

# Policy

## Application considerations for mobile exhibitors

*Exhibited Animals Act 2015*

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## 1 Policy statement

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 other than the licence address (mobile exhibits) under the *Exhibited Animals Act 2015* (Act). This policy should be read in conjunction with *Policy – Exhibition licence requirements for mobile 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 for the granting of an exhibition licence that provides for exhibiting and dealing with animals away from the licensed premises. In addition, an existing licence holder may apply under section 94 to amend an exhibition licence. This policy applies to applications for new licenses or amendment to an existing licence, including the change of licence address.

## 3 Species category

There are three main categories of animals, 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. Unlike category C2 species, C1 species may be obtained for the purpose of continuous mobile exhibit without the requirement to exhibit at the licensed premises.

## 4 Applying for a licence

The Act provides for the granting of, amendment, renewal, or restoration of an exhibition licence for mobile exhibiting category A, B and C1 species. Animals are to be exhibited in a way that meets community expectation, provides educational value and promotes appreciation of and respect for animals of a species and their environment. In addition, European rabbits may be exhibited for the purpose of education or entertainment activities like magic acts.

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 to ensure the applicant understands how to fulfil ongoing legislative requirements.

Section 37 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. The exhibition of an animal at a venue away from the licensed premises must be preorganised prior to movement of the animal off the licensed premises. Places or events where the mobile exhibition of authorised animals may occur include:

- children's birthday parties
- commercial childcare facilities
- schools
- public places such as markets or shopping centres
- a designated location used for making a network production about the animal and the role it plays in the environment.

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.

## **5 Relevant risks and adverse effects**

Section 17 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.

## **6 Business and address requirements**

To apply for a licence, an applicant must be a recognised legal entity. An exhibition licence may be granted 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 certain charity structures 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.

### **6.1 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 licence 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 current 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 current.

## **6.2 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 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.

## **6.3 Granting an exhibition licence to a particular place (address)**

The granting of a licence may only be issued to a particular place (an address) to which 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 (licensed premises). To enable adequate monitoring and compliance actions in accordance with Act requirements, a licence will generally only be granted in circumstances where the applicant resides at a residential premises and has proven legal entitlement to the premises. Proposals to keep authorised animals at commercial premises such as storage facilities, office locations or similar will not be endorsed.

A licence may be considered for a particular address provided that the applicant has legal title to the address and official documentation that provides proof of legal occupancy that clearly identifies the name and address matches the name and address recorded on the application. Proof may include a copy of a Rates notice, official lease/rental agreement from a real estate company or similar. Generally, an applicant will only be granted a licence to deal with (not exhibit) animals at a nominated address in the following circumstance.

- An applicant or their business holds proven title for the proposed licence address, lives at and intends on dealing with animals at the address but exhibits away from the address to other parties not affiliated with the license holder.
  - *An example of an approved proposed place includes a suburban block that holds a residential dwelling whereby the applicant is renting/leasing or has legal title otherwise to the address, lives at the address, has a legally binding lease for the address and proposes to deal with but not exhibit animals at the address (this includes places that may be under legally authorised strata title i.e., unit block).*

There are certain circumstances where an exhibition licence to conduct mobile displays will not be granted. This includes applications that relate to a person applying for a licence at a particular address where they hold legal title over a part or area of the premises (caravan or cabin) and propose to meet exhibit requirements by exhibiting in different parts of the address.

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. In addition, an applicant must be able to provide proof, where required 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.

The department will review each application and circumstance on a case-by-case basis to identify whether the applicant has met requirements and the associated risks have been identified and can be prevented or minimised. For guidance purposes,

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

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.

#### **6.4 Entry by consent**

There are various monitoring and compliance functions to ensure licence holders are meeting their obligations. There are many risks associated with holding native wildlife and non-indigenous animals at an identified location. An exhibition licence is issued to an address for the purpose of identifying where animals used for mobile exhibit will be primarily dealt with. 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, the applicant must provide consent for an inspector to enter the residence.

If an application relates to a residential premises or part of a premises where animals will be dealt with and no consent is provided, an exhibition licence cannot be granted. It is a condition of the licence that a licence holder provide an inspector access to a licensed premises 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.

### **7 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
  - *For meeting requirements of the Act, a licence will not be granted for the sole purpose of filming an animal and uploading footage onto social media platforms such as Facebook, YouTube or similar. To meet criteria for obtaining authorisation solely for film and television an applicant must prove they are regularly employed by television networks to create television documentaries about the species, their behaviour and natural habitat to be aired on television networks or for film (movie) work.*
- European rabbits as part of a magic show or domestic animal petting exhibit.

## 7.1 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 exhibit and deal with animals in a way that does not comply with requirements 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.
- Conducting training associated with AEC approvals at the licensed premises.
- 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 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 exhibition licence or references for staff members).
- Acquiring a licence for the purpose of using authorised animals to promote another commercial business owned or directly affiliated with the applicant.
- 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 premises.



- *This requirement excludes the licence 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.*

## 7.2 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 applicants 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 an 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 exhibition licence 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 how 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. This includes 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 for mixed sex animals held in the same enclosure without adequate means of ensuring breeding does not occur.
  - *An example of an adequate means of ensuring breeding does not occur includes desexing.*
  - 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.*

### 7.3 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 licence 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 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.

