



# ***AGRICULTURE, RESOURCES AND ENVIRONMENT COMMITTEE***

**Members present:**

Mr IP Rickuss MP (Chair)  
Mr JN Costigan MP  
Mr SV Cox MP  
Mr S Knuth MP  
Ms MA Maddern MP  
Ms J Trad MP  
Mr MJ Trout MP

**Staff present:**

Ms H Crighton (Acting Research Director)  
Mrs M Johns (Principal Research Officer)

## **PUBLIC BRIEFING—INQUIRY INTO THE EXHIBITED ANIMALS BILL 2014**

### **TRANSCRIPT OF PROCEEDINGS**

**WEDNESDAY, 26 NOVEMBER 2014**

**Brisbane**

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### Committee met at 9.03 am

**CHAIR:** Welcome, ladies and gentlemen. Before we start, can all phones be switched off or on to silent. I declare the meeting of the Agriculture, Resources and Environment Committee open. I would like to acknowledge the traditional owners of the land on which this meeting is taking place. I am Ian Rickuss, the member for Lockyer and chair of the committee. The other members who are here today with me are Jason Costigan, the member for Whitsunday; Sam Cox, the member for Thuringowa; and Michael Trout, the member for Barron River.

These proceedings are being transcribed by parliamentary reporters and are being broadcast live on the Queensland parliamentary website. The purpose of the meeting is to assist the committee with the examination of the Exhibited Animals Bill. The bill was introduced by the Hon. John McVeigh, the Minister for Agriculture, Fisheries and Forestry, and subsequently referred to the committee on 14 October 2014 with a reporting date of 2 February 2015. The committee's report will help the parliament when it considers whether the bill should be passed. I remind everyone that the bill is not law until it has been passed by the parliament.

Joining us today for the briefing are officers from the Department of Agriculture, Fisheries and Forestry. These officers have given their time today to provide factual information. They are not here to give opinions about the merits or otherwise of the policy behind the bill or alternative approaches. I welcome the officers.

**CLARKE, Ms Marguerite, Manager, Biosecurity Legislation, Department of Agriculture, Fisheries and Forestry**

**THOMPSON, Dr Jim, Chief Biosecurity Officer, Department of Agriculture, Fisheries and Forestry**

**CHAIR:** Dr Thompson, would you like to make an opening statement?

**Dr Thompson:** Yes, thank you, Chair. I would like to thank the committee for giving the department the opportunity to brief you on the Exhibited Animals Bill 2014. This bill will reform a small but significant area of Queensland regulation. It will streamline the licensing of exhibitors, better manage the risks of animal exhibition and address a number of business impediments faced by the industry.

The current exhibited animal legislation in Queensland is quite fragmented and deficient. Currently, there are more than six licensing schemes that may apply to an exhibitor. These come under three different pieces of legislation: the Nature Conservation Act 1992, the land protection act 2002 and the Fisheries Act 1994. Some exhibitors need more than one licence to operate their business. There are also provisions under the Animal Care and Protection Act that apply to exhibitors in some circumstances, and the duty of care under the Work Health and Safety Act is also relevant to the extent that an exhibit is a workplace.

Keeping wildlife for any purpose involves risks. Some animals may be dangerous, escaped exotic animals may establish as pests, animals may carry disease and keepers may lack sufficient facilities and expertise to adequately care for animals with complex needs, resulting in animal welfare issues and high mortality rates. The public expects the government to develop responsible legislation and manage these risks. The way in which risks are managed under the current legislation is inconsistent across sectors of the industry and sometimes across similar species. There are also gaps in the coverage of some of these risks and we will go through some of those shortly.

The Exhibited Animals Bill has two main purposes: firstly, to enable the industry to exhibit in Queensland; and, secondly, to ensure that the risks associated with the industry are managed appropriately. The Exhibited Animals Bill will replace the current fragmented licensing schemes with a single licensing framework under a single act. It will ensure a more comprehensive and consistent management of animal welfare, biosecurity and safety risks posed by the industry in Queensland.

The bill is relatively straightforward. It places an obligation on all exhibitors to prevent or minimise animal welfare, biosecurity and safety risks. It enables the licensing of exhibitors to exhibit and deal with animals that they otherwise could not keep, that pose greater risks or are protected animals. It provides for regular compliance assessment of licensed exhibitors. Finally, these elements are supported by investigation and enforcement powers and other powers and safeguards and are closely modelled on those in similar legislation. I have asked the committee staff to provide with you a copy of a diagram, a summary of the Exhibited Animals Bill.

**CHAIR:** Yes, we have that.

**Dr Thompson:** That is available on the department's website. It clearly shows those elements of the bill in different columns. Industry members found an earlier version of this useful in understanding the working draft of the bill. I am now going to hand you over to Marguerite Clarke, who will walk you through the bill using this diagram. I have asked Marguerite to begin with some examples of the problems with the current legislation and how the bill is different, particularly in the areas of risk management, how risk management measures are decided, red-tape reduction, consistency and ongoing compliance monitoring.

**Ms Clarke:** Thank you. The current regulation of risks posed by the industry is inconsistent and there are some gaps, particularly in the regulation of animal welfare. Let me use as an example saltwater crocodiles and American alligators. Currently, an exhibitor would need a licence under the Nature Conservation Act to exhibit saltwater crocodiles, because they are native wildlife, and they would need a permit under the Land Protection (Pest and Stock Route Management) Act to exhibit American alligators, because they are a declared pest. The Animal Care and Protection Act generally does not provide for activities that are authorised under the Nature Conservation Act. This means that the exhibitor could not be charged with breaching their duty of care to the saltwater crocodile nor with animal cruelty under the Animal Care and Protection Act no matter how shameful their actions towards the saltwater crocodile.

Fortunately, most exhibitors take good care of their animals and I am not suggesting that exhibitors have exploited this gap. However, animal welfare is not completely forgotten under that act. The chief executive would need to be satisfied that the exhibitor's facilities comply with a code of practice known as the exhibit code before granting a licence to keep a saltwater crocodile. In contrast, for the alligators, the exhibitor would be bound by the Animal Care and Protection Act, because they are licensed under a different act, the land protection act. Under the land protection act, there is no specific requirement for the chief executive to be satisfied that an animal's welfare requirements will be met before granting a permit. So you can see the inconsistency.

Biosecurity Queensland has been responsible for licensing decisions under both acts since about 2010 and we have tried to be as consistent as possible in the way that we have applied animal welfare requirements within the limits of these different legislative approaches. Apart from differences in risk management, because there are different acts for native and exotic animals, there are also currently differences that relate to whether a licence is required to keep an animal or not. For example, a licence is not required to display a sulphur-crested cockatoo, but if the same exhibitor wanted to exhibit a major mitchell cockatoo they would need a wildlife exhibitor licence and conditions could be imposed on how it was kept. Consequently, a single institution could have a sulphur-crested cockatoo displayed in facilities that were quite inferior to those provided for the major mitchell cockatoo.

Animal welfare, biosecurity and safety risks will be better managed under the bill. Risk mitigation requirements will apply to all of those involved with exhibited animals regardless of whether a licence is required for the exhibit and regardless of whether they are native or exotic animals. In the diagram, the definitions to the far left—they are the ones in blue—are critical to how risks are managed under the bill. Clause 16 makes all of those involved in some way in exhibiting or dealing with an animal a responsible person for the exhibited animal. This would include the owner, the facility manager and the keeper who deals with the animal on a daily basis. Each is a responsible person for the animal and, as you will see later, has risk minimisation responsibilities to the extent of their involvement with it. In clause 17, the major risks posed by exhibited animals—that is animal welfare, biosecurity and safety—are termed 'relevant risks', and that is the terminology that is used throughout the rest of the bill.

I will move on to the second column, which is in orange. Clause 18 provides that a responsible person must take reasonable and practical steps to prevent or minimise the risk to animal welfare, biosecurity and safety. This general obligation will apply consistently to all exhibited

animals, including those that can be kept and exhibited without a licence. It means no more cockatoos being kept at different standards and no more differences between native and exotic animals.

Further down the second column in orange you can see that regulations or codes of practice can be made about how to minimise the risks and hence meet the general obligation. The broad application of the general risk management obligation in any regulations or codes of practice under the bill addresses the inconsistencies and gaps in risk management under the current legislation but, importantly, it does this without imposing unjustified licensing requirements on additional exhibitors. You will still not need a licence to keep a sulphur-crested cockatoo. In other words, the bill extends risk management obligations to those exhibits that currently do not require a licence, but still only those exhibitors who currently require a licence will require a licence under the bill.

There are, however, some exhibits that would not be within the scope of the bill at all. It would be unreasonable for the risk management requirements of the bill to apply to those displays that are already appropriately regulated or which are very short term. For example, it would be unreasonable to expect a child doing a kindergarten show-and-tell, say, about a sulphur-crested cockatoo to comply with the code of practice about the exhibition. Nor is there a need for additional regulation of displays of most domestic animals, for example people exhibiting cattle and sheep in the context of a farm-stay. These are among the circumstances detailed in clause 10 that would be outside the scope of the bill and, hence, the general obligation to minimise relevant risks in clause 18 and any regulations or codes of practice that are made to support it would not apply in these circumstances.

The bill will also reduce red tape for existing licence holders. The top of the third column, which is—I think you would call that a pink colour—

**CHAIR:** Ours are black and white.

**Mr COSTIGAN:** Well said, Mr Chairman.

**Mr COX:** But we can see.

**Ms Clarke:** You can see where I am going. Okay. They detail the authorities that can be granted to exhibit under the bill. So the native and introduced species that may be kept and exhibited without a licence in Queensland include many invertebrates and fish, some relatively common native birds such as the sulphur-crested cockatoo—which I keep mentioning—and many exotic birds, such as macaws, as well as some other exotic animals that are not declared pests, such as camels. But those animals that can be kept without a licence are fairly limited. Generally, keeping most native and exotic wildlife is prohibited in Queensland without an authority. So exhibitors simply would not be able to keep most wildlife for display without a licensing scheme of some sort.

The problem is that, as Jim mentioned earlier, there are currently more than six licensing schemes relevant to exhibition and some exhibitors may need more than one licence. So, consistent with the government's red-tape-reduction commitments, the bill will simplify the licensing of exhibitors. It will enable exhibitors to operate under a single exhibition licence. To further reduce red tape, exhibition licences will be granted for up to three years, compared to two years for current permits under the land protection act. A licence would need to be endorsed with a special exhibition approval valid for up to six months if the exhibitor wanted to exhibit certain exotic animals off site. The arrangements for these animals, which are termed authorised animals category 2 in the bill, were raised in many submissions to the committee, so I am going to discuss them in more detail in a moment. First, though, I want to mention that the other two types of authority mentioned in that third column would be used infrequently. Interstate licence exhibitors could be granted an interstate exhibitor's permit for up to six months to bring their animals into Queensland. They would not require an exhibition licence.

