

Summary of Exhibited Animals Bill 2015

Key definitions (Ch. 1 and sch. 1 and 2)	Obligations on all exhibitors (Ch. 2)	Exhibited animals authorities (Ch. 3 – 5)	Investigation and enforcement (Ch. 6)	Other
<p>Purposes of the Act (cl. 3)</p> <ul style="list-style-type: none"> provide for exhibiting and dealing with exhibited animals ensure the associated relevant risks and relevant adverse effects are prevented or minimised <p>Exhibit an animal (cl. 13) display an animal to the public, or section of the public, including at a private event.</p> <p>Dealing with an animal (cl. 15) carrying out an activity involving or relating to the animal e.g. buying, breeding, keeping, moving or selling it</p> <p>Responsible person (cl. 16) someone who exhibits or deals with an animal, employs others to exhibit or deal with it or holds an exhibited animal authority for the animal.</p> <p>Relevant risk (cl. 17)</p> <ul style="list-style-type: none"> a risk to the welfare of any animal a biosecurity risk a risk to public safety, or of death or injury or illness to a person <p>Relevant adverse effect (cl. 17) the adverse effects of an event caused by exhibiting or dealing with an animal on :</p> <ul style="list-style-type: none"> the welfare of any animal, the health, safety or wellbeing of a person, social amenity, the economy and the environment. 	<p>General exhibition and dealing obligation (cl. 18)</p> <ul style="list-style-type: none"> on all exhibitors including those who do not need to hold an authority a responsible person must take all reasonable and practical measures to prevent or minimise the <u>relevant risks</u> and <u>relevant adverse effects</u> associated with exhibiting or dealing with an exhibited animal <p>Regulations (cl. 20)</p> <ul style="list-style-type: none"> may require a person to discharge the general exhibition and dealing obligation in a stated way there may be other steps a person must take <p>Codes of practice (cl. 21)</p> <ul style="list-style-type: none"> made by regulation may state a way to discharge the general exhibition and dealing obligation there may be other steps a person must take a code of practice may be mandatory or voluntary <p>Guidelines</p> <ul style="list-style-type: none"> made by the chief executive a person does not need to comply with a guideline to meet their obligation (cl. 28) 	<p>Authorised Animals</p> <ul style="list-style-type: none"> Category A (cl. 33) Category B (cl. 34) Category C (cl. 35 – pest potential animals) <p>Exhibition licence (cl. 40 - 44)</p> <ul style="list-style-type: none"> to exhibit and deal with an animal no exhibit of category C animals outside the regular enclosure or controlled area that includes the regular enclosure except with a special exhibition approval (see cl. 31 and 96) <p>Interstate exhibitors permit (cl. 45 - 47)</p> <ul style="list-style-type: none"> to exhibit and deal with an animal in Queensland animal must already be kept under an interstate authority equivalent to an exhibition licence <p>Temporary approval (cl. 48 and 63) to deal with animals where an authority has ended</p> <p>Applications for authorities (Ch. 3, Pt 4)</p> <ul style="list-style-type: none"> renewal or restoration (Ch. 3, Pt 9, Div. 1) <p>Conditions on authorities (Ch. 3, Pt 7)</p> <ul style="list-style-type: none"> mandatory conditions (Div. 1-2) imposed by chief executive (Div. 3) <p>Obligations of authority holders and persons acting under authorities (Ch. 3, Part 8)</p> <p>Transfer (Ch. 3, Pt 9, Div. 3)</p> <p>Amendment of an authority</p> <ul style="list-style-type: none"> on formal application (Ch. 3, Pt 9, Div. 2) show cause process (cl. 133 - 137) other amendments by chief executive (cl. 139) <p>Cancellation or suspension of an authority (Ch. 5)</p>	<p>Power to enter a place</p> <ul style="list-style-type: none"> with the occupier's consent (cl. 157) <ul style="list-style-type: none"> if an animal's regular enclosure is in a residence then the licence holder must consent to entry at a reasonable time by an inspector who gives notice of at least 1 hour - see cl. 69(1)(g) with a warrant (cl. 158) other than by consent or warrant <ul style="list-style-type: none"> to a public place that is open to the public to a place of business in some circumstances to check compliance with a direction to take action that was not taken under a direction in an emergency. <p>Powers after entry (Ch. 6, Pt 3, Div. 2-4)</p> <ul style="list-style-type: none"> to search open an enclosure relieve the pain of an animal inspect, examine or film take a sample, place an identifying mark take a copy of a document print an electronic document take a person or equipment to help them require reasonable help give an exhibited animals direction <ul style="list-style-type: none"> to take specified action within a specified time period to prevent or minimise a relevant risk or relevant adverse effect non-compliance with a direction is an offence if the action is not taken in the time, the State may take the action and recover the cost to seize things in certain circumstances <p>Official assessments (Ch. 4, Pt 1)</p> <ul style="list-style-type: none"> either: <ul style="list-style-type: none"> to help decide an application or <ul style="list-style-type: none"> if an exhibitor has been given an exhibited animals direction in the last 12 months conducted by an inspector applicant/exhibitor pays costs 	<p>Safeguards</p> <ul style="list-style-type: none"> protection against self-incrimination (cl. 83, 110 and 222) procedures for entry (Ch. 6, Pt 2) inspector must minimise inconvenience and damage (cl. 216) for seized things (cl. 199 – 202) for confidential information (cl. 256) for a residential address and personal information (cl. 100(5) and 256) protection from liability for a person helping an inspector (cl. 259). <p>Compensation (cl. 218) can be ordered by a court if just in the circumstances for losses due to actions by an inspector or directed by an inspector</p> <p>Review of decisions (Ch. 7, Pt 5)</p> <ul style="list-style-type: none"> internal review <p>then</p> <ul style="list-style-type: none"> court for seizure or forfeiture decisions <p>or</p> <ul style="list-style-type: none"> QCAT for other decisions <p>Power to delegate (cl. 258)</p> <p>Power to make regulations (cl. 261)</p> <p>Transitional arrangements (Ch. 9)</p> <p>Amendments to legislation (Ch. 10)</p> <p>Private assessments (Ch. 4, Pt 2)</p> <ul style="list-style-type: none"> may be used to help decide a renewal application conducted by a (private) accredited person (see Ch. 4, Pt 3 for accreditation)