#### **7.4 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>2</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 exhibition licence 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, realistic to business needs and there is adequate space available at the licensed premises for the number of authorised animals proposed.
- There is compliance with relevant Australian standards and codes of practice.

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<sup>2</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 an animal keeping licence 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 C1 species.
- There are sufficient enclosures and available land for enclosures and each animal that is a category A, B or C1 animal for the number proposed.
- There is an ability to comply with record keeping requirements under the Regulation.
  - Proof of an applicant's ability to comply with record keeping requirements may include 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.

## **8 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 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 do 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 and be individually identifiable.

## **9 Exempt, domestic or species with similar status**

There are a number of species that may be held for the purpose of exhibit that are deemed exempt, domestic animals or similar. Although there is no mandatory exhibit timeframe requirement to exhibit these species, they must be included in application for consideration if proposing to hold individuals with authorised animals. The spatial requirements that these particular animals need when sharing enclosures with proposed authorised animals must be considered during application assessment and recorded on the exhibition licence. This is particularly important in circumstances where authorised species have specific criteria that must be met in accordance with relevant standards, regulations or codes of practice. All animals must be dealt with in accordance with the *Animal Care and Protection Act 2001* and licence holders must meet their general exhibition and dealing obligation for all native wildlife and non-indigenous species held for exhibit, including species deemed as exempt such as the Sulphur crested cockatoo.

## **10 Particular animals not authorised for predominantly mobile exhibit**

When proposing to exhibit and deal with animals of a particular species, an applicant is required to address all relevant risks and adverse effects associated with the exhibition of each animal. There are certain circumstances where the risks posed to an animal's welfare are too great of a risk and the department will not consider applications for solely mobile exhibits of certain types of species. In addition, the department must consider community expectations and consider how the use of an animal, or a proposed activity will be perceived by the general public.

Animal species traditionally used in mobile exhibit such as native snakes, many bird species, some small mammalian species, lizards and other native reptiles can be managed in a way that all relevant risks are minimised or prevented. These types of species are also generally recognised by the public as acceptable species for use during mobile exhibits.

However, animals such as emu's and other ratites, larger macropod species, koalas, Tasmanian devils, Platypus, pinniped species or similar species are not considered appropriate for solely ongoing mobile display. In addition, these species and enclosure structures are often subject to additional requirements under other State or local council laws when proposing to

be held at an address that is primarily designated a residential address in a built-up suburban areas. Due to associated risks the department will not consider these, or similar, species for predominantly mobile exhibition.

### 10.1 Activities not applied for during application

Licence holders must not assume that an activity may be conducted simply because a licence has been granted. If an application does not state how an animal will be exhibited and dealt with including proposed activities, those activities not assessed during the application process are not authorised.

➤ Examples include:

- conducting film and television activities for reality television e.g., an actor entering a tank holding snakes
- allowing any authorised animal to roam throughout the licensed premises outside of authorised enclosures or controlled areas for the animal e.g. allowing animals to roam in areas of the licensed premises that are contrary to authorised enclosures, controlled areas and approved activities for the animals
- filming animals outside authorised enclosures and authorised controlled areas at or off the licensed premises
- taking juvenile animals and hand rearing them outside of authorised enclosures.

### 11 Film and television activities

If proposing film and television activities, the management plan must provide sufficient information related to any activity that is outside the scope of standard exhibit<sup>3</sup>. Film and television activities for standard exhibit practices including the use of images or filming are authorised provided that the activity is identified 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 that an exhibition licence 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, only general information about the activity is required provided that:

- A. the animal will be recorded whilst displaying behaviour it normally would inside its authorised enclosure or controlled area
- B. the animal is being filmed or photographed during activities that are generally recognized 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 carpet python.*

A licence will not be granted for the sole purpose of filming an animal and uploading footage onto social media platforms or similar. For obtaining a licence solely for film and television, an applicant must prove they are regularly employed by television networks to create television documentaries about the species, their behaviour and natural habitat to be aired on television networks or for film (movie) work.

The department also considers community expectations and how the proposed activity will be perceived by the public. Exhibiting animals in clothing, promoting unauthorised non-family friendly events and dressing animals in chain harnesses or similar in a way that an animal is used as a prop to promote an event, using props or similar and posting those images or video on social media platforms is not considered standard exhibit activities and is not part of exhibition licence standard approvals. Unless explicitly applied for and approved under the exhibition licence, the use of animals in or outside their

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<sup>3</sup> Standard exhibit is when the animal acts as it normally would inside its authorised enclosure or whilst being used during approved public interaction activities.

authorised enclosure to undertake video or imagery outside the scope of standard exhibit practices is not automatically authorised with the granting of a licence. The use of animals on programs such as documentaries or reality television programs in circumstances where the animal is not used for standard exhibit activities is not approved unless:

- the activity has been identified during application for the species
- relevant risks and adverse effects have been assessed during the application process.

## **12 Public interaction**

Public interaction with animals of a species may be considered provided that all risks associated with the proposed activity can be managed. Public interaction approval can be applied for through the development of a management plan identifying all the applicable risks and how they will be managed. Criteria stipulated within this policy and additional Act requirements must be considered when choosing to apply for public interaction.

## **13 Additional laws for consideration**

There may be additional laws outside the scope of the Act that a licence holder may be subject to. It is the obligation of the licence 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 may 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.

## **14 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*.

## **15 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](#)*