Finally, a temporary authority would be used for circumstances that have been problematic under the current legislation from time to time. For example, if an exhibitor's licence ended because they were in some sort of difficulty, they may still have wild animals that they would need to deal with. A temporary authority could be given to allow them to sell or find placements for their animals. Or if someone had allowed their licence to lapse, a temporary authority might be granted to allow them to keep their animals whilst a licence restoration application was decided. A temporary authority would simply be a stopgap measure that typically allowed the minimum necessary dealings with the exhibited animals while an exceptional situation was resolved.

Perhaps the most important way that the bill differs from the current regulation is that it allows industry to propose how the risks posed by their activities will be managed. Currently industry must manage their operations around what the legislation allows and stipulates. The land protection act is particularly inflexible. Exhibitors can only keep some animals for some types of exhibition. Some animals cannot be exhibited at all, even if the risk can be minimised. The reason some but not other animals are on the list of what can be exhibited for a certain purpose goes back many years. I understand that the list represents what was already kept in Queensland at some point in time. It is as if the regulation draws a line in the sand that says, 'Okay, so these exotic species are here or have been here at some time so you can have those species, but you cannot have any others because our economy and environment can do without the extra risks.' This is not a very refined approach to risk management. Some of the species that made it on to the list pose a high risk, and exhibitors often approach the department expressing frustration that there are species they would like to keep that are not on the list, even though they pose a considerably lower risk than those that are on the list. They also express frustration when Queensland zoos cannot participate in conservation programs for endangered exotic species that are not on the list or are put at a competitive disadvantage because they cannot display animals that draw crowds in other states.

What animals you can keep under the land protection act also depends on your industry sector. By 'sector', what I mean is fixed exhibitors, which are often collectively called zoos, although this sector also includes wildlife parks, theme parks and aquaria, wildlife demonstrators who bring native animals to community events and private events, circuses and magicians. Zoos are limited to listed species, as already mentioned. Circuses can keep some of the species that a zoo can keep. Magicians can only keep rabbits. Some of the distinctions between the lists of what can be kept by each sector are quite subtle. For example, magic acts and circuses can be licensed to keep only domestic breeds of rabbits, but zoos can be licensed to keep only wild breeds.

The threshold for licensing decisions can also differ markedly between sectors. For example, an applicant for a wildlife exhibitor licence for a zoo, for example, under the Nature Conservation Act must submit an exhibit notice before or with their application describing the design of the facilities for housing or displaying the animal and how the keeping and exhibition of the animal will comply with the exhibition code, but an applicant for a wildlife demonstrator licence to display the same species does not need to submit an exhibit notice. There are related additional criteria for deciding applications for the wildlife exhibitor licence compared to the wildlife demonstrator licence. There are other inconsistencies between sectors, too; for example, there are minimum exhibition requirements for some sectors but not for others, and of course licence fees differ between sectors.

The roles of industry and government in licensing under this bill will be quite different. Under the bill, animal exhibits would be licensed in response to a management plan prepared by the applicant explaining how they would minimise their animal welfare, biosecurity and safety risks. Developing a management plan represents an opportunity for exhibitors to use their expert knowledge to problem-solve how to address risks in their circumstances. Risk based licensing decisions under the bill would allow a greater range of species to be exhibited in Queensland. An exhibition licence could be granted for any species if the chief executive was satisfied that risk could be appropriately managed under the plan. The approved plan would form part of the licence.

Although it is difficult to quantify, the flexibility afforded by this approach to licensing is expected to more than outweigh the cost to exhibitors of documenting their proposed activities in a management plan. Different industry sectors would be treated more consistently under the bill, there would be only one licence type and the criteria for deciding licences would generally be the same.

There is only one area where the bill would retain a distinction between sectors, and it concerns animals that the bill terms category 2 animals that I mentioned earlier. These are most animals that are prohibited matter under the Biosecurity Act 2014 such as most exotic mammals, amphibians and reptiles. Clause 37 in effect requires that an authorised animal category 2 must be based in a fixed exhibit. This is due to the pest establishment potential of these animals. It will ensure that risks posed by these animals and the associated costs are kept low for the community, industry and the government. Circuses and some wildlife demonstrators are disappointed that the bill includes this requirement, so I am going to spend a few minutes discussing it.

I wish to acknowledge that there are some demonstrators who have the expertise to effectively mitigate the risks of keeping animals that are prohibited matter, but it would be costly and difficult to ensure demonstrators were meeting community expectations for risk management. Either costs or risks for the community, industry and government would rise if these animals were not required to be based in a fixed exhibit. Fixed exhibits are in regular public view, which promotes compliance. In contrast, there is very limited community oversight of demonstrators' activities.

Demonstrators keep their animals out of public view and display them to select audiences. The higher barriers to establishing a fixed exhibit such as infrastructure development and planning approval requirements have the effect of stabilising the fixed exhibition sector of the industry and encouraging self-regulation to maintain public support and hence a return on investment.

Maintaining a requirement for some fixed exhibition to the general public will in effect continue to ensure that exhibitors with those species will have a significant investment to protect and are in regular public view. Some demonstrators have suggested that an alternative to requiring fixed exhibition would be risk mitigation measures including limiting exhibition to sterilised and microchipped males. These measures would be difficult to enforce, and only regular inspection could ensure non-compliant animals had not been added to collections kept entirely out of public view. Consequently, increased government monitoring and enforcement of risk mitigation measures would be essential to managing risks if demonstrators could keep high-pest-potential animals. Significant increases in licence fees over and above those proposed in the consultation regulatory impact statement that was released in 2013 would be needed to recover the costs of more investment by the government in monitoring and enforcement to ensure these risks were managed.

Requiring animals that are prohibited matter to be based in a fixed exhibit is a more efficient way of managing these risks. While wildlife demonstrators cannot access these animals under the current legislation, circuses can currently keep some species that are prohibited matter, although the number of circuses touring Queensland with these types of animals has dwindled. Clause 258 ensures that the few macaques—which are a type of monkey—that are currently held by two small Queensland circuses will not need to be based in a fixed exhibit. After these animals pass away, however, these circuses could continue to tour with their domestic animals acts. But if they wanted to obtain new animals that are prohibited matter, they would need to be based in a fixed exhibit. Tours by interstate based circuses could also continue under an interstate exhibitor's permit so long as these circuses continue to be closely regulated interstate and the chief executive is satisfied with how they will be managed in Queensland.

The bill also provides for regular compliance assessment of licensed exhibitors. At the bottom of the third and fourth columns you will notice 'private assessments' and 'official assessments'. These represent an ongoing monitoring program under the bill. Ongoing monitoring will promote further improvements in industry risk management. Risk management, particularly provision for the welfare of exhibited animals, has improved markedly over recent decades; however, further improvements need a particularly 'off' exhibit where the animals are kept behind the scenes to avert future incidents and meet growing community expectations.

Currently a department meets the cost of site visits; for example, where it is necessary to check proposed facilities for high-risk animals. Under the bill, licensed exhibitors would pay for regular monitoring. An official assessment application charged to the exhibitor would generally be required to provide the chief executive with sufficient evidence to decide an application for the grant, renewal or the significant amendment of a licence. Other evidence such as photographs may be sufficient to decide an application for very low-risk activities; for example, where a magician wanted to keep a rabbit. Exhibitors will be able to go to the market for accredited assessors to prepare reports. A private assessment conducted by an accredited private sector provider would generally obviate the requirement for an official assessment when a licence is renewed. This will encourage self-reliance.

The frequency of assessments would depend on the compliance record of the exhibitor. If noncompliance was identified, an official assessment follow-up could be undertaken and charged to the licence holder within 12 months. This will create an economic incentive for best practice by exhibitors. In addition to any assessments which will be conducted in limited circumstances at cost to the exhibitor, an inspector may need to make a visit at random to check that an exhibitor is complying with the bill or to investigate a complaint. The cost of these visits would be borne by the department.

The fourth column on the diagram—I was about to say 'in green', but in black and white in your case—highlights the investigation enforcement powers of inspectors under the bill. The committee will notice that many of the provisions are modelled on the equivalent provisions in the Animal Care and Protection Act and the Biosecurity Bill—which is now the Biosecurity Act—that the committee examined earlier this year. Similarly, many of the safeguards in the final column on the diagram reflect those in the Biosecurity Act. The transitional arrangements in chapter 9 and the

amendments to legislation in chapter 10 are mentioned in the bottom right-hand corner of the diagram. This bill repeals those parts of the regulations made under the Nature Conservation Act that provide for licensing of wildlife exhibitors and demonstrators at the moment. As the committee would be aware, the Biosecurity Act will repeal the parts of the land protection act that enable exhibition of declared pests.

When these acts commence, exhibitors would generally not need to apply for an exhibition licence until their existing licence or permit was close to expiry. The bill provides that the application fee would be the same as if they were applying for a licence renewal, even though they would be applying for an exhibition licence for the first time.

The bill also provides for those exhibitors who currently need more than one licence. The most common combination is a declared pest permit for a zoo and a wildlife exhibitor licence for the native animals in that zoo. If these were due to expire on different dates, the exhibitor would need to apply for an exhibition licence when close to the first expiry, and that application would only need to cover the animals under that licence or permit that was close to expiry. When the remaining licence or permit was close to expiry, the exhibitor would apply to amend that licence to add on the additional animals. The bill provides that there is no fee to apply for the amendment in that situation.

That is really all I was going to go through on that diagram unless there are any questions, and I thank the committee for the opportunity to brief you on the bill.

**CHAIR:** Thank you very much. We will ask you some questions a bit later, but a few things did seem to stand out there: six months, for instance. Queensland is a very big state. If you are coming from interstate with a circus or travelling show, is there any reason we picked six months?

**Ms Clarke:** Really it was about looking not so much at the visitors, but looking at what period we would want to review how risks were being managed when we had animals being taken off site. So that six months does not apply just to interstate exhibitors' permits, of which there will probably be only a handful; it also applies to exhibitors based in Queensland who are taking animals off site. Given the heightened risks associated with those animals, we felt that six months was an appropriate period for reviewing those approvals for Queensland exhibitors and those permits, but it does not stop consecutive permits being granted for a tour of, say, up to 12 months.

