

Exhibited animals

Discussion paper



Exhibited animals

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The Department of Primary Industries and Fisheries (DPI&F) seeks to maximise the economic potential of Queensland's primary industries on a sustainable basis.

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Purpose and scope

In 2006, the Service Delivery and Performance Commission (SDPC) undertook a *Review of the Roles and Responsibilities of the Department of Natural Resources, Mines and Water (NRW), Environmental Protection Agency (EPA) and Department of Primary Industries and Fisheries (DPI&F)*. This review identified inherent problems with the regulation of exhibited animals in zoological parks and aquaria in Queensland. The problems identified were multi-agency administration, regulatory shortfalls, public safety issues associated with dangerous animals and a lack of comprehensive standards for exhibiting exotic animals linked to legislation.

Biosecurity Queensland has been asked to investigate the development of new legislation for exhibited animals that will address the issues identified in the SDPC report. New legislation is also expected to respond to the current trends of zoological parks, aquaria, oceanaria, circuses, mobile displays and other similar facilities for keeping animals. It is proposed that new legislation would require zoos to address animal welfare, public safety and pest potential. The legislation would apply mainly to exhibiting exotic or native species, but would also be relevant to mobile animal nurseries and similar exhibits. The legislation will not cover dog shows, fish tanks in waiting rooms or the display of animals for sale.

The purpose of this discussion paper is to invite the community and those who work within zoological parks, aquaria, oceanaria, circuses, mobile displays and other similar facilities to submit feedback regarding the regulation of exhibited animals and proposed models for a single piece of legislation.

Background

Over the years there has been ongoing debate about the role of zoos, particularly regarding the environmental and animal welfare impacts of taking animals from the wild and keeping them captive in zoos. While there are those who are totally opposed to keeping wild animals captive, the community generally supports zoos, provided the animals are properly cared for and do not suffer.

Animals have been exhibited for entertainment purposes since early Egyptian times, but since the 1970s conservation has emerged as a primary role of zoos. Modern zoos now undertake a range of conservation, research and educational activities. They provide advice on animal husbandry, breeding, small population management and wildlife health care. The research activities of zoos assist in the conservation of wild animals and ensure the transfer of knowledge to staff and the community through educational programs. Education programs promote conservation skills and public awareness of the animals and their natural environments. Zoos also continue to be places of entertainment and recreation.

Current regulatory framework

The current regulatory framework comprises the *Land Protection (Pest and Stock Route Management) Act 2002* (Land Protection Act), the *Nature Conservation Act 1992* (Nature Conservation Act) and the *Animal Care and Protection Act 2001* (Animal Care and Protection Act).



The Land Protection Act is the primary tool for regulating the keeping of exotic animals in Queensland. At present, facilities (zoos, aquaria etc.) are issued declared pest permits under the Act that reflect an evaluation of each species pest potential and public safety potential. A declared pest (the majority of mammals, reptiles and amphibians not native to Queensland) cannot be introduced other than under a declared pest permit.

The Nature Conservation Act is similar in operation to the Land Protection Act. It regulates the exhibition of native animals in zoos and travelling or temporary displays.

Welfare issues are dealt with under the Animal Care and Protection Act, which deals with issues such as duty of care and cruelty to vertebrate animals.

The Land Protection Act (the keeping of exotic animals provisions) and the Animal Care and Protection Act are administered by DPI&F. The Nature Conservation Act is administered by the EPA.

SDPC review

The SDPC identified the following problems with the current regulatory approach to exhibited animals:

- There are overlapping responsibilities and resourcing between agencies.
- There are shortfalls in the legislation for exotic animals.
- Some exhibited birds, invertebrates, marine fauna and freshwater fish are not regulated by any state government agency.
- There are public safety issues in relation to exhibiting dangerous animals, such as lions, tigers, bears, elephants and some exotic snakes.
- There is a lack of comprehensive standards for keeping exotic exhibited animals.

The current legislative framework does not extend to all the animals nor does it address the full range of ways that animals can be exhibited. The legislation does not reflect recent advances in scientific knowledge, industry expectations or current societal values. This impedes governments' ability to deal effectively with situations that may potentially endanger human safety or impact on the welfare of an animal (such as public interactive activities).

