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Policy

Acquiring and exhibiting category C2 species

Exhibited Animals Act 2015

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1 Introduction

The Department of Agriculture and Fisheries (DAF) administers the *Exhibited Animals Act 2015* (Act), which outlines the requirements for exhibiting and dealing with animals. DAF also undertakes monitoring and compliance actions to ensure high standards of animal care are met while exhibiting and dealing with animals.

2 Purpose

The purpose of this policy is to outline DAF's licensing requirements for applicants applying to exhibit C2 species. This policy will assist applicants in the preparation of applications to ensure they meet the requirements and address all relevant risks and adverse effects (see section 6 of this policy).

3 Application

This policy applies to new and amendment exhibition licence applications relating to the exhibit of C2 species.

Under section 50 of the Act, a person may apply for the granting of an exhibition licence. An existing authority holder may apply under section 94 of the Act to amend the exhibition licence, including for the granting of a C2 species.

Only facilities that are open to the public and propose exhibition of C2 animals in fixed enclosures at the regular enclosure site can apply for C2 species under an exhibition licence.

4 Background

Category C species are all non-indigenous species (excluding dingo and European rabbit), prescribed as prohibited or restricted matter under the *Biosecurity Act 2014*. Category C is further classified into authorised animals of a species prescribed by regulation (category C1) and all other category C authorised animals (category C2).

5 Activities not authorised

Certain activities with C2 species will not be authorised. These include:

- exhibiting C2 animals at venues such as private parties associated with activities specified in the *Exhibited Animals Policy – Approved premises for the exhibition of authorised animals*
- activities that cannot meet standards and code requirements in accordance with *Exhibited Animals Policy – The use of standards and codes of practice in assessing management plans*
- exhibiting C2 animals in a manner that is unethical or degrading or associated with unethical or degrading activities, including activities that may not meet community expectations
 - *An example of a manner that is unethical or degrading is dressing up animals which is unnatural and stressful for C2 species*
- exhibiting and dealing with C2 animals for any type of training, other than training provided to members of staff directly employed or engaged (i.e. volunteers) under the exhibition licence and who are employed or engaged for the purpose of daily care and management of the animal.

- *An example of a training activity that will not be authorised is the training of non-staff members for the purpose of acquiring a form of proof of competency or similar activity.*
- exhibiting and dealing with C2 animals for certain types of activity such as abatement, animals used for therapy, or using animals for training other animals outside the scope of immediate exhibit requirements.
 - *An example of using animals for training other animals includes the use of C2 snakes for domestic animal awareness training or similar activities.*
- exhibiting and dealing with C2 animals in circumstances where:
 - the primary purpose of the land is designed to be living space and not specifically designed for the exhibition of animals, including standard suburban sized blocks in residential areas
 - most animal species held or intended to be held are for the purpose of mobile exhibit
 - the facility has not already been operating as a facility¹ that is open to members of the public for the purpose of viewing exhibited animals
 - facilities that propose activities that limit Act requirements including monitoring and compliance activities.

6 Requirements for category C2 species application

Applicants must provide sufficient evidence that the minimum exhibition requirements of 50 hours a month or 600 hours for the preceding 12 months for each C2 species can be met.

Existing authority holders applying for C2 species for the first time must already be approved to exhibit a variety of higher risk category B and/or A species at the regular enclosure site.

The following additional support material is considered highly desirable:

- a business plan that identifies all relevant criteria associated with development of a facility for the purpose of opening to members of the public for viewing C2 animals.
- the applicant's previous history of a facility operation relating to the exhibition of higher risk species for the purpose of exhibit at a fixed location.

An application for C2 species must address all relevant risks and adverse effects, particularly in circumstances such as film and television where members of the public may be interacting with a C2 animal during a movie production or similar activity. Relevant risks and adverse effects include:

- risks to the welfare of the exhibited animal
- biosecurity risks
- risks to public safety, death of, injury or illness to a person, caused directly by, or originating from, the exhibited animal

¹This excludes new applicants applying under the Act.

- the welfare of any other animal
- the health, safety or wellbeing of a person (such as an actor)
- social amenity, the economy and the environment.