**CHAIR:** What if you are out at Cloncurry and your six months is up? Who is going to pay the cost of getting someone to do the inspection?

**Ms Clarke:** Essentially what would happen is there would need to be a review, but the circus would flag upfront—they would have a plan for how their tour was intended to proceed. So we would give them a permit for the first six months. They would probably lodge the permit application for the second six months, and towards the expiry of their first permit we would organise to come out and have a look at their operations typically, review how things were going and, if we are satisfied, grant the second permit. It would not necessarily be a big issue.

**CHAIR:** In relation to category 2, permanent enclosures—I am assuming a ferret is a category 2 animal—if I was going to exhibit just male ferrets or just female ferrets, what is the risk of them travelling? If I have a car crash and two male ferrets get away, they are not going to breed, are they?

**Ms Clarke:** This was one of the suggestions put forward by some wildlife demonstrators, that maybe they could keep single-sex or desexed animals. The difficulty in that—and I am not expert in ferrets; I do not know if Jim knows more about ferrets than I do—is us monitoring that only male desexed ferrets, for example, are being kept under the licence. Some of these animals pose very high-pest-potential risks and we would need to be checking. That is where, yes, the risks could be managed.

It would be possible to do it, but then costs would also start to increase. It is a matter of weighing up two potentially alternative options. The first option is where we allow these things but we have to increase markedly the amount of monitoring and compliance work that we do, and that will be reflected in increased costs in fees and potentially increased risks. The other option is where we limit some of the activities that could happen but that would result overall in much reduced fees across the industry. So it is really about weighing up two alternative approaches.

**CHAIR:** I come from the food industry of course. Ice-cream or wurst or whatever you are making can kill a lot of people if you do it wrong. They do not have any inspection fees. It is all self-assessment. You have a quality assurance program where you tick all the boxes. You take all the HACCP, the hazard analysis and critical control points—all of that sort of thing—into account and it is third-party endorsed.

**Ms Clarke:** In fact, the system of private assessments is reasonably closely modelled on the system of audits that are conducted under the Food Act. So they do have that sort of system where—I am no expert on that act—if there are a certain number of difficulties in a row then the frequency of inspection increases. So it is actually a reasonably similar system to what we are proposing.

**CHAIR:** That is what I am saying: you are being fairly restrictive. But if you put in HACCP, the hazard analysis and critical control points—I have only males in this box; I have only taken males out here—self-assessment throws it back on to the industry and they have to do the right thing. Taxation is the same. With our income tax we all self-assess now and we have to do the right thing. I think we are being a little bit heavy-handed here.

**Mr TROUT:** While you have drafted these amendments, have you kept them in line with New South Wales and Victoria? I can see a lot of regulations here. I hope we are not putting people out of business by overregulation or different regulations in different states.

**Dr Thompson:** It is a bit difficult retaining consistency across all states. Queensland has quite a unique wildlife exhibition industry with many components. We have also had quite a range of acts addressing these issues in the past. I guess combining biosecurity, animal welfare and safety into the one bill here is quite a unique approach. So it is not necessarily directly related to the legislation that is in other states. We believe that the comprehensiveness of this meets our needs. In discussions with other states, we have found that they have taken a different approach to certain aspects of this but they have missed out other aspects. They do have dual legislation covering some aspects of the keeping of pest animals as well.

**Mr TROUT:** Do you think we are probably more strict as a state compared to the other regulations in New South Wales and Victoria?

**Ms Clarke:** I do not think we could probably say that. I am not an expert.

**CHAIR:** They are allowed to keep ferrets.

**Ms Clarke:** The systems are very different. The other thing that is really different about Victoria and New South Wales is that Queensland proportionately has a very large private industry. It is partly related to the number of international visitors who all want to go and see iconic wildlife. But it is also to do with the fact that by far the largest exhibitors in New South Wales and Victoria are the government. If you think about New South Wales, you have Taronga Zoo as well as the Western Plains Zoo. In Victoria you have the Melbourne Zoo and the Werribee Open Range Zoo. So the situation in Queensland is quite different. I think we can be proud of having a large private and reasonably profitable industry that is self-sustaining. So that is something we want to facilitate. We want to remove business impediments but we also need to make sure that risks are managed in that context.

**Mr COX:** I might have missed this in one of your explanations, but how are you going to determine whether someone is guilty or penalise someone under one act? Could they be prosecuted for something under the Exhibited Animals Act and then under the Animal Care and Protection Act there is also a penalty? How is it decided which one it comes under or does one override the other? Does that make sense? We are creating a new act with this bill.

**Dr Thompson:** They certainly can cover similar issues. They are complementary. Marg, you might want to cover when we might use one as opposed to the other.

**Mr COX:** Could you give an example?

**Ms Clarke:** This act is more specific to the industry, so we would generally look at prosecuting someone under this act. When we would go to the act with broader application is where we felt that the offence or the penalty was more appropriate, and we would need to argue that in court. A classic example is if someone was blatantly cruel then we would probably argue that the animal cruelty offence under the Animal Care and Protection Act was more appropriate. Similarly, if there was some heinous workplace incident that was blatantly negligent, it might be more appropriate to go under the Work Health and Safety Act. For most circumstances, this is the more specific act so we would look at working under this act. We have been very careful to line that up so that the obligations are consistent.

**CHAIR:** We might ask you to come back a bit later and answer some questions after we have heard from the exhibitors. I call to the table Ms Jackie Hasling from Hands on Wildlife and Mr Ben Bawden from Cockatoo Chaos.



**BAWDEN, Mr Ben, Cockatoo Chaos**

**HASLING, Ms Jackie, Hands on Wildlife**

**CHAIR:** Thank you very much for coming this morning. This is a public briefing and it is being broadcast live. Does someone want to make an opening statement?

**Ms Hasling:** Yes, I have an opening statement, if that is okay. Thank you for letting us be here today. I own Hands on Wildlife, which is a mobile demonstrator up in Townsville in North Queensland. We have been operating for the past five years. Prior to starting our own business in Townsville we worked in zoos throughout Queensland and in America. Just over a year ago Ben and I started the Queensland Wildlife Educators Network, which is a network that is trying to bring together mobile exhibitors because we are a bit of a scattered bunch and trying to get some of the specific concerns we have as mobile operators brought to the forefront.

Mobile exhibitors currently make up about half the permit holders in the exhibited animals industry. Our sector of the industry is made up of a diverse range of small businesses that operate throughout the state. Primarily mobile exhibitors provide educational programs to schools, day care centres, wildlife displays and countless community events, and we provide valuable wildlife awareness and training courses to the resource industry. We share the same goals and mission statements as zoos from around the world, dedicating ourselves to fostering an appreciation of and conserving our precious wildlife. We achieve this goal in a similar way to most major zoos throughout the world, by bringing people and animals closer than ever before.

We do differ in the fact that we bring our animals directly into classrooms, into day care centres and through remote and regional areas. By sharing wildlife in these unique settings we are able to engage with students and individuals in a much more personal way. Students are more focused in their classrooms, we can reach broader audiences at free community events and we are able to highlight the specific behaviours and situations people may encounter at remote work sites. We achieve our goal of conservation through education on the road while maintaining modern enclosures and using husbandry techniques that match the fixed operators here in Queensland, and that is not going to change under the new legislation.

We fully support the high standards of animal welfare, biosecurity and occupational health and safety that this proposed bill encompasses. However, we do have some concerns with the proposed Exhibited Animals Bill, and I appreciate the chance to share these concerns with you today, and I have highlighted them in detail in my submission.

Briefly, the proposed bill could significantly increase the amount of red tape, reporting and cost required by permit holders which could significantly impact small businesses in this state. It has been difficult to determine the true impacts as we yet do not know the codes of practice that we will be held to or what form management plans will take. The main concern that we have is the restrictions that have been written into this bill which prevent mobile operators from exhibiting prohibited matter or exotic species. 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 in the industry—mobile exhibitors—is unfairly excluded from exhibiting exotic animals. It is stated in the explanatory notes—

... 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.

The government is acknowledging that the mobile exhibition of the highest pest potential animals 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 we could not meet the same requirements and mitigate the risks just as effectively. Regulations rather than legislation could be used to govern the exhibition of exotic species. For example, a schedule of the lowest risk prohibited matter could be created. The government could also require that exhibitors meet a minimum level of experience with a specific species or a similar species and there could be regulation on the number and sex of the species that are allowed to be held.

We accept that some native species, such as the emu and the kangaroo, are not suitable for mobile exhibition and that some exotic species also would not be suitable. However, there are many exotic species that would be perfectly suited for mobile exhibition and are currently being

maintained in zoos throughout Queensland and used for mobile displays as well in New South Wales. 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 such as New South Wales that currently exhibit exotic animals through mobile displays and fixed exhibitors here in Queensland who have exotic animals and take them off site for displays.

In conclusion, the government can have confidence in the mobile exhibitor sector. I do not want to see the entire sector prevented from expanding and diversifying their businesses just because the regulation has been put in the too-hard basket. The blanket disallowance on keeping prohibited matter by mobile exhibitors in this state, along with the vague and potentially wide-ranging codes of practice that may be introduced once the bill is passed, has great potential to impact and possibly stifle small businesses in Queensland. Thank you for your time and I am happy to answer any questions that you may have.

**CHAIR:** Do you want to say anything, Ben?

**Mr Bawden:** I just want to reinforce what Jackie has been saying. With fixed exhibitors being able to take out exotic or prohibited matter and in a mobile situation, presenting the same amount of risk in that situation as we do, we already are effectively managing the risks of species that are not native to Queensland in our collections—other native species—and there is no reason that we could not have those same protocols as those zoos. But, yes, more to reinforce what Jackie has said, she covered it very heavily.

**CHAIR:** I have written down here something about management plans and how complex that would be. You can do up a management plan that says that you can justify all the risks.

**Ms Hasling:** Yes.

**CHAIR:** But, of course, you can make it an encyclopaedia sized document.

**Ms Hasling:** Yes. That is what I am a bit worried about as well. My interpretation is that the management plans will be good for the three years of your permit and you can apply to amend them. However, the cost of that amendment could be significant. It is going to come down to how broad you write your management plan. You can either write it very broadly and vaguely to kind of cover all of your bases or you can write it in such detail that it turns into a 200-page document. For example, we have about, I would say, 100 individual animals in our collection at the moment. I think they have made some concessions for animals that you can keep recreationally. So that will not need to be too in-depth. However, some of our other animals, for example our wombat and our gliders, I am going to have to have quite a detailed management plan for. So there is a lot of uncertainty about that and how much administration that is going to take. It is my husband and I who run our business. So it could be quite time-consuming.

