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Submission to Parliamentary Council: Exhibited Animals Bill 2015

Jackie Hasling and Dan Bamblett have been involved with the exhibited animals industry in Queensland for more than a decade through employment at Queensland zoos and for the past five years we have been operating our own mobile wildlife exhibition business, Hands on Wildlife. I have helped to form a new organisation, the Queensland Wildlife Educators Network, which aims to bring together Queensland wildlife demonstrators and other interested sectors of the industry. I am also a member of the exhibited animals working group, representing mobile operators during industry consultation.

Thank you for allowing us to provide additional comments. We have several specific concerns with this proposed bill. To summarise we believe that this bill will place significant administrative burdens on the industry with the introduction of management plans. While the intent is to provide flexibility for operators, these management plans will be time consuming to produce and review. It is unclear how decisions on management plans will be made and what they will be based on. And, importantly, it is unclear how flexible these plans will be and how costly they will be to change. Time and time again we have been told that this proposed legislation will reduce red tape, however these management plans represent a significant increase in red tape for the industry. We have detailed our concerns on management plans in the table below.

The other major concern with this bill is that this bill restricts over half of the existing permit holders (mobile exhibitors) from expanding and diversifying their businesses. By excluding mobile exhibitors from displaying Category C (exotic animals) this bill limits our ability to compete with fixed exhibitors in Queensland who will be allowed to display exotic animals outside of their facility under a special exhibition permit. Furthermore, there are existing mobile operators in other states (NSW) which exhibit exotic animals. Under this new bill, those operators would also be able to apply for an interstate permit and exhibit their exotic animals in Queensland. While I recognise the increased risks associated with exhibiting exotic animals there is no reason why mobile exhibitors cannot mitigate these risks just as effectively as fixed exhibitors. Risk mitigation measures can be implemented through regulation, rather than strict legislation which unfairly limit half of the industry from growing their businesses.

While the new legislation streamlines some processes for some sectors within the industry, it also increases the burden and potentially costs to the entire industry. It is attempting to be a one-size fits all piece of legislation but the majority of the industry is being ignored or restricted. It is difficult to fully identify what the true impact on small businesses will be, but after the RIS last year it is clear that they are likely to be significant. Depending on what regulations (codes of practise) are put in place there could be high costs in meeting the new code. The development of management plans will require significant time and resources. It is unclear what fees and costs will be required to make changes to these management plans (adding species, modifying enclosures, etc.). And there is also the additional fee of having to pay for inspections every three years, if not more frequently. There are easy and logical ways to improve this legislation, and we hope that these are taken into consideration.

Please find attached detailed comments and recommendations on specific areas of the legislation in the tables below.

Sincerely,

Jackie Hasling & Dan Bamblett

Section	Clause	Comments
24	<p>24 Consultation about codes of practice</p> <p>(1) Before the making of a code of practice under this part is recommended to the Governor in Council, the chief executive must consult with relevant entities.</p> <p>(2) Subsection (1) does not apply to the adopted provisions of a code of practice.</p> <p>(4) In this section—</p> <p><i>relevant entities</i> means entities the chief executive considers have an interest in matters relating to exhibiting and dealing with exhibited animals.</p> <p><i>Examples of types of entities</i>— entities from community groups or professional and industry associations</p>	<p>Codes of practice will have a significant impact on the costs associated with meeting the general obligation. It would be fair to let the industry have input on ALL codes of practise including ones that could be adopted. Furthermore, the inclusion of outside community groups as relevant entities in the consultation process could have a significant impact on the industry. Consultation should be limited to Biosecurity Queensland and the exhibited animals industry, the key stakeholders in the code of practice.</p> <p>Also how long will businesses have to meet any new codes that get approved?</p>
31	<p>31 Meaning of special exhibition approval</p> <p>A <i>special exhibition approval</i> is an approval given by the chief executive to the holder of an exhibition licence to exhibit and deal with an authorised animal (category C) at a place identified in the approval that is outside—</p> <p>(a) a regular enclosure for the animal at a regular enclosure site under the licence; and</p> <p>(b) a controlled area that includes a regular enclosure for the animal at a regular enclosure site under the licence.</p>	<p>The way the legislation is written Authorised Animals Category C (exotic animals) must be displayed in a fixed exhibit for 900 hours per year. This unfairly excludes almost half of the industry (mobile exhibitors) from having access to Category C animals.</p> <p>By offering special exhibition approval to take category C animals out of controlled areas the government is acknowledging that the relevant risks associated with exhibiting a category C animal outside of its fixed exhibit or the controlled area can effectively be managed. There is no reason why mobile exhibitors should be excluded from the opportunity to meet these obligations and have access to authorised animals Category C.</p> <p>Mobile exhibitors already display authorised animals Category C in other states such as New South Wales. http://www.wildanimalencounters.com.au/</p> <p>Mobile exhibitors in Queensland are being unfairly excluded and we are prevented from growing and diversifying our businesses in an ever more competitive market. As we specialise in mobile exhibitions we are very well prepared to manage wildlife in a secure and safe way. Outside of exhibition the animals would be kept securely in authorised exhibits. There is no reason why mobile exhibitors could not meet any regulation or requirements.</p>
33	<p>Category A</p>	<p>Category A animals should include any animals that can be kept recreationally in any state/territory. For example, some native mammals can be kept recreationally in South Australia, Victoria (wallabies, possums, wombats, kangaroos, some gliding possums, dunnarts, quokka, bettongs, quolls, etc.) and NSW (dingo, spinifex hopping mice, plains rats). Expanding category A in this way would ease administrative pressure on industry and government.</p> <p>Category B animals could be any native animal that is excluded from Category A.</p> <p>Category C remains exotic animals. Potentially this list could include animals that can be exhibited by mobile exhibitors and ones that are excluded from mobile exhibition.</p> <p>Special Risk animals include (venomous reptiles, crocodiles, and Category C animals)</p>