7 Evidence of Local Government Planning Approval

Written evidence from the relevant Local Government confirming that the proposed holding and exhibit activity complies with all local government planning scheme requirements must be provided on application. For example, if the Local Government deems the activity to be an ‘assessable development’ under the Planning Act 2016, a development approval authorising the activity must be evidenced and all relevant conditions met. If the Local Government does not consider the activity to be an ‘assessable development’, written notice from the council must be provided. The applicant should also consult with the council about any additional Local Government requirements.

8 Enclosure requirements

Applications must clearly identify how each enclosure will meet requirements of section 37 of the Act including how animals will be managed, dealt with, and exhibited within each enclosure.

Enclosures should be constructed by a qualified tradesperson or commercially built using solid material to minimise material aging, wear and tear and be positioned to minimise the likelihood of damage from fallen trees or branches, wind or substrate washouts caused by weather events. For the majority of C2 species enclosures, the length of each wall must be excavated a sufficient distance below ground level or adjoin a solid enclosure floor running the entire length of the enclosure walls.

If chain wire fencing is proposed for ungulate or similar species, the chain wire must be secured at or below the substrate level or designed in a way that prevents any part of the chain wire turning upward. Low strength or inadequately sized tensile wires that are at risk of wearing, becoming loose, breaking, or similar must not be used for enclosure walls.

A management plan for each species must be provided that clearly addresses the following:

- identifies each primary enclosure (regular enclosure) for each C2 species and the numbers proposed to be held in each enclosure
- each enclosure with a diagram, or similar, detailing all proposed fixtures and measurements relevant to the enclosure design, including photographs for existing enclosures
- details of enclosure design and construction that prevents or minimizes potential for escape or entry by unauthorised persons or other animals
- addresses any specific details in enclosure design to accommodate separation of animals if separation is required

- identifies other regular enclosures that might be used for each species, including travel enclosures, quarantine enclosures, and short-term holding enclosures used to treat animal injury, sickness, and disease
- addresses how animals will be managed if separation of one or more animals from the primary regular enclosure is required
- provides an overview description (diagram, map) of the facility that identifies where the proposed enclosure(s) will be located on the premises
- identifies surrounding enclosures, the species contained and their category (A, B or C). If surrounding enclosures hold birds only, or low risk reptiles such as category A lizards and snakes, the enclosure may be identified by recording the word 'aves' or 'reptiles' with the category stipulated
- detail enough enclosures, that meet relevant standards, to accommodate the proposed number of animals as if each animal, regardless of stage of life is an adult (excluding eggs).
- animal welfare considerations including maximum timeframes for the use of an animal during public interaction, if requested, must be addressed in the management plan and authorised under the licence prior to commencement of the activity.

Species that are held under a breeding program recognised by DAF² may not be required to provide enclosure sizes for juveniles, as if they were of adult size. For programs recognised by DAF, consideration will be granted in circumstances where proof is provided that offspring will be moved off the licence once they become independent.

The application must clearly assign specific enclosures (each with an identifying name) for the accommodation of C2 animals. The placement of animals in alternate enclosures may only be permitted in exceptional circumstances, including for quarantining and medical treatment. In most circumstances the designation of multiple enclosures for the primary holding of multiple C2 species cannot be authorised. Approvals will not be granted for the maximum number of a particular species that may be held in available enclosures. Applicants must identify a proposed number of animals of a particular species, for a particular enclosure for their exhibit needs and provide supporting information for the proposed number.

9 Film and television activities

Film and television or general imaging requirements specified in this policy apply to all circumstances where these activities are proposed including the use of all social media platforms such as Facebook and Instagram, standard advertising, documentary, or reality television.

If the authority holder proposes to take videos and still photographs of a C2 species for film and television activities, the management plan must include sufficient information related to all proposed exhibit activities that will be undertaken outside of normal standard exhibit³, such as exhibiting outside an authorised

² e.g., the Zoo and Aquarium Association Australasia (ZAA).