**CHAIR:** With the prohibited animals, do you feel that it would be workable if it were something along the lines of one-sex, or desexed animals, or whatever it is?

**Ms Hasling:** Yes, I think those kinds of regulations could be put in place and I think that would help effectively limit the pest risk potential. I think the exhibited animal industry really throughout the entire country has a good track record of keeping their animals contained. I do not think any pests have been established from the exhibited animal industry. I think that is quite a low concern and there are really effective measures that you can put in place that would stop that.

**CHAIR:** In the five years that you have been showing these—and I assume that it is the little blue-tongue lizards and the carpet snake or whatever—how many animals have you actually lost?

**Ms Hasling:** None.

**CHAIR:** That was a leading question.

**Ms Hasling:** Yes.

**Mr COX:** I have two questions along those same lines. I am Sam Cox, the member for Thuringowa in Townsville, your home town.

**Ms Hasling:** A good place.

**Mr COX:** A good place. You exhibit native species. Why is there a need for you to exhibit an exotic species or prohibited matter? You were talking about educating kids. I guess educating them about native species is one thing, but why is there a need to have an exotic species?

**Ms Hasling:** I do not think all mobile operators would be interested in or even capable of having prohibited matter. I think you need to have a really strong experience with these exotic animals and can demonstrate that. For example, at the Museum of Tropical Queensland we have Brisbane

just set up and are participating in a display on crocodiles. It would be fabulous to have an alligator to compare alligators to saltwater crocodiles and freshwater crocodiles. Just being able to compare some animals from around the world to Australian animals helps to enhance what you can show the public about these animals.

**Mr Bawden:** The other thing is the frequency of permits that are being granted. Every week we are seeing new demonstrators particularly pop up in South-East Queensland. With everybody having the same access to the same amount of animals, it is creating a very saturated market and a market that is not competitive because everybody is exactly the same. The only thing that is competing is the dollar. There is nothing unique that many people can offer. I suppose it would give some people a business advantage, but if you are prepared to pay the costs and put in the hard yards, much like a zoo—not every zoo is capable of having prohibited matter and neither is every demonstrator.

**Mr COX:** In relation to that, you look at the proposed requirements to establish a fixed exhibit for exotic animals. Is there any way for a mobile exhibitor to operate within these requirements? In other words, do you have a solution, after looking at the restrictions? Desexing or keeping one sex only might be one thing, but have you thought about how you could meet these definitions?

**Ms Hasling:** I think you would still have to have a minimum display requirement. So you would have to report how many times you have shown the animal and used the animal for display. We operate out of our home and we have the same fixed exhibits as you would have, so our wombat enclosure is the same as the zoo wombat enclosure. And it be would the same for prohibited matter. I think this bill is immediately jumping to, say, big cats like lions and tigers and things like that. I would not want to see necessarily those sorts of things in people's back yards. I understand the concerns with that. However, let us say that we had a chameleon and we could put that chameleon in a secure enclosure that is a suitable aquarium.

**Mr COX:** As it would be in a zoo.

**Ms Hasling:** As it would be in a zoo and it is locked and it is on wheels so that when we set up our week-long display at the museum it goes in and it is never out of its fixed enclosure. So there are possibilities. I absolutely acknowledge the concerns, but I think there are ways that we could meet those.

**Mr COX:** Again, when people think of 'mobile' they are not thinking of travelling around the country in a caravan.

**Ms Hasling:** Exactly.

**Mr COX:** You are located in Townsville. You go to schools. You go to other regional areas.

**Ms Hasling:** Yes.

**Mr COX:** Most of the time the animal is in what would be termed a fixed exhibit.

**Ms Hasling:** Yes.

**Mr COX:** But you are taking it out for mobile purposes at certain times.

**Ms Hasling:** Yes.

**Mr COX:** Thank you.

**Ms Hasling:** I would say that we mainly be operate within half an hour to an hour of our fixed location the majority of the year. If we go for longer trips it is typically a very select set of animals that are very well suited for longer travel and it would be for a very focused time.

**Mr COX:** I understand. You have explained that well. Thank you.

**CHAIR:** Is there anything else that you would like to raise?

**Ms Hasling:** I think that is all. Thank you for your time.

**JOYES, Mr Rob, Wildlife Kingdom**

**ROBINSON, Mr Steve, Director, Darling Downs Zoo**

**CHAIR:** Steve, is there anything that you would like to comment on?

**Mr Robinson:** Yes. I would like to thank you for the opportunity to comment, for a start. I have worked in all facets of the exhibited animal industry now for 50-odd years, from circus to zoo to film to wildlife park to wildlife demonstration—the whole bit. Way back in the 1980s I was an observer and then a member of the New South Wales government's exhibited animals advisory committee. They introduced the first-ever circus standards in this country as law following the industry itself developing them as a self-regulatory measure way back then.

I have been associated with the development of this bill since 2006. So we are eight years down the track now on this one. During those eight years the government's legislation writers have taken on board a lot of the concerns of the zoo industry, some of the concerns of the wildlife exhibitor sector and absolutely no concerns of the circus industry whatsoever. They have never acted on any representation from this industry.

The bill that you are considering today is to a certain extent a bit of a cut-and-paste, I suppose, of some other legislation. The government admits that. However, it is seriously flawed, because it attempts to impose a one-size-fits-all solution on the problems of the various sectors. Already we are starting to hear this morning—and we will hear more as this morning progresses—that there are great differences between the zoo requirements, the circus requirements and the wildlife exhibitors' requirements. A basic flaw of this bill is that it attempts to put the whole lot under the one umbrella and legislate for the whole lot. It is not going to work. It cannot work.

The bill will be detrimental in many respects to the social amenity of rural and regional areas of Queensland because, effectively, it is going to make it intolerable for circuses to operate in this state. In many of those areas—and particularly areas at the moment that need a bit of enjoyment because they are suffering one of the worst droughts in living memory—circuses ultimately will get to the point where they are so strangled by red tape that they will not be able to visit the state let alone these areas. Let us face it: there are not a lot of other forms of entertainment that visit these areas. So they are going to be disadvantaged.

The traditional Australian circus industry has a long history of complying with every one of this bill's criteria. When we are looking at a reason for establishing this bill, we are looking at a risk based bill covering risks to biosecurity. Circuses have been in this country with performing animals for over 150 years. Never has an animal escaped or been deliberately released or whatever from a circus and established itself as a vertebrae pest species in this state—not once in all of that time. Basically, in the early days circuses were unregulated. It has only been in the last 25 years or so that there have been regulations in this industry. Yet it has conducted itself to the standard that there has never been a risk to biosecurity. There has never been a recorded instance of zoonosis—in other words, of diseases transmitting from circus animals to people or vice versa. There has never been a single animal welfare issue that has resulted in a conviction from concerned individuals. Let us face it: in the last 20 years there have been a lot them. The circus industry has been under a lot of scrutiny. Not once has anybody prosecuted a circus. RSPCA, whose charter it is to do just that, has never prosecuted a circus for cruelty in this state—ever. So there is no demonstrated animal welfare risk.

When we come to human safety risk, once again, the industry has a pretty darned good record. There are always incidents, as Jim said right at the beginning. Working with animals does involve some risks. There are always risks of people working in an animal situation becoming injured. In a circus situation, the person who is most likely to become injured is the person who is working with the animal, not a member of the public. Once again, we cannot find a single case where a member of the public has been injured as a result of interaction with a circus animal.

So when we are looking at why the government has gone down this track, there is no history there to suggest why it should be doing this. Basically, it is taking a sledgehammer to crack a peanut and the peanut has not even been harvested yet. It is not there yet. I suppose it is only fair to give Rob a bit of a chance to have his say and then, if I may, I would just like to wrap up and then we can take questions.

**CHAIR:** All right. Thank you. Would you like to comment now, Rob?

**Mr Joyes:** Yes. I am the co-owner and operator of our animal exhibition business, Wildlife Kingdom. I have worked in the animal exhibition industry for 22 years. I have held senior positions in both circuses and some of Australia's larger zoos. I have operated our business now for over five

years. Our home-base establishment is in New South Wales. However, we are regular visitors to Queensland, displaying our animals at community events such as circuses. We hold a declared pest permit in Queensland authorising the display of our exotic species.

During the consultation process of this bill I had compiled written submissions, attended workshops and sent follow-up emails to the department highlighting my concerns each time. It would appear that these concerns have been overlooked. My main concern is the proposal for circuses to apply for six-monthly permits. The proposed requirement is an extra and unnecessary burden on our business and fails to take into account the unique nature of our exhibition activities.

Planning a circus tour is not always straightforward. It may require leaving the state due to seasonal climatic factors and returning later or leaving to fulfil interstate obligations or to avoid overlapping towns with other circuses et cetera. The proposed licence term of three years maintains consistency with other sectors of the industry and allows us some flexibility in our planning.

In the department's response it is argued that a six-month permit is necessary to manage the risks associated with itinerant collections. This may be justified if the permit holder is seeking to amend his permit to include additional species or to conduct additional exhibition activities. However, it is an excessive requirement for this industry if the species they exhibit and their business operations have remained unchanged since the previous six-month permit was issued. It has been argued by the department that the permit duration of six months is to be consistent with fixed exhibitors displaying animals at off-site locations. This fails to take into account that the display of animals for a circus is the primary and routine means of exhibition, whereas a fixed establishment doing a mobile display is essentially a secondary means of exhibition. Therefore, the two should be viewed, and subsequently treated, very differently.

Another concern is that the bill seeks to effectively prohibit a circus from being Queensland based in the future unless they have a fixed display for their animals. Circuses, by definition, are itinerant and this requirement is in stark contrast to the way circuses operate. This concern is further reflected in the proposed licensing structure by requiring a state based circus to obtain a three-year exhibition licence in addition to a special exhibition permit when their animals are not exhibited on a fixed site and they are not authorised to exhibit their animals at their home base when not touring.

It was suggested to the department by me that any future circus wishing to be based in the state should be required to provide a home-base establishment for their animals during lay-over times that would comply with zoo sized enclosures and appropriate security, but this discussion went no further.

It is stated that a fixed facility must have an annual minimum exhibition time of 900 hours and assumes a circus does not comply with this requirement. However, a circus not only conducts formal presentations but also exhibits their animals most days while the circus is set up at each location. This is confirmed by the circus code of practice in this state which states that all animals must have access to a display cage with the size dimensions as outlined in this document for a minimum of six hours each day during daylight hours. This static exhibition similar to a zoo is in addition to other display activities conducted by circuses such as public training sessions, school excursions, community interest groups, circus workshops et cetera.