37	<p>37 Meaning of <i>management plan</i></p>	<p>The management plan requirement will place a significant administration burden on small business. For example, in my small business we have 75 individual animals representing 52 species. To meet all of the requirements within the management plan, the management plan for our business could be anywhere between 100-750+ pages long depending on how much detail is required and what format the plan has to take. This will be time consuming to create, and extremely time consuming for Biosecurity Queensland to process. This raises concerns for how long processing times will take as the department is already stretched with low staffing.</p> <p>These plans have the potential to be costly to amend and could significantly limit your business if not written broadly enough. During the RIS it appeared that amendments could cost more than \$400.00 to add a new species or enclosure. The management plans need to be easy and affordable to amend and flexible as business is always changing.</p>
58	<p>58 General criteria for decision (2) For subsection (1)(b)(ii), the chief executive may approve a management plan only if satisfied the proposed authorised animals will be exhibited and dealt with under the management plan in a way that prevents or minimises the relevant risks and relevant adverse effects associated with exhibiting or dealing with the animals.</p>	<p>It is unclear how decisions about management plans will be made, for many species codes of practise do not currently exist and it is unclear what BQ will base their assessments on. This leaves room for interpretation and inconsistent decisions.</p>
73	<p>73 Exhibiting authorised animal (category C) It is a condition of an exhibition licence that an authorised animal (category C) may be exhibited only at— (a) a regular enclosure for the animal at a regular enclosure site under the licence; or (b) a place outside a regular enclosure site under the licence but within a controlled area including a regular enclosure for the animal at the site; or (c) another place, but only if the exhibition is authorised under a special exhibition approval included in the licence.</p>	<p>This particular exhibition requirement is what is causing mobile exhibitors (almost half of the current industry) to be unfairly excluded from authorised animals Category C.</p> <p>See argument in 31</p> <p>Also how will this be recorded, reported and monitored, proven?</p>
75	<p>75 Minimum number of occasions for exhibiting authorised animal (category B)</p>	<p>How will this be monitored/recorded/proven?</p>
76	<p>76 Minimum exhibition period for authorised animal (category C) (2) It is a condition of the licence that at least 1 authorised animal of the species must be exhibited for a combined total of at least 75 hours in each calendar month (the <i>relevant month</i>) during the term of the exhibition licence.</p>	<p>Biosecurity has stated in their communication with us that “Exhibition in a fixed exhibit is the most reliable way to mitigate risks associated with these animals.” This is their main justification for restricting mobile exhibitors from displaying category C (exotic animals). However, this minimum exhibition requirement states that only ONE individual of the category C animal needs to meet the minimum display requirement. This means that potentially a fixed operator (zoo) could have 1 or 2 individual animals, for example a boa constrictor, on display but then maintain 10 more off display from the public.</p> <p>I fail to see how public display of a few individuals mitigates the risks, or indeed what risk it mitigates. Biosecurity risks are mitigated by measures such as enclosure security (double containment, limited access, security cameras, security guards on site, breeding restrictions etc.). Welfare risks of these species are mitigated by measures such as staff experience and training requirements. There is no reason why a mobile operator cannot meet or exceed the</p>

		<p>same requirements and mitigate risks just as effectively as a fixed operator.</p> <p>By limiting what species mobile operators can hold through legislation you are effectively limiting competition within our sector of the industry. For example, in Townsville, there are at least 3 mobile wildlife exhibitors, while one chooses to focus on a specific type of animal, the other 2 have a very similar collection of animals and under this bill we will be limited on how we can differentiate ourselves from our competition. We are required to meet all the same standards as the other sectors within the industry; however we are the only ones being restricted.</p>
77	<p>77 Conditions of authority decided by the chief executive (2) The special conditions must be those the chief executive considers appropriate, having regard to the relevant risks and relevant adverse effects associated with exhibiting or dealing with an authorised animal under the exhibited animal authority. (3) Without limiting subsection (2), the special conditions may be about any of the following— (a) the maximum or minimum number of authorised animals that may be exhibited and dealt with under the exhibited animal authority; (b) prohibiting or restricting the reproduction of an authorised animal;</p>	<p>How will these special conditions be determined?</p>
80	<p>80 Definitions for div 1 In this division— <i>serious incident</i> means any of the following— (a) the death of, or serious injury or illness to or of, a person caused by or originating from an authorised animal; def. of serious injury or illness: (c) treatment by a doctor within 48 hours of contact with the animal that caused the injury or illness or from which the injury or illness originated.</p>	<p>Minor injuries requiring a tetanus shot or antibiotics (and therefor a notifiable incident) are very common within our industry.</p> <p>A better solution would be to state that if an injury or illness is notifiable under the OH&S act and is caused by an authorised animal then it needs to be reported to Biosecurity.</p>
105	<p>105 Assessment fees</p>	<p>These fees have the potential to significantly impact small business. What about regional businesses? Will they be penalised by higher fees?</p>