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Submission to Parliamentary Council: Exhibited Animals Bill 2014

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. We are active in the industry and we 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. Jackie Hasling is also a member of the exhibited animals working group, representing mobile operators during industry consultation.

The intention of the exhibited animals bill is to “provide for exhibiting and dealing with exhibited animals, while ensuring that animal welfare, biosecurity and safety risks are minimised. The Bill will consolidate and streamline provisions currently spread across several Acts with a cohesive, comprehensive and consistent risk-based regulatory framework for exhibited animals.” However, the bill is inconsistent across industry sectors, specifically in regards to the exhibition of prohibited matter (exotic species). It has been stated that “The current framework does not take a risk-based approach to regulating the industry. Some exotic species cannot be exhibited at all in Queensland, even if the risks associated with their exhibition can be demonstrably avoided or minimised. Other species can be kept for exhibition by one industry sector but not others for historical reasons. In contrast, the Bill provides for a greater range of species to be exhibited in Queensland, provided the risks can be minimised.” The government acknowledges that the risks associated with exhibiting exotic species can be effectively mitigated, however the legislation as it is currently written unfairly prevents half of the industry permit holders (mobile exhibitors) from exhibiting exotic animals. It is claimed that “the Bill will reduce the regulatory burden on exhibitors by introducing a single licensing scheme under which exhibitors can be authorised to keep and exhibit both native and many exotic animals regardless of their industry sector.” The bill as it is written fails to meet this claim as one of the largest sectors of the industry (mobile exhibitors) are unfairly excluded from exhibiting exotic animals. “However, the Bill includes some requirements for exhibiting and dealing with the highest pest potential exotic animals – those that are prohibited matter under the Biosecurity Act. These animals would need to be based in a fixed exhibit open to viewing by the general public (such as a zoo). Exhibit away from this site could only be authorised on a temporary basis. This would help protect Queensland’s valuable agricultural and tourism industries from the establishment of new pests while ensuring that the government does not bear significantly increased risk mitigation costs.” There is no reason why these risks could not be mitigated by mobile exhibitors. The government is acknowledging that the mobile exhibition of the highest pest potential exotics can be effectively mitigated by issuing special exhibition permits. Mobile exhibitors are held to all of the same standards as fixed exhibitors and there is absolutely no reason why we could not meet the same requirements and mitigate the risks just as effectively. These risks could just as effectively be mitigated through regulation rather than legislation (experience requirement, single sex species, increased inspections at the cost of the operator, etc.). The legislation is unfairly limiting half of the sector from growing and expanding their businesses in an ever competitive market. There are mobile exhibitors in other states (NSW) that currently exhibit exotic animals through mobile displays, currently exhibitors in Queensland who have exotic animals can take them off site for displays. There is no reason why mobile exhibitors should be limited in what species that they can have access to as long as they can prove that they can effectively manage all associated risks.