In summary, the proposed bill fails to address the nature of circuses and their attempts to fit them into a category that is simply inconsistent with their operations. Circuses have a long history in this state and continue to be well patronised. They provide a unique community service, particularly in regions that do not have easy access to a larger zoo. They have a good history of compliance and contribute to the local economy in the towns they play. I feel the way forward for this industry is to develop an industry-specific piece of legislation which endeavours to reflect the true nature of circus operations in Queensland.

**CHAIR:** Thanks, Rob. That was very comprehensive. Steven, you said you would like to sum up?

**Mr Robinson:** Yes, to wrap up if I may, circuses, by their nature, as Rob has pointed out, are national entities. Irrespective of what state they may be based in for administrative reasons, they travel through every part of every state and territory in Australia. It is disingenuous to say that we have Queensland circuses when circuses that may have a base, administrative or otherwise, in this state do travel to other states as well. The department is saying to us, 'Okay, we will allow interstate circuses to come into Queensland providing they have close scrutiny by the authority in the state in which they are initially registered.' That does not work because as soon as the circus crosses over the border from New South Wales, for example, New South Wales has no jurisdiction over it whatsoever. Similarly, if a Queensland based circus goes from this state into New South Wales or

into another state, Queensland legislation does not apply there either. All of these anomalies, inconsistencies and problems arise because not once have we been listened to by any of the working groups going back over eight years.

The bill is flawed insofar as it assumes that, because there are currently only two Queensland based circuses, the situation will continue. It assumes that circuses are dying out when demonstrably that is not the case. There are another couple coming onstream next year, so the circus industry is a vibrant one. It has its ups and downs like all industries do, and currently, yes, there are only two circuses that have chosen to base themselves here. There is a circus that wanted to base itself here in Queensland, and by 'base itself' I mean everything that goes with that—the added employment, the buying of goods and services and all that sort of thing. While this uncertainty exists they are making no decision about doing that whatsoever.

The bill in its present form exaggerates the level of risk involved because it ignores the fact that Australian circuses house only a comparatively few prohibited species, category 2 species. At the moment we are talking about things like lions, tigers, elephants, monkeys and perhaps bears in the future. That is it. As Rob said, the problem is that if the circus is based in Queensland this new bill is going to require it to have a fixed base and exhibit at that fixed base for 900 hours a year. As the owner of a zoo as well, I have to tell you that a couple of monkeys, a couple of lions and a couple of tigers are not going to hack it as a static attraction. They are not going to be viable to try to attract people for 900 hours a year when they should be and could be on the road operating as part of that business. It is just not going to happen.

A side effect of that can be something quite undesirable, and I am sure the department has not even considered it. If they are insisting that these animals have to stay at a static attraction for 900 hours each year, the circus is going to be forced into partnerships that could be deemed to be quite unsuitable. A circus, for example, might have to exhibit its animals at a pub or a service station or some complementary type of business because the roster of animals that a circus carries is not going to be sufficient to create a viable static attraction on its own.

There are so many flawed parts of this bill. It ignores, as I said before, the history of the industry. We can go back into the 1800s when there were no welfare, biosecurity or safety concerns. It exaggerates the extent of community concerns, and here we are coming to the crux of it, I think. Here we are coming to what it is really all about. At the July workshop we had with the department it was stated that the government intends to phase out exotic animals in circuses. That was the statement at that meeting.

**CHAIR:** Was that made by a bureaucrat?

**Mr Robinson:** That was made by a bureaucrat who is not in this room today but is a close associate of some of the people who are.

**Mr COSTIGAN:** But that has never come from an elected representative?

**Mr Robinson:** Well, I have asked a lot of elected representatives on both sides of the House and I have not heard that from any one of them ever.

**CHAIR:** That is concerning.

**Mr Robinson:** Quite honestly, I think there is a sector of the department which would be very happy to see exotic animal circuses phased out.

**CHAIR:** That is rather concerning, Steve.

**Mr Robinson:** It is a huge concern to us because it does not reflect public opinion. We have to keep in mind that the circuses we are talking about with exotic animals are viable businesses. They have to be because they do not get grants from government. They do not get support from anywhere else. They have to keep and maintain viability of their businesses by themselves, and the animals are an important part of that. The fact that that industry after a period of decline is now on the increase indicates that the support for it is there. If it was not there I would not be here making a submission to you. There would be no need to. Market forces will dictate that.

**CHAIR:** There has been some comment about the six months. You would find that difficult to manage, too, would you?

**Mr Robinson:** Effectively it is impossible and it is unnecessary. The department argues that you can get another six-month period. You can be there for a year, but what if you need to be in Queensland for 18 months? There is no provision for that at all. They argued that we need to have these shorter licences for circuses because of the added risk imposed by their itinerant nature. As Rob has pointed out, that risk does not change from the time they first license the circus. From the Brisbane

time you first permit it, that risk—providing you have the same complement of animals and providing your management plan has not been amended—is the same, and the risk is a lot less in terms of the complement of animals than it would be in a zoo because there are so few of them. But the department has consistently ignored this. We are not talking about a zoo with 150 to 200 different species of animals; we are talking about a circus that might have three or four. In the case of the current Queensland based circuses, there is one with only one species of animal. How difficult is it going to be for that risk to be managed by the administrators?

**CHAIR:** You have undoubtedly travelled to New South Wales. Do you find there are complexities with the different legislation across the states? Does New South Wales come out and do an inspection as soon as you hit the spot?

**Mr Robinson:** Yes, they do. There is legislation in every other state. What is proposed here goes far and above anything that exists in any other state. To give you a quick graphic example, that is the bill. That is the big stick. 'That is what we are going to hit you with if you do not comply.' There are more pages in this than there are in that. This is incredible. There is no other state in this country that has this much legislation to cover exotic animals. Part of the problem, as I said before, is that they have tried to put everything under the one umbrella. It does not work. The zoo industry has its own set of issues, as does the wildlife demonstrator sector and as does the circus sector. To try to put it all in this and then hit you with this big stick is not going to work. This whole thing is flawed. It needs to go right back to laws. It needs to go back to square one and follow the KISS principle. I have been arguing that since 2006 and nobody wants to know.

**CHAIR:** I assume the second folder is the regulations, is it?

**Mr Robinson:** No, this is all the penalties. This is, 'We are going to hit you with this.'

**Mr COX:** Steve or Rob, the consultation regulatory impact statement indicated that these two codes of practice under the ACPA could be reviewed and adopted as codes of practice under the Exhibited Animals Bill. However, the department's current view is that these two codes are unsuitable for adoption in their current form and a clear case has not been made to justify them for review. Do you have any comment on that?

**Mr Robinson:** I think you would need to ask someone from the department about that. I take on board the submissions of some of the people who are opposed to circuses and exhibited animals that the ACPA does exist. It does have penalties and so forth. They vary from the penalties in this. I wonder—once again, I am not a legislator; we need someone like Marguerite to help us on this—whether we should not have started with that and then just had a set of regulations for each of these exhibited animal areas underneath that rather than trying to duplicate a lot of what they are doing there and then tack on bits. As I said, there is a lot of cut-and-paste in this. Some of it is from that act. Some of it is from biosecurity. Some of it is even from workplace health and safety. Given the fact that it has had an eight-year gestation period, it is a bit disappointing.

**Mr Joyes:** To add to that, it really stands out to me that the government is failing to see there are different aspects to the industry. They see it as being convenient to group everyone together, but I hope we have demonstrated to you that our sector of the industry operates in a very different capacity. By all means, if they want to upgrade or review codes of practice, the industry, including me, is more than happy to work with the department to address some concerns or to move forward. That is different, though, from saying that from the day this bill is implemented you just cannot set up a circus business in Queensland, that after 150-plus years that is no longer allowed to happen. That is a big difference.

Once again, you mentioned the six-monthly permits. Currently we are issued a permit for two years. If we were wanting to amend our permit to change it or increase it to additional animals or species or change our exhibition method, we could understand that our permit may need to be reviewed. Why is it that other sectors of the industry such as zoos are being granted a permit for three years—and mind you, many of them do conduct animal shows and do have trained behaviours with their animals in many of these establishments—when we are being penalised by requiring a new permit every six months?

**Mr COX:** If there are only domestic or native animals in circuses, the viability of the circus is restricted. They can do it in other states. That is in your submission. It is not making sense, is it, that we are restricting Queensland from doing something but it can still be done in other states; is that correct?

**Mr Joyes:** That is absolutely correct. There is no other state in Australia that has this law or is proposing it.

**Mr COX:** Thank you.

**CHAIR:** That will be interesting with the trade across borders and that sort of thing. I think that is something the department might have to get some advice on. Thank you very much for that.

**Mr COSTIGAN:** I want to compliment Mr Joyes and Mr Robinson on their very passionate contribution to the hearing today. Both of you have used the term ‘flawed’ more than once. I note that Mr Robinson was rather emphatic. Are you saying that this could well sound the death knell of circuses going into regional and rural Queensland? I was a great fan of Ashton’s, Sole Brothers, Lennon’s—the whole lot. That is a long time ago. Are you saying we could kiss circuses goodbye?

**Mr Robinson:** In its present form it will create an intolerable climate for circuses to operate and the traditional Australian circus as we know it, yes, will not be able to continue to operate. What has not been touched on at the moment, for example, is the fees involved. I notice the government in its response yesterday said that the fees have not been discussed. That is not true. At one of the consultative meetings that we had, the figures that Mr Joyes has quoted in his submission were discussed. When we were talking about six-month permits in their current form, do not forget that each one of those attracts a fee, and it is a much, much higher fee than the government proposes to charge for a static establishment, for example. So circuses will be penalised by excessive red tape, intolerable operating conditions and financially as well.

**Mr Joyes:** I am sure that everyone is aware that running a circus in this day and age has huge costs involved. That is no surprise to anyone who runs a business. When you consider taking a show with a large amount of equipment to rural and regional areas, the costs explode. My point is that the department, by imposing additional costs, additional paperwork and additional restrictions, is just making it even harder to operate, and do I not believe that is in the best interests of the country people of Queensland or the circus operators or even the animals involved in the business.

**Mr TROUT:** I am not making light of this issue, but there is a great comedy act, ‘Gary the Goat’. Would he be required to have a permit to travel around Australia when he comes into Queensland?

