#)