

From: [REDACTED]
To: [Agriculture Resources and Environment Committee](#)
Subject: [SPAM ?] Exhibited Animals Bill 2014 - COMMENTS
Date: Tuesday, 11 November 2014 7:15:58 AM
Importance: Low

The Darling Downs Zoo wishes to make the following comments in relation to the draft of the Exhibited Animals Bill 2014 that is current at this date.

A number of clauses have been changed since the July industry workshop and, of more concern, a number of additions that were not raised, nor discussed, at the workshop.

12 Meaning of an animal. PROBLEM: This definition is too broad. It includes eggs from the time that they are laid, as well as invertebrates – none of which pose any form of *risk* which is what this Bill is intended to minimise.

SOLUTION: Adopt the definition used in the Animal Care and Protection Act 2001. This will ensure consistency across legislation and will eliminate the need to add amendments and exclusions via Regulation.

16 Meaning of responsible person ... PROBLEM: Unfair to hold a person “responsible” as soon as they take “a step to enforce [a] mortgage or other security”. What if they fail to secure the mortgage or security?

SOLUTION: Change wording to “ ... if the person successfully enforces a mortgage or security ...”

17 Meaning of relevant risk PROBLEM: Unless the current wording of section 12 [Meaning of an *animal*] is amended, issues will arise around the feeding of invertebrates to other exhibited animals.

SOLUTION: Reword in consultation with the industry working group. The Animal Care and Protection Act 2001 accepts that there are few welfare risks associated with invertebrates. There are even fewer risks associated with invertebrates in an exhibited animal facility.

24 Consultation about Codes of Practice PROBLEM: No obligation for chief executive to consult with the industry – only with entities who may be opposed to the industry.

SOLUTION: Add obligation for chief executive to consult with industry.

Redefine “entities” to exclude non stakeholders or groups philosophically opposed to exhibited animals.

26 Chief executive may make guidelines PROBLEM: “ ... entities the Chief Executive considers may have an interest ...” The problem is with your definition of “entities”. This wording allows people other than genuine stakeholders to have input into a subject that they

have no real right to.

SOLUTION: Redefine “entities” in consultation with the industry working group.

34 PROBLEM: Management Plans have the potential to have substantial resource implications in order to comply and it has not been made clear what level of detail may be required for each species. Some organisations hold well over a hundred species and the burden of writing over a hundred Management Plans will be overwhelming. Further it is not clear what government intends to actually do with these Management Plans once they receive them; given the regulating department’s low level of staff resources it is quite likely that these Management Plans will simply be filed and forgotten. The Exhibited Animals industry has operated successfully with a good safety and welfare record for many years without the need for such Management Plans for native species.

Given this government’s stated aim to reduce the red tape burden on industries the Management Plan requirement in the *Exhibited Animals Bill 2014* is directly contravening the government’s commitment.

SOLUTION: The Darling Downs Zoo proposes that Management Plans be made applicable to *authorised animals (category 2)* only. Such an approach will save significant resources for both government and industry and be consistent with the government’s stated intention of reducing red tape for small businesses.

55 General criteria for decision PROBLEM: Too prescriptive. Will result in a lot of almost duplicated paperwork for exhibitors to raise and for department staff to process. At odds with government’s policy of reducing paperwork.

SOLUTION: Reword, in consultation with the industry working group, to allow Management Plans to be made for groups of species.
See also SOLUTION to **34** above.

59 Failure to decide application PROBLEM: Can promote lazy management and work practices within the department. We have already seen department staff failing to process paperwork within 40 days. This will mean that they can ignore something for 40 days and it will be deemed to not need any further attention. We have also seen department staff “lose” paperwork. This provision relieves them of any obligation to do the job that we are paying them to do.

SOLUTION: Repeal this provision or reword to read that an application is *granted* if there is no response from the department within 40 days.

66 Exhibited animal authority PROBLEM: Unclear wording. This would seem to suggest that an Exhibition Notice must be placed on each *place* [ie: enclosure] where an animal is being exhibited.

SOLUTION: Reword in consultation with the industry working group.

68 Minimum exhibition period ... PROBLEM: Appears inflexible. The industry requires the ability to hold animals off-exhibit for [at times] extended periods. Reasons for doing so include setting up compatible groups, breeding species [or even specimens] that will breed better if kept off exhibit, holding animals off exhibit during construction of new facilities, conditioning for transport or for vet procedures, quarantine, nursing young, retiring aged or infirm animals – a whole range of reasons.

SOLUTION: Redefine and reword in consultation with the industry working group.

69 Minimum number of occasions ... PROBLEM: Same as 68 [above].
SOLUTION: Same as 68 [above].

71 Conditions of authority ... PROBLEM: Seeks to prescribe the *minimum* number of authorised animals that can be exhibited and/or dealt with. This is unrealistic and unnecessary.

SOLUTION: Reword in consultation with the industry working group.

74 Definitions (a) serious incident PROBLEM: Confuses *injury* and *illness* and seeks to apply the same requirement to each. Thus, minor *injuries* will need to be reported along the same timelines as *illnesses*.

SOLUTION: Reword in consultation with the industry working group.

(c) PROBLEM: Too prescriptive. The current wording could have unintended ramifications for free-ranging species as well as for free flying birds in displays.

SOLUTION: Reword in consultation with the industry working group.

76 (1) PROBLEM: The wording here is too prescriptive and does not take into account normal animal management movements. This will result in unnecessary paperwork for exhibitors and the department.

SOLUTION: Reword in consultation with the industry working group.

I reiterate my availability to continue to work with government to ensure the best possible legislation for exhibited animals.

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