**Mr Robinson:** Not if he is not prohibited matter.

**CHAIR:** Thank you. Please stay around. I will ask the department some more questions.



**PATERSON, Dr Mandy, Principal Scientist, RSPCA Queensland**

**CHAIR:** Welcome, Dr Paterson. Undoubtedly you have seen the legislation and had some involvement with some of the meetings. Would you like to make a brief opening statement?

**Dr Paterson:** Yes. Thanks for inviting me here today. Representing the RSPCA, of course we approach everything about this bill from the animal welfare aspect. We were very happy when we read that this bill would include all of the different exhibitors of animals under the one bill. I know that I am following a few other people who have been quite passionate against that, but we believe that, for animal welfare aspects, to include all of the animals under the same act gives the same protection for their welfare rather than thinking that if an animal is in a different situation we do not have to worry about the welfare in the same way. If the welfare is to be protected, it should be protected for all animals in all those different circumstances. That does not mean that they maybe have to cease to exist. We are not arguing that. We are just saying that the animals and their welfare should be equally protected in any sort of animal exhibit. So we were very happy about that.

We felt that the bill recognised that risk to animal welfare upfront, but it did not go into a lot of detail of how that welfare was going to be protected. In the replies that came out yesterday it was stated that that would be covered in the management plans—and the fact that the bill said the risk had to be mitigated and that would be enough of a cover. We would prefer that the bill actually had more animal welfare in it. Although we realise that the Animal Care and Protection Act is also protecting these animals, we felt that the bill went into so much regulation but really did not mention animal welfare very often.

Some of the other things that I brought up in my submission, for example, were the different categories of animals being treated differently. I might add that this bill is actually an extremely difficult bill to read. I did really try hard to understand it and found that I had difficulty. In relation to definitions of the different categories of animals, you actually have to go to different bills to find out what they mean. I feel like a bill should be able to be read. I read the Animal Care and Protection Act regularly and can understand it. With this one, I had to go to the Nature Conservation Act or other acts to find out what these different categories were and got completely confused, I have to admit—and I am not an idiot. I would want the bill to be a stand-alone bill that anyone could read and all the definitions necessary would be in that bill. That is an aside.

One of the things that I brought up was the different rules for showing for the different animal categories. I understand from what was written yesterday that the difference was because people who have a recreation permit to have a native species do not come under those same rules so therefore why should an exhibited native species have to be shown for a minimum number of times? But we feel that different purposes mean different things. If somebody is a running a business and has native species then that is completely different from somebody who recreationally has a snake or something like that. So I do not think that is an argument for having different minimum times.

I have been listening to the last speakers who were very passionate about circuses, and I think the argument that they have never been prosecuted by the RSPCA or any other government institution does not actually mean that the welfare of those animals is good. I think some of their arguments could be refuted and that is the RSPCA's stance on that. We are talking about exotic animals here. Jackie brought this up. If you are going to have animals being transported around, of course some species are more able to be properly looked after in those situations than others. We would argue that is true for circuses. I think Jackie even mentioned that some large exotic species like lions might not be suitable for a mobile exhibitor to have but they seem to be suitable for a circus so this does not make a lot of sense to me. For small exhibitors we worry about the animal welfare risk because to look after a species properly you need resources. You need people with the skills. I am a bit worried that some mobile exhibitors, if they do not come under the same rules, may in fact put the welfare of those animals at risk.

I think that is about all I made notes of. When I was coming along I was not actually sure what this was going to be like. I did not know that I was going to have to speak upfront so I hope I have covered a few of the things that I was worried about after listening to the other speakers. But I am really happy to answer any questions that you might have.

**CHAIR:** Thank you very much for coming along. We are friendly people here, so don't worry too much about that. You did say that you would like the bill to be more prescriptive.

**Dr Paterson:** No, I did not say 'prescriptive'; I said have more animal welfare included in the bill. That does not necessarily mean that it is prescriptive. For example, section 66(1) (g) states that if an animal is showing visible signs of serious illness or injury it may be exhibited only if a sign

explaining the probable cause is displayed. It was explained yesterday in the notes that that was because, of course, a vet would have looked at it because that would be in the management plan. But I am saying that if the bill is going to make a statement saying, 'There has to be a sign saying, "Yes, this animal is sick but it is okay to exhibit it",' surely it should say that the animal should be assessed by a veterinarian to be able to be displayed. That might be implied in the management plan, but it is not stated. So I am saying that it seems to be assumed that the animal welfare aspect will be covered in the regulations or the codes of practice or the management plans.

**CHAIR:** You are thinking of John Cleese's dead parrot.

**Dr Paterson:** 'Definitely it is dead.'

**CHAIR:** The only thing I would say is that if it is too prescriptive things can be left out. You are better off saying the animal should be well looked after than saying it should be looked after this way, this way, this way.

**Dr Paterson:** I agree entirely.

**CHAIR:** You highlighted that you felt the bill was difficult to read. You feel there could be a lot more plain English involved in it?

**Dr Paterson:** Definitely. I struggled to read this bill.

**CHAIR:** And you are a veterinarian. That is interesting.

**Mr COX:** I appreciate that the welfare of the animal is something that you as an organisation are concerned about. I presume that is the same with these people who have a business with these animals and exhibit them, either mobiles or zoos. In the case of policing that, if you want to call it that, do you have any comment on supporting the implementation or the powers of inspectors? Is there anything like that that has come out of this bill? Do you feel that there is going to be less policing or less control over checking on welfare of animals in this bill or has nothing changed there at all and it is not a concern?

**Dr Paterson:** Our inspectors are only administrators of the Animal Care and Protection Act. There is no indication that there would be inspectors under this act.

**Mr COX:** So nothing has really changed?

**Dr Paterson:** Nothing has changed in that way. Something that I did not mention is that our inspectors do get called to demonstrators and people who have wildlife that they are not looking after properly because they have too many. There are people who hoard wildlife. This area is not an area that is without concern for us under the Animal Care and Protection Act. It is not an area that our inspectors are not involved in. Because I am not involved in that operational inspectorate side I cannot comment, but it seems that this would not impinge on our inspectors, unless our inspectors were given powers under this act, which does not appear to be the case.

**CHAIR:** Does the RSPCA actually have a policy on zoos?

**Dr Paterson:** Yes, we do. We are not opposed to zoos; we support zoos. But of course we support codes of practice that ensure animal welfare in zoos. We are opposed to bad zoos, of course.

**CHAIR:** Circuses?

**Dr Paterson:** With regard to circuses, yes, we have a policy. Anyone can find it on the internet. We are opposed to exotic animals in circuses. We are not opposed to circuses, per se. We support circuses. We only oppose exotic animals because we feel that lions, elephants and those large animals cannot be adequately looked after. I myself have personal experience being a vet with circus lions.

**Mr COSTIGAN:** So in terms of a circus as the community would probably view it, broadly speaking the RSPCA opposes such circuses?

**Dr Paterson:** No, we just oppose the exotic animals.

**Mr COSTIGAN:** Which, with due respect, Dr Paterson, is probably what most people on the committee would view a circus as.

**Dr Paterson:** I would debate that, and I know we just heard the previous speaker saying that this is what people are wanting. But I have a lot of interaction with people who like circuses. I myself absolutely love circuses and I love the acrobats and the high-wire and all of that. So I absolutely love them, but I will not go where there is an exotic animal because I do not believe that they are being looked after properly. I think that because something is traditional does not mean that

therefore we must always accept it. People used the rack and all sorts of things in the past and there used to be the death penalty. Things change as we move in our modern world and I think that something being traditional is not an argument. I think we need to look at whether we can protect the welfare of those animals. And the RSPCA is not static; we do change our policy. For example, a few years ago we were opposed to any animals being sold in pet shops. We are not opposed to that anymore, so we do change. So if we were able to be reassured about the welfare of exotic animals in circuses, we might change that policy. But right now we do not think it is possible.

**CHAIR:** Thank you very much.

**Dr Paterson:** Thank you very much for listening.

**MUCCI, Mr Al, General Manager, Life Sciences, Dreamworld; President, Zoo and Aquarium Association Queensland Branch**

**O'BRIEN, Mr Michael, Manager, Cairns Tropical Zoo; Vice-President, Zoo and Aquarium Association Queensland Branch**

**CHAIR:** Welcome, Al and Michael. If one of you wants to make a brief opening statement, please go ahead.

**Mr O'Brien:** Thank you for the opportunity for the Zoo and Aquarium Association to appear before the Agriculture, Resources and Environment Committee. The association has been working with government since 2006 to establish exhibited animals specific legislation, so we welcome the Exhibited Animals Bill. We do have a number of concerns in relation to the bill, and these concerns largely centre on compliance related red-tape costs. Both government and industry have limited resources, and the bill in its current form will impose substantial resource implications upon both which is clearly at odds with the government's stated intention to reduce red tape and to make doing business in Queensland easier.

Specifically, the definition of 'animal' differs to the definition in the Animal Care and Protection Act, and this will create confusion as both pieces of legislation will apply to our industry. In the bill 'animal' includes invertebrates and preborn foetuses in the first half of gestation and prehatched embryos in the first half of incubation. These are largely excluded in the Animal Care and Protection Act and, due to the lack of welfare, safety and security risks associated with these, we contend that they should not come under the bill and that the easiest way to resolve this issue is to adopt the definition of 'animal' used in the Animal Care and Protection Act. Any subsequent issues relating to reproductive material that may arise as a consequence of such a change can be addressed with the addition of specific clauses.

The association believes that consultation for the purposes of developing codes of practice and guidelines should only involve government and affected members of industry. In the bill, consultation involves relevant entities such as community groups. Given that the stated position of groups such as Animals Australia and Animal Liberation Queensland is to see the demise of the exhibited animals industry, such consultation is an opportunity for them to impose costly and unworkable conditions affecting the operation of our legal and legitimate businesses. As these groups have no investment or jobs at stake, governments should not provide the opportunity for them to undermine the industry. Some 14 million people visit Australian zoos each year, so there is clearly strong public confidence in and support for our industry.

Management plans for each species will have a major resource implication on both government and industry. Under the current system, management plans are required for declared pest species. Due to the fact that the exhibited animals industry has operated with a strong welfare, safety and security record for many years without costly management plans, it is not appropriate for government to impose this major red-tape impost. By all means maintain the status quo and require management plans for authorised animals category 2; however, be cognisant that there is no real problem so do not impose a costly fix.

Various reporting requirements in the bill have incorrectly set thresholds. Various sections define minor injuries and routine husbandry and animal management actions as serious incidents or significant changes, thus requiring reporting to government. Such routine actions must not become reportable matters, firstly, as they are of little consequence due to their routine nature and, secondly, making multiple such reports will tie up the resources of both government and industry for no sound reason.