As a result, the SDPC recommended that drafting instructions be prepared for a single piece of legislation dealing with the keeping of animals (exotic and native) for exhibition or entertainment purposes. In addition, the administration of the permits for exotic animals under the provisions of the Land Protection Act has been transferred from NRW to DPI&F. There will be a transfer of the responsibilities for the regulation of exhibited native animals before the end of 2008, and DPI&F will be responsible for the new legislation.

The problems with the existing legislative framework have become more evident as the manner and places in which animals are exhibited have changed. Currently, animals are exhibited in a wide range of captive environments (such as zoos, aquariums, circuses, mobile displays, animal farms, and shopping centres). The current legislation does not allow that different locations or facilities vary in their capacity to manage different animals.

The business practices for facilities exhibiting animals have also changed with increased competitiveness to attract and maintain visitors. This has resulted in the desire to keep a wider range of exotic animals and the introduction of interactive programs (such as walking with exotic animals, feeding animals and being photographed with animals). These changes in zoo practices present increased risks to the animals' welfare, the safety of the public and the environment.

It is important that the legislation reflects community expectations of how animals should be kept and exhibited, and ensures the safety and wellbeing of animals and the public. To do this, it is proposed that new legislation look at what zoos and aquaria provide to the community, and the risks these facilities must be expected to manage well.

This discussion paper is an opportunity to provide input into a legislative framework that will meet the needs of the animals, industry and community.

Consultation question

How can Queensland strengthen the current legislative framework for exhibiting animals?

Benefits for the community and environment

Zoos have a large number of visitors that enable them to make positive contributions to the community and the environment through educating visitors about the care of animals and the preservation of their natural environments.

The roles of zoos extends beyond private profit by providing benefits to the wider community. The World Association of Zoos and Aquariums (WAZA), with which the Australasian Regional Association of Zoological Parks and Aquaria (ARAZPA) is associated, has developed the World Zoo and Aquarium Conservation Strategy. The strategy defines the roles of zoos as contributing to conservation, research and education, and as places of recreation for the community.



Conservation

In Australia, zoos undertake a range of conservation activities, including financial support to conservation projects overseas and in Australia, and the keeping and breeding of endangered populations for release into the wild. Zoos also work with governments, universities and other organisations by providing cash funding or in-kind contributions to conservation and field projects. Additionally, zoos provide advice on animal husbandry, breeding, small population management and wildlife health care.

Queensland zoos have contributed to major conservation programs such as the Save the Tasmanian Devil Program, Save the Bilby Program and the recovery efforts for threatened frog species. They have also assisted in international programs such as the rescue and conservation programs for Sumatran elephants, tigers and other species.

Education

Exhibiting animals plays a strong educational role by informing the public about conservation, ecology and environmental sustainability. Exhibiting animals also provides the public with information on the species exhibited and their habitat.

Education is a feature of exhibiting animals at all levels of the industry—from large exotic animal displays to local petting zoos. Education activities at zoos are diverse—from educational programs linked to school curriculums and community programs, to keeper talks and accessible information about the exhibited animals (such as signage).

Research

Research conducted by zoos and aquaria contributes to the conservation of wild animals and the maintenance of viable and sustainable populations, as well as contributing generally to scientific knowledge. It can also help educate zoo staff and the visiting community.

Recreation

Exhibiting animals is also a means of entertainment and recreation. According to figures from ARAZPA (Qld), between five and six million people visit Queensland's zoos, wildlife parks and aquaria each year. This represents a significant recreational contribution to the community.

Consultation question

What do you think are the major benefits in exhibiting animals to the public?

Risks to the community

There are three main areas of risk involved in keeping animals for exhibition—animal welfare, public safety and pest potential.

Animal welfare

There are risks to the welfare of captive wild animals. Wild animals come from a variety of environments, with differing climates, geography, food sources and interactions. They may be solitary animals or part of complex social groups. All wild animals have evolved to survive in a particular environment and are highly adapted to their environment. Because it is very difficult to replicate this environment in captivity, animals can suffer as a result.