³ Standard exhibit means the animal acting as it normally would inside its authorised enclosure

enclosure. Film and television activities for standard exhibit practices including the use of those images or filming are authorised provided that this is addressed in the management plan.

Film and still images of an authorised C2 animal taken during standard exhibit practices do not count towards minimum exhibition timeframes required for the species under the Act. This means that an authority cannot be granted solely for the purpose of taking images or video of an authorised C2 animal.

If filming or taking still images of the animal during standard exhibit activities is proposed, no additional information is required provided that:

- A. the animal will be recorded while displaying behaviours expected of the species inside its authorised regular enclosure
- B. the animal is not disturbed, or its behaviour is not interrupted or modified for the purpose of taking the film or images
 - *this excludes behaviours associated with C, such as calling the animal to encourage the animal to look at the camera.*
- C. 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 participating in a meerkat experience.*

In assessing an application for a C2 species to be used for film or television, DAF will consider community expectations and how the proposed activity is likely to be perceived by the public.

Dressing animals in clothing, using props or similar and posting images or video on social media of animals outside of standard exhibit activities is not acceptable. Approval will not be granted for the use of film or images of C2 animals on programs such as documentaries or reality television programs where the filming/image is not of standard exhibit activities or has not been approved.

If proposing filming outside of standard exhibit activities while the animal is in its regular enclosure, such as when the public interacts with the animal, the management plan must clearly detail how the animal will be used during these activities and the activity approved.

10 Facility and site requirements

C2 species require additional security and a higher level of care due to risks associated with handling, management and preventing escape.

Management plans must include details of:

- the overall proposed facility design and security, such as a perimeter fence, to prevent the escape or theft of an authorised animal and unauthorised human or animal entry that, might pose a risk to the animal.

- *An example of a suitable perimeter fence would be a solid walled 6-foot fence that goes below ground level and includes additional security measures such as a CCTV security camera system.*
- enclosure construction and security design to prevent the risk of animal escape
- community amenity, including noise management and proximity to sensitive places
- the size and spatial capacity of the area proposed for enclosures and the relevant space between other enclosures
- land use zoning and local government planning consent requirements.

Facilities authorised to exhibit C2 animals must be designed in a way that the primary purpose of the location (land and building etc) is dedicated to the business of allowing members of the public to enter to view animals displayed for education and exhibition.

C2 species will not be approved in circumstances where most of the facility is used for residential purposes including those that are located on a standard suburban sized block adjoining another standard sized residential block in built up residential areas. The department acknowledges that many zoo facilities, although developed for commercial purposes, have a private residence area included on the land. However, these are generally acceptable facilities for exhibiting and dealing with C2 species given most of the land:

- is dedicated to the exhibition of animals
- has proof of all relevant local and State approvals being granted
- often span over large blocks of land
- are designed for allowing members of the public to enter and consist of large areas dedicated to exhibits

11 Acquisition and breeding

Permission to breed C2 animals will only be considered in circumstances where retention or placement of offspring is under an organisation⁴ that requires members to follow policies, principles and established species breeding programs as a condition of membership and that these principles are recognised by the department.

Generally, C2 species held for the purpose of exhibition were acquired through Commonwealth importation approvals for the purpose of conservation, with provisions for exhibition. These conservation programs for C2 species are managed by and administered under the ZAA Species Management Program (SMP) and have been developed and continue to be managed by members of ZAA. The department acknowledges that conservation programs for C2 species administered by ZAA at minimum require:

⁴ Led by individuals recognised for a combination of practical and academic expertise

- ZAA members to record all C2 animals, including offspring in a centralised database with proven integrity that is monitored by numerous individuals with relevant skills, knowledge and experience
- the identification of the facility and the number of individual C2 animals held
- each C2 animal to be individually identifiable
- animal management including breeding and transfer of individuals is conducted in accordance with ZAA requirements and recommendations
- animals to be placed with facilities identified by ZAA Species Coordinators, and
- preventative measures to ensure that animals are not interbred or bred in a way that promotes deleterious genetic traits.