The association supports the government's work in minimising the possibility of exotic animals becoming pests through tightly controlling the type of facilities that are permitted to keep such species. We support the settings as they appear currently in the bill as we believe that they will be effective in minimising the risks while also allowing reasonable exhibition of such exotic species in fixed-place zoos and wildlife parks.

Zoos and wildlife parks in Queensland assist the government in caring for and rehabilitating sick and injured wildlife. The rehabilitation permit required for doing this work should be available as part of the exhibition licence issued under the Exhibited Animals Bill. This would remove the need for obtaining another permit through yet another government agency. The association believes that the Exhibited Animals Bill, with necessary changes as detailed in our written submission, will provide for sound regulation of the industry.

**CHAIR:** Thank you very much. The comments we have been getting so far are interesting, and you have heard some of the others. I think you were here most of the time, Michael, and Al's timing was impeccable. So some of the comments we have heard are interesting. I do not know whether we are actually reducing red tape or increasing it.

**Mr O'Brien:** I recognise that there will be fewer licences because it will all come under one licence. The actual act of renewing the licence every two years for a declared pest permit or every three years for an exhibitor licence is not a great deal of work and it appears to be significantly less work than what will be imposed by the management plans and some of the reporting requirements in the bill as it stands.

**CHAIR:** What do you think about the third-party endorsements—the quality assurance sort of stuff where you can get third-party people to do it? In theory, the zoo association could set up a third party.

**Mr O'Brien:** The national Zoo and Aquarium Association has an accreditation program that focuses on animal welfare which has been operating now for about 12 months and that involves site inspection by members of the staff of the zoo association office who work with the institution and have a look at how welfare is accommodated in that particular institution.

**CHAIR:** Al, would you like to comment on some of those questions that I have just asked Michael?

**Mr Mucci:** In terms of that accreditation program, that is leading the way in how we manage our zoos and aquariums, so other parts of the world are looking at how we are managing our accreditation program. So we are actually becoming leaders in that area for welfare of animals in captivity.

**CHAIR:** Does Dreamworld do any mobile displays at all?

**Mr Mucci:** Yes. Most members of the Zoo and Aquarium Association have external mobile exhibitors where you take wildlife to schools. Dreamworld has a Wildlife for Kids program and we visit about 10,000 schoolkids a year in South-East Queensland, so that operates to educate those young kids coming through about wildlife in Australia and what is happening. So there is a conservation/education message that we transfer to those children across South-East Queensland, but most of our zoo members—Currumbin and Cairns Tropical Zoo—have a mobile program.

**CHAIR:** I think it is category 2 animals where you cannot travel, and I think probably before you were here the issue of desexed species or single-sex species were raised. They really are not that big of a danger to the community because, even if there is a car accident and a couple of ferrets get away, if they are both males they are not going to breed too many. What are your thoughts on those sorts of issues?

**Mr Mucci:** If you are going to approve single-sex species coming into the state of Queensland and the reason is the pest potential, you would have to take into account other considerations, like usually those exotic animals are part of a global program—I will use tigers as the example—and there is a conservation program associated with it. You are then limiting zoos and aquariums in Queensland playing a vital part in that conservation program.

**CHAIR:** No, this was more about taking them to displays, for instance. If you are going to go up to Bundaberg to show some animals—we will use tigers for instance—in theory you could not travel a male and a female up there because they might get out and breed. Wouldn't it be logical that you can travel two males up there, because even if they got out they might eat a few people but they are not going to breed?

**Mr Mucci:** You could if you wanted to do that, and maybe primates is a better example if you have a mobile primate display. Personally I would not move a large animal like that for a display.

**CHAIR:** Or if was rodents or whatever.

**Mr O'Brien:** I think one of the issues with mobile exhibitors and exotic animals is that the main focus would be on reptiles. Because of the fact that, as was stated in the department's opening, there is very little investment required to become a demonstrator or a mobile exhibitor, they tend to come and go out of the industry quite frequently. So it runs the risk of those mobile exhibitors getting a number of exotic reptiles, for example, and then they decide to leave the industry and then something has to happen with those animals and it is not always easy to place those sorts of things. So that could happen quite frequently and become an issue.

**CHAIR:** Yes, because that happens with fish, turtles and all of those sorts of things. They are a bit more difficult and I think the community seems to feel that that is how some species such as carp and those sorts of things got into the environment.

**Mr O'Brien:** Yes.

**CHAIR:** As an association, would you assist people who wanted to get rid of those animals if they became a snake or reptile handler?

**Mr O'Brien:** The difficulty is that zoo association members have a collection plan and basically they do not just have a whole pile of animals. They have a well-thought-out collection plan and they have spaces for specific animals. So if a wildlife demonstrator or a mobile exhibitor had half a dozen boa constrictors, it is quite possible that there would not be half a dozen vacant spaces within zoo association member organisations for boa constrictors.

**CHAIR:** What about half a dozen carpet snakes? Would you be able to cope with that?

**Mr O'Brien:** The thing with native animals is that they are quite different because they can be kept recreationally, so a mobile exhibitor could quite happily move those on to private people.

**Mr COSTIGAN:** I represent an electorate that is pretty reliant on tourism, as does the member for Barron River, and obviously we are in the business of growing the tourism industry. Sadly over the years in our part of the world we have seen a dwindling number of people in the space that you gentlemen operate in with regard to zoos and wildlife parks and whatnot. I am thinking of Bayersville and Illawong and the Bredl family in Airlie Beach—people you are perhaps very familiar with. Luckily we have the Bullivants and the Oatley families of this world operating something anyway on our islands, but do you think that as it is the bill is conducive to being attractive for a start-up operation in wildlife parks and zoos or less attractive?

**Mr Mucci:** I guess we started this journey back in 2006-07 looking at a one-stop shop and an exhibited animals bill or something that would benefit industry. We are getting there. I think the way it currently is is a good start. You have become a one-stop shop. You have reduced the permits. We used to have three or four different licences. Now we are going to have one licence. There is a bit of tweaking to do, as you heard Michael O'Brien mention. In general, we have come a long way. We think we are heading in the right direction.

**Mr COSTIGAN:** That said, and given what I have heard before, do you think the concerns of some sectors have been overlooked thus far? Are you sympathetic to that?

**Mr Mucci:** Absolutely sympathetic to it. As I mentioned earlier, with the accreditation program there is the welfare component. It is how you administer this bill and how people administer this bill that will determine the welfare that results. I think that is the key. Having the right people in those roles will be the key to make sure that zoos are operating within that checklist. There is a balancing act there. I think we have a reasonable balance.

**Mr COSTIGAN:** I am particularly alluding to the circus situation there. Obviously, from what we have heard already today it is a fairly black-and-white take on the bill. It is a little bit different to yours.

**Mr Mucci:** I cannot comment on their behalf. I can only comment from the zoo and aquarium perspective.

**Mr COSTIGAN:** Do you accept that there is a range of views and then some?

**Mr TROUT:** My question is to you, Michael. With regard to regulatory issues in your company, how much time is currently taken up addressing those? Is it a massive cost? If this bill were to go through, would it add to the burden?

**Mr O'Brien:** I probably need to answer that in a broad context. As you would know, red tape continues to grow. The cost of complying and the cost of doing business seem to go up more and more. This would increase that. I cannot put an hour figure on it. It adds up with all of the other things to be overwhelming. In every little area, if red tape can be minimised that will add up.

**Mr TROUT:** Are you talking four or five hours a week or is it too hard to quantify an amount of time?

**Mr O'Brien:** It is a small number of hours a week, I would say, to comply. Depending on how detailed these management plans are required to be across all of the species, that could increase quite substantially. We have close to 200 species at the Cairns Tropical Zoo. If we have to produce dozens of management plans, that is going to be a bit of an impost.

**Mr TROUT:** Have any of the members of the association been hit with fines in the past in trying to comply or run their businesses?

**Mr O'Brien:** Not that I am aware of.

**Mr COX:** Al, I think you said that consultation has been going on from 2008 until now. With the likes of Jackie and Steve, who are at the back of the room, when it comes to the making of the codes for zoos, mobile exhibitors, circuses and so on, do you feel that you have had a good hearing? While some cynics may say that you want the codes to be easy and lax, you do not because you are professional businesses and your reputation rides on this. That is the case for all four groups. You should definitely have a say in the codes of practice. Have you had enough say and do you believe the likes of the RSPCA should also have some involvement? There are probably two questions there.

**Mr O'Brien:** The code of practice that is likely to be adopted under this legislation is basically the national standards and guidelines that were established under the Australian Animal Welfare Strategy. That has gone through a national process. The zoo association has been involved in authoring those. So they have had very good input into those. The RSPCA, Animals Australia and a number of other groups have also been involved in that process.

**Mr COX:** That answers it, thank you.

**CHAIR:** Thank you for making your time available. What we have heard today has been interesting. The transcript will be available on the website next week sometime. That brings to a close the public hearing.

**CLARKE, Ms Marguerite, Manager, Biosecurity Legislation, Department of Agriculture, Fisheries and Forestry**

**THOMPSON, Dr Jim, Chief Biosecurity Officer, Department of Agriculture, Fisheries and Forestry**

**CHAIR:** We will continue with a further briefing from departmental officers. Jim, there have been some interesting comments this morning.

**Dr Thompson:** There have been. I will make some general statements about what we have heard. Marg might cover off on a few of the issues. Just recapping, this has been a long process in developing a single piece of legislation. Since 2006, which a number of people have spoken about, the management administration of exhibited animals in effect in Queensland was covered by a number of departments. With the formation of Biosecurity Queensland in 2007 it gave an opportunity to bring a lot of those groups together. The pest animal work was handled previously by the invasive plants and animal group within the then department of natural resources. That was merged with the biosecurity group which looked at animal welfare components. That gave us an opportunity to put things together.

Putting biosecurity, safety issues and animal welfare together has been a fairly large undertaking. Obviously we have heard some of the concerns around that. Throwing together the native animal licensing schemes with the exotic animal licensing schemes has been another overlay on top of that. With the unique mix of wildlife parks, circuses, demonstrators and mobile exhibitors in Queensland we have also had to try to take into account a whole range of different views. We have also had a whole lot of views and opinions expressed by people who are not here today. There were some concerns about the type of involvement they may have in the future—either they wanted them to or did not necessarily want them to. It has been difficult to put that together and not necessarily come up with a one-size-fits-all approach but try to take account of the different areas. We probably heard that most obviously today with the circus industry.