Reducing and managing animal welfare risks requires keepers with a high level of skill and knowledge and an ability to provide an environment that meets the animals' needs and reduces stress. With some species this can be very costly, especially since some animals live for a long time. For example, koalas have particular health, dietary and welfare requirements that can impose significant costs over the animal's life. African wild dogs have social protocols in the formation of groups that must be taken into account in captive environments.

To ensure the welfare of an animal, its biological needs must be met through the provision of the highest husbandry standards and an enclosure design applicable to the species. There are five internationally accepted principles of animal welfare in a zoo environment that must be met. They are:

1. the provision of food and water
2. the provision of a suitable environment consistent with the species' requirements
3. the provision of health care
4. the opportunity to express most normal behaviours
5. protection from fear and distress.

These principles have been endorsed by the industry association, ARAZPA, as an acceptable standard for industry. Adoption of these principles into legislation in Queensland would provide consistency in approach with industry and other jurisdictions.

Public safety

Some animals pose a significant risk both to the people who manage and handle them and to the public. Such animals include big cats, venomous reptiles, bears, hippopotamuses and elephants. For instance, in 2007, there was a reported escape of a tiger from its enclosure at a Queensland zoo.



Direct interaction between animals and people increases the public safety risk, as is evident in programs involving tiger walks, photographic sessions, animal feeding and petting sessions. Worldwide in the last two years, there have been a number of reported incidents involving captive animals. These involved big cats, whales and primates.

However, compared to the number of visitors to zoos it can be seen that zoos are generally very good at managing risks, and that the likelihood of a serious incident occurring in Queensland is small.

At the same time, the public demands that zoos offer more extreme encounters with their exhibited animals (such as swimming with sharks). This increases the risk of injury or death to people. At present there are no recognised codes of practice or guidelines for managing the risks of these interactive activities—industry and/or businesses have been required to develop their own protocols.

It is essential that facilities exhibiting dangerous animals have the ability to contain the animals and be able to handle them safely. This can entail high costs for equipment such as enclosures and safety systems, and the development and maintenance of staff skills.

Pest potential

Australia has a unique ecology that is already under threat from habitat loss and climate change. The escape of non-native species and their establishment in the wild has the potential to cause significant environmental damage.

Pest potential is a serious issue in Queensland because climatic conditions are conducive to the establishment of exotic animals (reptiles in particular). Currently under the Land Protection Act, the major factor determining whether a particular species may or may not be kept in Queensland zoos is the likelihood of that species escaping or being released from an enclosure and forming self-sustaining feral populations that can cause damage to humans, crops, livestock, native animal populations or the environment.



Zoos continually develop new displays and exhibits to attract visitors and, as a consequence, there has been greater interest in keeping a wider range of exotic animals. The larger number and variety of captive animals potentially increases the risk of escape and establishment as a pest.

It is essential that facilities exhibiting animals with high pest potential have the ability to contain the animals, and be able to handle them so they don't escape.

The security of animals can be undermined by acts of vandalism or theft; natural disasters such as flooding, cyclones and fire; and inadequate internal procedures for the care and movement of animals. For example, Indian palm squirrels have been found around Perth Zoo in Western Australia, and there have been instances of red-eared slider turtles and corn snakes being stolen from a Queensland zoo.

As well as secure, well-designed and well-maintained facilities, exhibitors need to have contingency plans in place and trained staff to deal with the pest risk. This can entail high costs for equipment, such as enclosures and safety systems, and the development and maintenance of staff skills.

Consultation question

What do you believe are the major risks when exhibiting animals?

Capacity/financial viability

Keeping animals involves significant costs—the more risk the species poses, the higher the costs. A facility that cannot afford to maintain its enclosures, properly feed and care for its animals, or deal with incidents, poses a high risk to the community.

A major concern for the Queensland Government is whether a facility has the capacity (financial and other resources) to keep and maintain its animals, particularly long-lived animals such as elephants and tortoises.

The closure or bankruptcy of a zoo can be complex and may require government intervention to ensure that basic husbandry, public safety and welfare requirements are maintained. If a zoo does not have a strategy or the means to deal with the care and disposal of the animals in the event of its closure, those responsibilities must be borne by the community. For example, there has been a case where animals have had to be cared for at a facility until there was a change in ownership.