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

Sincerely,

Jackie Hasling & Dan Bamblett

Section	Clause	Comments
12	<p>Meaning of <i>animal</i></p> <p>(1) Generally, an <i>animal</i> is any live member of the animal kingdom, other than a human being.</p> <p>(2) In relation to dealing with an exhibited animal, an <i>animal</i> includes—</p> <p>(a) the animal at each stage of its life cycle; and</p> <p><i>Examples—</i></p> <ul style="list-style-type: none"> • a pre-natal or pre-hatched creature • larvae or pupae • an embryo <p>(b) the whole or any part of the genetic or reproductive material of the animal.</p> <p><i>Examples—</i></p> <p>an ovum, semen</p>	<p>The definition of animal here is too broad and should not include every stage of the life cycle. The Animal Care and Protection Act 2001 offers a more appropriate and realistic definition of animal for this legislation.</p> <p>11 What is an <i>animal</i></p> <p>(1) An <i>animal</i> is any of the following—</p> <p>(a) a live member of a vertebrate animal taxon;</p> <p><i>Examples—</i></p> <ul style="list-style-type: none"> • an amphibian • a bird • a fish • a mammal, other than a human being • a reptile <p>(b) a live pre-natal or pre-hatched creature as follows if it is in the last half of gestation or development—</p> <p>(i) a mammalian or reptilian foetus;</p> <p>(ii) an avian, mammalian or reptilian pre-hatched young;</p> <p>(c) a live marsupial young;</p> <p>(d) a live invertebrate creature of a species, or a stage of the life cycle of a species, from the class Cephalopoda or Malacostraca prescribed under a regulation for this paragraph.</p> <p><i>Examples of creatures of the class Cephalopoda—</i></p> <ul style="list-style-type: none"> • octopi • squid <p><i>Examples of creatures of the class Malacostraca—</i></p> <ul style="list-style-type: none"> • crabs • crayfish • lobsters • prawns <p>(2) However, a human being or human foetus is not an animal.</p> <p>(3) To remove any doubt, it is declared that the following are not animals—</p> <p>(a) the eggs, spat or spawn of a fish;</p> <p>(b) a pre-natal, larval or pre-hatched creature, other than a creature mentioned in subsection (1)(b) or (c);</p> <p>(c) another immature form of a creature, other than a creature mentioned in subsection (1)(a) to (c).</p>

21	<p>(3) However, for applying section 19, the person fails to discharge the general exhibition and dealing obligation if the person—</p> <p>(a) contravenes the code of practice; and</p> <p>(b) does not follow a way that is as effective as, or more effective than, the code of practice for discharging the general exhibition and dealing obligation.</p>	For (b) how will it be determined that one way is more or less effective? Who will determine this?
23	<p>23 Making codes of practice</p> <p>(1) The Governor in Council may, by regulation, make a code of practice about exhibiting and dealing with exhibited animals.</p>	Who is the governor in Council? How often can codes of practice be made/changed?
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>relevant entities 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></p> <p>entities from community groups or professional and industry associations</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.
31	<p>31 Meaning of special exhibition approval</p> <p>A special exhibition approval is an approval given by the chief executive to the holder of an exhibition licence to exhibit and deal with an authorised animal (category 2) at either of the following places identified in the approval—</p> <p>(a) a controlled area that does not include the animal’s regular enclosure;</p> <p>(b) a place outside any controlled area.</p>	<p>The way the legislation is written Authorised Animals Category 2 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 2 animals.</p> <p>By offering special exhibition approval to take category 2 animals out of controlled areas the government is acknowledging that the relevant risks associated with exhibiting a category 2 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 2).</p> <p>Mobile exhibitors already display authorised animals (category 2) in other states such as New South Wales.</p> <p>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>

37	<p>37 Exhibiting and keeping an animal under licence (2) An exhibition licence may authorise an authorised animal (category 2) to be exhibited only in 1 of the following places identified in the licence— (a) the animal’s regular enclosure; (b) a controlled area that includes the animal’s regular enclosure. (3) An exhibition licence may authorise an authorised animal (category 2) to be exhibited in a controlled area not identified in the licence under subsection (2)(b) or at a place outside any controlled area only if the exhibition is authorised under a special exhibition approval included in the licence.</p>	<p>See argument above (31)</p> <p>Mobile exhibitors (around half of the current permit holders) are being unfairly excluded from holding this category of animal. However, the government acknowledges that the risks associated with taking these animals outside of their regular enclosure and controlled area can be effectively mitigated by issuing special exhibition permits.</p>
57	<p>57 Particular criteria for dealing with animal at 2 or more premises If the application relates to dealing with 1 or more animals at 2 or more premises, the chief executive may grant the application only if satisfied— (a) a single individual will have the day-to-day care and control of each animal at each of the premises; and (b) the keeping of each animal at each of the premises is operationally interrelated; and (c) each of the premises is separated by a distance that allows the integrated day-to-day care and control of each animal by a single individual to be feasible.</p>	<p>Can this be reworded to suggest that a variety of qualified employees could provide suitable care across 2 locations</p>
66	<p>66 Exhibited animal authority (f) while an authorised animal is being exhibited, an exhibition notice must be displayed in a prominent position so it is easily visible to persons attending the place where the animal is exhibited;</p>	<p>How will this work for mobile exhibitors is it enough for us to carry our authority with us? Should this be clarified further?</p>
68	<p>68 Minimum exhibition period for authorised animal (category 2) (2) It is a condition of the licence that at least 1 authorised animal of the species must be exhibited— (a) if animals of the species have been kept under the licence for 1 or more whole years—for a combined total of at least 900 hours in each whole year; and (b) if animals of the species have been kept under the licence for part of a year to which paragraph (a) does not apply—for a combined total of at least the nearest whole number of hours proportionate to 900 for the period for which the animals have been kept. (3) An animal is exhibited for subsection (2) only to the extent it is exhibited for at least 3 hours on each occasion it is</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 2). See argument in 31 and 37.</p> <p>Also how will this be recorded, reported and monitored, proven?</p> <p>Can this requirement be temporarily lifted for veterinary or other reasons?</p>