The department recognises the ZAA SMP and the ongoing program species management efforts for C2 species. In circumstances where an authority holder is not a Regional Member of ZAA, and a C2 species is a ZAA Program Species, authority holders must demonstrate ZAA Species Coordinator approval to acquire the species. In this case, DAF approval may only be granted for non-breeding animals⁵.

In circumstances where an applicant or an authority holder is not a Regional Member of ZAA, and a C2 species is not a ZAA Program Species, authority holders may be granted approval to acquire a limited number of non-breeding animals without support from a ZAA Species Coordinator. The applicant must document how the species will be managed should they no longer want to, or be able to, exhibit the species, or on the surrender/cancellation of their licence.

Regardless of whether an applicant is a member of ZAA, if the application is incomplete DAF may request further information. Information required may include a letter of support from ZAA for proposed acquisition and/or breeding, particularly in circumstances where there are multiple facilities breeding the species, or, in circumstances where further information regarding relevant risks and adverse effects is required. All applications are subject to the department's *Policy – Assessing requirements for further information or a document (RFI)*.

12 Experience

A licence holder applying for a C2 species must be able to provide proof of at least one (1) year's full-time experience in being the primary carer for daily management of the species or will have employed qualified staff with relevant skills, knowledge and experience for managing the proposed species.

Equivalent species experience may be considered where the licence holder can demonstrate they have managed a similar species with similar requirements or similar levels of risk. Voluntary and part-time work with the species is not considered sufficient experience, unless there are exceptional circumstances which would substantiate this as equivalent species experience.

13 Transport

Animal welfare requirements and adequate biosecurity and safety risk mitigation measures must be demonstrated for the transportation of C2 animals.

⁵ Proof (veterinary certificate) that all animals of the species held under the licence are single sex or an animal that is desexed.

When transporting C2 animals off the regular enclosure site, transport enclosures are to be fully secured and key/code entry locked or designed in a manner that produces the same result. The enclosure must be fit for purpose prior to transport to ensure that there is no requirement to open the enclosure during transport, unless in the case of an emergency.

An animal transport enclosure must provide each animal with everything required to support its welfare needs during transport. Generally, transporting C2 species in motor vehicles that do not have additional barriers around the enclosure is not an acceptable method of transport.

- *An example of an unacceptable means of transporting would be the movement of a C2 mammal in a crate on the back of an open utility with no side or roof barriers to reduce the chance of the enclosure falling off the vehicle.*

14 Record keeping

The Exhibited Animals Regulation 2016 (Regulation) prescribes record keeping requirements for exhibition licence holders. Some record keeping requirements detailed in the Regulation include:

- identification of each C2 species in each enclosure held at the licensed premises (section 7)
- requirements for identification of animals including microchip requirements (section 9, 10, 11)
- information about authority holders when transferring C2 animals on or off the licence (schedule 2)
- exhibit timeframe record requirements for exhibiting authorised C2 species (schedule 2)
- medical records for a C2 species including how these records must be dealt with on transfer of an animal (schedule 2)
- animal movement record requirements (schedule 2).

In addition, an authority holder must notify the department of loss of any required record within 7 days of the loss occurring (section 12).

15 Public interaction

Where all risks can be managed, public interaction with a C2 animal may be approved if all the applicable risks and how they will be managed are detailed in the management plan. Only when approval has been given and reflected on the licence will the public be allowed to interact with a C2 species.

16 Licence conditions

On initial granting of a C2 species, if the enclosure(s) construction has not been completed, the licence will have a condition imposed that will require the licence holder to, at minimum, submit photographs of all completed enclosures for the proposed species and the numbers to be held in each enclosure for final approval. Provided enclosure construction and design meet agreed management plan details, this condition will be removed from the licence at which point, the authority holder may acquire the authorised species.

- *Note - Applicants should not make material changes to enclosures that vary in design from original enclosure specifications submitted in applications. Any variations proposed will require a licence amendment application.*

Authority holders must be familiar with and meet other conditions specified on their licence (detailed towards the back of the licence).

17 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 all relevant laws or requirements are met. This may include Queensland Health or Workplace Health and Safety Queensland requirements.

18 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.

19 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*.

20 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*