Currently, there is no legislative requirement for zoos to demonstrate long-term business management plans, forward forecasting or specific succession requirements for keeping long-lived species or animals with special care needs.

Consultation questions

Please comment on the importance of a zoo's infrastructure and its capacity to generate sufficient income to maintain animals in an appropriate manner.

How can the capacity of a zoo to maintain animals in an appropriate manner be measured?



Risk management

Exhibiting animals can have risks to people, to the animals themselves and to the environment. However, it is also possible to justify and mitigate some risks to allow animals to be exhibited while addressing safety and animal welfare concerns.

There are two aspects involved when assessing acceptable risk—justification and mitigation. Justification involves weighing the risks involved in keeping exhibited animals against the benefits they provide, and deciding whether the benefits outweigh the risks. Mitigation involves examining ways to minimise the risk.

The activities of risk justification and mitigation can help zoos provide a safe and pleasant environment for animals and people to interact.

Justification of exhibited animal risks

The benefits that exhibited animals provide include conservation, education, research and recreation, as outlined in section 3 ('Benefits for the community and environment'). There is likely to be different levels of benefits to the community when exhibiting animals, depending on the level of resources available. For example, a zoo that has a structured conservation program with high levels of funding will provide more conservation benefits than one that only has a collection box at the front gate.

Similarly, some animals pose more risks than others. Tigers are more dangerous than wallabies, exotic venomous snakes are a greater pest risk than native non-venomous snakes, and the welfare of polar bears is harder to ensure than the welfare of emus.



Whether a public or private organisation, zoos and circuses operate as income-generating businesses. Their commercial survival and the activities they undertake in relation to conservation, research and education relies on income from the visiting public. Therefore, attracting and retaining visitors is a major consideration for all members of the industry.

The recreational and entertainment components that a facility offers are dependent on the amenities that are provided for the animals and the public. This is supported by the management and operational systems, and staffing. All of these aspects underpin the quality of the experience for the visiting public. For example, a facility with healthy and happy animals (that are well cared for and managed), adequate food outlets and eating areas, and well-trained staff who communicate with the public about the exhibited animals, will provide a more pleasant experience than a facility that does not provide appropriate care or housing for its animals. This in turn is likely to result in higher financial viability.

Consultation question

Please comment on the appropriateness of keeping wild animals for exhibition based on the conservation, research and educational benefits.

Mitigation

Mitigation of risk involves putting measures in place that reduce the risks of exhibiting particular animals.

Animal welfare

Mitigation of the risk to animal welfare includes having standards for exhibited animals that, when followed, ensure their welfare. It also includes having sufficient, trained staff available at all times to properly care for the animals. This risk can also be mitigated by having animals whose welfare needs are easily met.

Public safety

Mitigation for public safety includes having enclosures that will keep the animals separate from the public and that will allow keepers to perform husbandry and other procedures without danger to themselves. Having sufficient staff and contingency procedures will also reduce the risk. Risk can also be mitigated by having animals that do not generally pose a risk to public safety.

Pest potential

Pest risk can be mitigated by proper security, breeding management (e.g. single-sex animals) and keeping low-risk species.



General risk reduction

Exhibitors can mitigate all risks by having infrastructure, systems and procedures in place to manage captive animals appropriately. These include identification systems, record keeping, dispersal details, environmental plans, long-term business plans to ensure financial viability, and appropriate numbers of staff with the expertise and training to care for the animals.

Private collections

Exotic animals

The risk areas relating to the keeping of captive exotic animals (pest potential, human safety and animals welfare issues) exist regardless of whether they are exhibited to the public or kept in private collections.

In jurisdictions where exotic animals have been allowed to be kept privately, there have been incidents of escapes or animals that have been deliberately released. There have been physical attacks on owners and the public, and animals have been abandoned. There have been animal welfare issues such as inadequate housing and space requirements, husbandry, diet, and veterinary treatment.

Regulation of private collections to ensure risks are appropriately managed would require considerable resources in terms of vigilant audits. In addition, private collections are unlikely to meet the conservation, research and education attributes expected of people and facilities that manage exotic animals.

