

Consultation question

What can Queensland learn from these or other systems?

Options for new legislation

There are three main options in relation to developing the new legislation for exhibited animals in Queensland:

1. Amalgamate all the relevant provisions in the existing legislation into the new legislation without any further development.
2. Adopt similar provisions to the New South Wales legislation.
3. Develop a new legislative framework.

Amalgamate relevant provisions from existing legislation—benefits and shortfalls

A relatively straightforward approach would be to amalgamate the existing provisions in the Land Protection Act and the Nature Conservation Act and Regulations. This approach would preserve the status quo for the industry without imposing any new obligations.

However, an amalgamation of the Land Protection Act and the Nature Conservation Act would not address risks such as the welfare of exotic animals or human safety related to public interaction programs. The level of pest potential and human safety would still absolutely restrict the species of animals that a zoo may keep, without accounting for other factors that would demonstrate a zoo's capacity to mitigate risks.



Adopt New South Wales legislation—benefits and shortfalls

A second option would be to mirror the provisions of New South Wales legislation. The New South Wales framework has some strong attributes, such as the use of a single piece of legislation and the use of mandatory general standards.

A number of regulatory problems arise with just simply adopting all the same provisions. The permitting system relies heavily on imposing conditions on individual permits (particularly those species that are a potential threat to agriculture and the environment), rather than having overarching legislative requirements. This then relies on the person assessing the applications to be able to assess and include the necessary conditions. This may lead to a lack of transparency, inconsistency in decision making, and the potential for conditions to be omitted due to an oversight. It also creates a burden on governments to regulate all of the specific conditions placed on individual zoos.

Under New South Wales legislation there are also difficulties in assessing the zoos' overall capabilities to adequately keep a species (for example, assessing whether a zoo is able to care for the animals over a period of time and under various contingencies).

The New South Wales legislation is a significant piece of legislation to use as a benchmark for the existing and future Queensland framework, but to adopt similar provisions and take into account Queensland circumstances and requirements would require substantial amendments.

Develop a new legislative framework—benefits and shortfalls

The development of a new legislative framework would provide a more holistic approach to the keeping of exhibited animals. The framework would take into account the criteria that demonstrate why animals are kept in zoos (conservation, research, education and recreation) and criteria that demonstrate that the inherent risks associated with captive animals (animal welfare, public safety and pest potential) are mitigated. It would also consider the contribution of infrastructure and financial capabilities to managing industry-specific risks, and provide an accountable system to meet the long-term needs of the animals, businesses and community.

It is proposed that the ideal legislation would build on the New South Wales approach, but with enhancements that address its shortfalls. The framework would also be able to take into account the international trends of recognising the importance of conservation and having minimum standards for the housing and care of exhibited animals.

Table 1 highlights the attributes of the ideal legislation envisaged for Queensland, compared to the current frameworks in Queensland and New South Wales.

It is anticipated that the new legislative framework would involve the licensing of zoos, permits to hold particular animals and authorities for mobile displays. The licensing system would incorporate a broad range of criteria to evaluate a facility's contribution to conservation and education, as well as the ability to mitigate risk. The broader range of assessment criteria will provide more flexibility in determining which facilities are best prepared to keep higher risk species of animals.

The use of such criteria to set standards for exhibiting animals is accepted internationally by the industry, and some of these have already been adopted and applied in varying degrees to the management of the animals and facilities in Queensland. The activities of conservation, research and education are already embraced by the industry, and ARAZPA includes these activities as part of the associations' assessment to determine whether a facility meets the requirements for industry accreditation.

The activities of conservation, research and education can be monitored through regulation in a manner that does not impose unreasonable new requirements on a facility. Zoos are already undertaking these activities, and the regulation may only require facilities to demonstrate what they do, not specify how they should go about it. For example, a conservation strategy for a facility could include participation in national or international conservation programs that would contribute to the conservation of the species and their ecosystems. Conservation measures could also involve a managed breeding program for releasing animals back into the wild.

Practical conservation measures include a transfer of knowledge of species conservation to staff, public awareness by keepers or other means of communication, and the practical display of conservation measures in the establishment.

Education focuses on providing a program to zoo visitors, schools and the community at large, developed and presented by education officers. Such a program should be supported by appropriate and relevant resources to communicate conservation messages. These may include fact sheets, brochures, online education, teachers' materials and signage.

A contribution to research involves a contribution to biological and ecological research on exhibited animals. This could be achieved by involvement in research projects conducted by the zoo's own staff, or through links with universities, government agencies or other research organisations.