	<p>exhibited.</p> <p>(4) However, despite section 13(2)(a), the display of an animal at a private event is not an exhibition of the animal for subsection (2).</p>	
69	<p>69 Minimum number of occasions for exhibiting particular authorised animals</p> <p>(1) This section applies to exhibiting an authorised animal, other than an authorised animal (category 1) or (category 2), of a species identified in an exhibition licence, whether the animal is identified in the licence as a particular animal or only by reference to its species.</p>	<p>Clarification on which animals this refers to (category 1 and 2).</p> <p>How will this be recorded, reported and monitored, proven?</p> <p>Can this requirement be temporarily lifted for veterinary or other reasons?</p>
71	<p>71 Conditions of authority decided by the chief executive</p> <p>(3) Without limiting subsection (2), the conditions may be about any of the following—</p> <p>(a) the maximum or minimum number of authorised animals that may be exhibited and dealt with under the authority;</p> <p>(b) prohibiting or restricting the reproduction of an authorised animal;</p>	<p>How will numbers be determined?</p> <p>Also how can the chief executive officer prescribe a minimum number of animals. What basis will be used to determine a minimum number of animals?</p> <p>How will decisions on reproduction be determined? Is this for all categories of animals or just category 2?</p>
74	<p>serious incident means any of the following—</p> <p>(a) the death of, or serious injury or illness to or of, a person, caused by, or originating from, an authorised animal;</p> <p>(d) the death of an authorised animal caused, or contributed to, by the act or omission of a person;</p> <p>(e) the death of an authorised animal if—</p> <p>(i) animals of that species—</p> <p>(A) have been kept under the exhibited animal authority for less than 6 months; and</p> <p>(B) have an average life expectancy of at least 6 months; and</p> <p>(ii) the animal lived for less than the average life expectancy;</p>	<p>The definition of serious incident needs to be more specific. The threshold needs to be such that we are not constantly reporting minor scratches and bites that may only require pre-cautionary anti-biotic treatment these are a normal and regular occurrence within this industry and are not "serious".</p> <p>Does this include euthanasia? Euthanasia should be excluded from this.</p> <p>As this is written this is for authorised animals (special risk) which includes category 2, venomous snakes, and crocodiles. Is it intended for this reporting to be for ALL authorised animals or only special risk? If only special risk why are venomous snakes and crocodiles any different to other authorised animals?</p>
76	<p>76 Obligation to notify significant change</p> <p>(1) This section applies to the holder of an exhibited animal authority if any of the following (each a significant change) happens—</p> <p>(a) a person moves an authorised animal outside of an authorised enclosure under section 40(c)(ii) or 44(c)(ii);</p>	<p>What category of authorised animals is this for?</p> <p>Sometimes animals need to be temporarily moved from enclosures for routine maintenance or for a variety of reasons, this is a part of the day to day operations of our businesses. Requiring reporting every time we move an animal will unnecessarily increase red tape and reporting requirements. Is this just intended for Authorised animals category 2?</p>