Native animals

The regulation of native animals other than for public exhibition or entertainment purposes will remain with the EPA.

Consultation questions

Are there any other ways to mitigate the risks?

Please comment on the appropriateness of keeping zoos accountable for the long-term care of animals in their facilities.

A new focus

It is proposed that a single piece of legislation that encompasses the current exhibited animal requirements of the Land Protection Act and Nature Conservation Act should be developed to address the issues identified by the SDPC. It will include policies that deal with the risks (animal welfare, human safety and pest potential), cover species that are not currently regulated, and take into account climate change and sustainability issues.

The Animal Care and Protection Act will still apply, but under the new legislative framework the welfare of an animal would become a consideration for deciding whether that animal may be kept and how it will be kept.

Clear obligations in the legislation would benefit the industry, community and government. This new legislation would help the industry protect its image, assure the community that the welfare of the animals is protected, and help the government deal with substandard facilities and public safety more effectively. It is proposed that new legislation would build on established best practice in the industry and not create a significant additional burden for operators.

What is happening in other jurisdictions?

A worldwide trend in the regulation of zoos is to recognise the important conservation role of these facilities, and to put in place mandatory minimum standards for the care and management of exhibited animals.

Despite this, most national and international jurisdictions have been slow to develop specific legislation that deals solely with exhibited animals. The general approach has been to rely on separate pieces of legislation that deal with animal welfare or pest potential.

However, Europe has made some legislative changes and New South Wales has developed integrated exhibited animal legislation, both of which provide examples to guide a new approach in Queensland.



New South Wales

Unlike other jurisdictions in Australia, New South Wales has legislation that deals specifically with exhibited animals.

The New South Wales *Exhibited Animals Protection Act 1986* prescribes the purposes of a zoological park as being educational, cultural, scientific and recreational. It also imposes a condition to provide education to the public concerning the conservation of animals.

The Exhibited Animals Protection Act is comprehensive. It regulates the exhibition of all vertebrate animals in zoos, circuses or mobile displays regardless of whether they are native, exotic or domestic.

It establishes different categories of authorities—licences for fixed facilities (such as zoos and fauna parks) and approvals for temporary facilities (such as circuses and mobile animal displays). An authority is issued only if the animal display facility conforms to prescribed standards.

The legislation provides for mandatory general standards that apply to all exhibited animals, but there are also a number of species-specific standards that apply (e.g. for raptors and carnivores). The standards cover matters like the manner in which an animal is displayed, housing requirements, visitor facilities, dietary requirements, waste disposal, veterinary treatment, and safety aspects.

A person must have an approval to keep and exhibit an animal, and this is subject to qualifications, experience or any other term or condition that may be considered necessary.

International approaches

Internationally, there has been increasing need to introduce legislation that recognises the important role that zoos play in the area of conservation and to provide for mandatory minimum standards for the care and management of exhibited animals.

The European Union (EU) has recognised that not only must animals be kept under appropriate conditions, but also that the animals kept in zoos are part of environmental heritage and natural resources. It was on this basis that EU member states adopted common minimum standards for the housing and care of animals in zoos, and reinforced the role of zoos in preserving biodiversity.

The European Council's Zoos Directive (*Council Directive 1999/22/EC*) required each member state to enact legislation that complies with the directive, which provided a common basis for the regulation of zoos in the areas of licensing and inspections, the keeping of animals, staff training and public education. A significant obligation from the European Council's Zoos Directive is that there must be a strategy approved by the licensing authority for the welfare or disposal of animals following the closure of a zoo.

In accordance with the EU directive, the United Kingdom has implemented comprehensive legislation that, as a world-class standard, can be used as a benchmark for Queensland.

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:

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

Further information

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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.	<p>The primary purpose of the Nature Conservation Act is to conserve biodiversity by protecting wildlife and its habitat.</p> <p>The main purpose of the Land Protection Act is pest management for land, and stock route network management.</p>	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	
ELEMENTS OF LEGISLATION	New South Wales	Existing Queensland legislation	Proposed Queensland legislation
Conditions	<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>