Industry is also familiar with the use of criteria around infrastructure and facilities to determine whether the exhibitor has the capability to care for and maintain animals over time. Criteria could include consideration of the facilities, staff, systems and procedures. This might include:

- the ability of the systems to record, track and report on animals and incidents
- the presence of animal dispersal plans
- the means of animal transportation
- the frequency and logging of animal and enclosure inspections
- whether health programs are in place
- the state of veterinary and quarantine facilities and procedures
- whether there are preventative maintenance programs for machinery and other equipment
- the skills of staff and the amount of staff training
- whether there are recycling measures
- water and energy management.



A new regulatory system for exhibited animals would seek to ensure that the more risk the animals pose, the more stringent the requirements to mitigate those risks need to be.

Ideally, consideration of financial viability, including amenities, would also be incorporated into the framework. If there are poor amenities and the guests have poor experiences, then the public will not be attracted and the financial ability of the establishment to pay for the upkeep of the facilities and care of the animals will be compromised. To assess this there could be criteria that include customer amenities such as car parking, site plans, disability access, rest areas, and customer and market research.

The standards that are currently used for industry accreditation, relating to conservation, research, education and infrastructure, would form the foundation of a regulatory framework. The monitoring of this framework may include the recognition of industry quality assurance programs, as a means of demonstrating compliance with established criteria.

It is expected that all exhibitors would have to meet minimum standards for keeping their animals. These standards are not anticipated to add significantly to business costs, but would provide recognition of the high standards already prevalent in the industry. The use of criteria to evaluate risk mitigation and justification should not impact negatively on smaller zoos. Smaller zoos contribute to conservation, research and education through keeper talks, making their animals available for research purposes and raising money through collections. All exhibitors would only be permitted to keep animals that they have an ability to maintain.

Consultation questions

Which approach do you think would adequately deal with the deficiencies in the current system?

Please comment on whether Queensland legislation relating to the keeping of animals for exhibition should reflect world standards.

It is important for the government to gain input and cooperation from stakeholder organisations in the development of policy and legislation. It is intended that an Exhibited Animals Advisory Group (EAAG) be established to provide DPI&F with technical and policy advice where necessary. The members of the EAAG will be canvassed from key stakeholder organisations within the industry, and also from animal welfare and other relevant organisations.

Where to from here?

The government is seeking community input on the issue of exhibited animals. Interested stakeholders and community members are invited to make submissions in response to this discussion paper.

Submissions may be in response to the specific questions included throughout this discussion paper, or may address any matter that the government should take into account when developing the policy and legislative framework for the regulation of exhibited animals.

Submissions

Send written submissions to:

General Manager
Animal Welfare and Exhibited Animals
Biosecurity Queensland
Department of Primary Industries and Fisheries
GPO Box 46
Brisbane Qld 4001

Fax: (07) 3239 3510
Email: animalconsultation@dpi.qld.gov.au

The closing date for submissions is 5 pm, Friday 30 January 2009.

Further information

Department of Primary Industries and Fisheries
GPO Box 46
Brisbane Qld 4001

Tel: 13 25 23
Fax: (07) 3239 3510

Website: www.dpi.qld.gov.au



Table 1. Proposed and existing legislation for exhibited animals

ELEMENTS OF LEGISLATION		JURISDICTION	
	New South Wales	Existing Queensland legislation	Proposed Queensland legislation
Licensing agency	Single agency	Multi-agency administration	Single agency
Legislation	Single piece of legislation	Multiple legislative framework	Single piece of legislation
Purpose/objective	To regulate the exhibition of animals at marine or zoological parks, circuses and other places to ensure the animals are kept according to adequate welfare standards.	The primary purpose of the Nature Conservation Act is to conserve biodiversity by protecting wildlife and its habitat. The main purpose of the Land Protection Act is pest management for land, and stock route network management.	Regulate the use of animals for exhibition and entertainment purposes with the objects of promoting high standards of animal husbandry in accordance with biological and conservation requirements; promoting community education and awareness of conservation of biodiversity; and ensuring there are measures to prevent the escape of animals particularly those which may be a threat to the environment, native animals, humans or the economy.
Scope	All vertebrate animals (native, exotic and domestic) exhibited in marine or zoological parks, wildlife parks, circuses and mobile displays.	Licensing the keeping and use of native animals with the focus on conservation under the Nature Conservation Act; permits under the Land Protection Act for declared pest animals (focus on pest management)	All vertebrate and invertebrate animals (native, exotic and domestic) exhibited in marine or zoological parks, wildlife parks, circuses and mobile displays.
Facilities	<p>Categorised into:</p> <ul style="list-style-type: none"> fixed establishments such as zoos and fauna parks in which animals are displayed or kept for display for educational, cultural, scientific or recreational purposes mobile establishments such as circuses, schools and other mobile displays. 	<p>The Nature Conservation Act provides for the exhibition of wildlife in zoos (wildlife exhibitor licence) and for display of wildlife in travelling or temporary displays (wildlife demonstrator licences).</p> <p>Under the Land Protection Act there are prescribed purposes such as for a circus; a magic act; scientific research; display in a zoo or filming for prescribed film or television production; hunting in a game park; commercial use; maintaining populations by a government entity.</p>	<p>Categorised into:</p> <ul style="list-style-type: none"> fixed establishments such as zoos and fauna parks in which animals are displayed or kept for display for educational, cultural, scientific or recreational purposes mobile establishments such as circuses, schools and other mobile displays. <p>The licensing system will use a broad range of criteria to evaluate a facilities contribution to conservation and education goals, as well as ability to mitigate risk (pest potential, human safety and animal welfare).</p>

Table 1. Continued

ELEMENTS OF LEGISLATION		JURISDICTION	
Permits for animals	New South Wales	Existing Queensland legislation	Proposed Queensland legislation
	Permits are required for prescribed species such as animals with special needs; animals that require specialist care; animals that pose a threat to keepers or public safety; animals that present a danger to agriculture or the environment; or animals that are subject to studbook or co-operative conservation programs conducted under the Australasian Species Management Program (ASMP). Circuses and other temporary exhibit require an approval to exhibit any animal of a species.	The Nature Conservation Act requires permits for all native birds, reptiles, mammals (except the dingo), amphibians, some invertebrates (scorpions spiders, butterflies), freshwater fish and the grey nurse shark. There are some animals that are exempted. The Land Protection (Pest and Stock Route Management) Regulation 2003 provides that all mammals, reptiles and amphibians not native to Queensland with the exemption of the species listed in schedule 1 (e.g. dogs, cats, pigs) and dingoes are declared pests. To keep a prescribed pest a permit is required for a prescribed purpose. Permits are issued taking into account the pest potential and risk to public. Some exhibited birds, invertebrates, marine fauna and freshwater fish are not regulated by any state government agency.	All exhibited animals (native, exotic and domestic) will require a permit. A Facility may apply to keep an animal that it has the demonstrated capacity to keep and maintain. A zoo's overall long-term capability to care and maintain the animals will be taken into account (e.g. animals with special needs or long-lived animals). The broader range of assessment criteria will provide more flexibility in determining which facilities are best prepared to keep the higher risk species of animals.



Table 1. Continued

ELEMENTS OF LEGISLATION		JURISDICTION	
Conditions	New South Wales	Existing Queensland legislation	Proposed Queensland legislation
	<p>Conditions include:</p> <p>Legislative condition that every authority holder is to provide education to the public concerning the conservation of animals to a standard approved by the Director-General.</p> <p>Standards are to be complied with (including the code of Practice for the Welfare of Animals in Circuses similar to the one in Queensland).</p> <p>Most conditions are incorporated into the individual permits.</p>	<p>Legislative conditions and Standards such as the exhibition of native animals in the mandatory code of practice – “Minimum Standards for Exhibiting Wildlife</p> <p>No standards in relation to pest animals linked to legislation. Conditions included on permit- If keeping is permitted, the conditions of the keeping are based primarily on pest potential and public safety.</p> <p>No standards for unregulated animals</p> <p>Under the present legislative arrangements, the issues of animal welfare fall within the <i>Animal Care and Protection Act 2001</i>. There is mandatory compliance under the Animal care and Protection Act for circuses to comply with the ‘Queensland Code of Practice for the Welfare Of Animals in Circuses 2003 It is endorsed by the Circus Federation of Australasia and reflects the national standard for the management and control of circuses in Australia as recommended by the National Consultative Committee on Animal Welfare (NACCAW). The code covers the areas of care, transportation, housing, exhibition, husbandry and training of circus animals.</p>	<p>Comprehensive and consistent legislative obligations in relation to the capacity of facilities to justify mitigating the risks such as conservation, research educations and having the appropriate infrastructure (categorisation of facilities) and the criteria relating to the mitigation of the risks</p>