There has always been an issue about whether Queensland or Australia heads down the route of having private collections of exotic animals. There has been a decision that that is not where we are heading generally. Exotic animals, category 2 animals, we are talking about there. It has been difficult to get a balance in all of that.

One of the things we have heard today is that there is too much under one piece of legislation. Steve made that comment. I think that is reflective of some of the issues that I spoke about. We have certainly heard some concerns about the length of permits that are offered and whether that becomes an administrative burden because they have to have more permits. What we have tried to do is make sure everyone has only one permit, but there are different elements to that. We have been trying to balance the length of time those permits are issued with the different types of actions that are going to be taken under that permit. That is where the circus and demonstrators issue has come to the fore. I am very aware that there has been a concern raised about the failure to address circuses, which are considered to be different.

Steve made a comment that exotic animals will be phased out in circuses. That is not a statement that represents the government's position. That is not our view. It is not the case that we want that to happen. Whether that was said by somebody I cannot comment. I put on the record that that is not the case for the government.

There have certainly been some fee issues. Some fees have gone up and some fees have gone down. When bringing together a range of different acts and administrative and permitting arrangements, we recognised that some were going to be winners and some were going to be losers in effect in terms of the changes. We felt that the balance that we got was the best we could for the combination of the two or three schemes that we had for fees, but we recognise that there are some groups that will actually have increases in fees.

In relation to the issue around the document not being easy to read, I guess we are trying to make linkages to a number of other pieces of legislation. Obviously the drafting is done by the Office of the Queensland Parliamentary Counsel so we lose some control of that, but I take the point—

**CHAIR:** They are a bit hard to wheel at times?

**Dr Thompson:** They are, and I guess we are trying to make sure that we offer as simple directions as we can. Sometimes it has been difficult. Marg might make a comment on that.



The 'animal' definition we knew was an issue. Marg might make a comment about that. I guess the main message I got from the zoo industry was that, while they are happy that this is now in one piece of legislation, as we are too—we think it is by far the best way to go and it is a platform for the future—they have expressed some concerns about the potential administrative burden that might come with some of the requirements of the bill and the act. Clearly we do not want to impose a massive amount of administrative work on industries if we can find a better way through some of those requirements and how management plans and codes of practice can be done. It is certainly a message that we have heard loud and clear today. Marg, did you want to cover off the specifics of the bill?

**CHAIR:** I will just make one comment on that. The government's policy is very strict when it comes to trying to reduce red tape and lessen the burdens on businesses without being ridiculous. I have not heard too many people say that the burden has been lessened here. That is the situation.

**Dr Thompson:** I will certainly take that on board. It is very hard to know—and perhaps the people behind me have a better view on this. Because we had so many different schemes and so many different components to it run by different departments, it was very difficult to say what the burden was. We believe that what we have now is simpler—

**CHAIR:** But if they were only working with one department on one issue they knew what they were doing. Now you have put it all into one. It sounds like it might have made it more complex and more regulatory. That is the way I am interpreting what they are saying.

**Dr Thompson:** Marg, do you want to cover off on a few issues?

**Ms Clarke:** We are not denying that this is quite complex to read. What we are actually doing here is authorising things that are prohibited under other acts, so we have to refer back to those acts that were prohibited in the first place. As someone who is quite familiar with the current legislation and quite familiar with this bill, I have to say that this is a huge simplification. If you think this is difficult to follow, you should try following the schemes under the existing legislation. Not only are there several acts—

**CHAIR:** That might have been the advantage; no-one could follow them.

**Ms Clarke:** That is exactly right. The committee asked for some initial information about some aspects of how things are done currently. It seemed a very simple request, except that I had to go and look up more than six different procedures for doing it under different acts. They were not even contained in one place in the legislation. The current legislation is extraordinarily difficult and complex. This does represent a very significant simplification.

When people are talking about the regulatory burden, they are concerned particularly about having to prepare management plans and concerned about what the department will require in a management plan. The bill provides that you need to identify significant risks and how you are going to address those risks. That is a really important aspect of the bill. What it says is that you can propose how you will address those risks in a way that suits your purposes and your circumstances. And there is a lot of concern, obviously, about the treatment of different sectors. What that means is that a circus could treat those risks in a very different way than a zoo would. A demonstrator could treat those risks in a very different way than a zoo would. It is precisely through those management plans that we are catering for the diversity of the industry.

The other thing is that the department is going to work with industry on those plans and perhaps develop a template. There is nothing stopping people grouping species that have similar risks. So if you have an aviary and it has 40 species of birds in it and they all have quite similar risks associated with the keeping of them then you could have a management plan covering those 40 birds and addressing those issues.

It is certainly not the intent of the department that that would be administered in a burdensome way. We will work with industry on that. I think that is people's main concern. Certainly expressed in some of the submissions that we have had throughout the development of this bill is that until they see some management plans they are a bit concerned about how much work might be in developing a management plan. The licensing scheme is much more straightforward than under the current legislation.

There are just a few really specific points that I thought I would address. I should mention that in New South Wales there are very few licensed mobile exhibitors of exotic animals, and in the last few years New South Wales has stepped in to ban any new mobile exhibit of reptiles and amphibians other than cane toads. So you cannot take those sorts of small animals, some of which

were being discussed in New South Wales, on a mobile exhibit anymore. The only exception to that is that they have some existing sort of mobile operations that had those, and they are being grandfathered out. There are certainly no new mobile reptiles and amphibians for exotics.

**CHAIR:** What about a Queensland one going into New South Wales?

**Ms Clarke:** Queensland ones at the moment do not have them, so it is not really an issue. I picked up a little bit of a misunderstanding about what the bill says about fixed exhibits by a circus. You would need to have a fixed exhibit—I think someone used the term ‘home base’—for layover periods. That does not mean that you would need to fulfil a commitment to do 900 hours of public exhibit at that home base. The requirement is to do a minimum of 900 hours of public exhibit. A circus could meet the majority of those hours on tour, and provided they had that home base which was suitable for a fixed exhibit we could license them under the bill. I think that is maybe a little bit of a misconception that might be exacerbating some of the concerns expressed. There is no need for a static attraction which can attract crowds for 900 hours.

**CHAIR:** What is the reason for that? Is that just virtually to say that ‘I do not decide I am going to have 10 lions and three tigers’?

**Ms Clarke:** There are a couple of issues, and one is that there is a greater need to justify keeping those animals that come with greater risks. For some animals that are relatively low risk, like some natives, the requirement is only to exhibit them 12 times a year. For these exotic animals which are a much higher risk, it is basically setting a higher bar for justifying having them at all. The other thing, though, is that public exhibit exposes those collections and things to a much greater level of community oversight. We are only talking about coming and assessing compliance at certain intervals, but if there is a level of public performance then there is a lot of community oversight. We certainly get quite a bit of feedback from the public wherever there are those sorts of public performances about what is going on.

I just wanted to mention fees. Fees are not prescribed in this bill. The bill provides for fees for various things to be prescribed by regulation. There was a little bit of a mention about fees being higher for some sectors than others. There was a consultation regulatory impact statement that went out in 2013, and that is the context in which fees have been discussed. A final decision on those fees has not been made, but what that regulatory impact statement proposed was that fees would be the same for each sector so there would not be different fees, and that means that some people’s fees are increasing quite considerably. Say, for example, if you are a circus at the moment, all you pay in total is \$128 for two years, whereas a small demonstrator is paying I think around the \$1,000 mark. So yes, circus fees are proposed to increase by quite a considerable amount, but it is not based on what sector you are in. That was not the proposal which was put out.

**CHAIR:** We are not going to bring the higher fees down?

**Ms Clarke:** Actually, some people’s fees will reduce. Some demonstrators particularly will face a lower fee. But yes, for circuses and those generally who are exhibiting exotic animals, their fees are increasing from a really low base so they would move up.

I just wanted to mention this issue around the definition of ‘animal’. This bill authorises exhibitors to keep and deal with animals that they otherwise could not have. Under the Nature Conservation Act ‘animal’ has a very broad definition, and it includes reproductive material and genetic material. Exhibitors do need to deal with those sometimes. I think the example we gave in the response here was that they might want to transfer semen in the context of a breeding program, for example. So unless we have a definition for ‘animal’ in this bill that includes those things, they will not be authorised to do that. So that is why we chose the broader definition that is a bit similar to the one in the Nature Conservation Act rather than the quite narrow definition that is under the Animal Care and Protection Act. It does not mean that we will be trying to regulate the animal welfare of semen being transferred between exhibitors. That would be ridiculous. Certainly in our response we have reflected that our compliance policy would be that we would be focusing on animals that would fall within that definition under the Animal Care and Protection Act. In any case, the offence provisions under the bill are covered by the reasonable-excuse exception, and that would apply if we are talking about some of those situations—which could be a bit ridiculous.

**CHAIR:** There was still some real concern about the length of permit times, and I think that was mostly by the circus people. There were some real concerns raised about that, of course.

**Dr Thompson:** I think we spoke about that before in terms of making it consistent with demonstrators and others with mobile exhibits. We recognise that circuses have offered a view that that is not sensible for the way that they operate. We have maintained that we believe that is the most appropriate way, but we recognise those views that have come in.

**CHAIR:** This is only off the top of my head, but what about a kilometre distance? Do you know what I mean? The ones that are showing blue-tongue lizards and carpet snakes, they are travelling probably 100 kilometres or 200 kilometres.

**Ms Clarke:** The issue is not so much the mobile exhibit. I think we were talking a lot earlier about having single-sex animals when they are on the road. It is not really about when they are on the road—although obviously there are significant risks there; it is about keeping them at all. We are talking about potentially people in their home environment keeping collections of these animals that they then take off site to exhibits. While you can minimise certain risks by only allowing, say, males on the road for those exhibits, without coming and looking at those properties and checking that only males are being kept there there are significant risks that are not subject to public scrutiny. It is not that those risks cannot be managed; it is just the costs of managing those risks.

**CHAIR:** I was more talking about the six months simply for the fact that, for example, when the horse flu was around I had a bloke who was based in my electorate at Murphys Creek who was stuck at Birdsville or Thargomindah or somewhere because he had just been to the Birdsville races and then he was not allowed to move horses. It was killing him. He had to buy feed and stable horses and he had to look after it himself. It is these sorts of things that are unforeseen. Like I said, if the circus is stuck up the back of Cloncurry and it is the wet season and all the roads are cut and all this sort of stuff, you can say that we can look at extending the permits or whatever, but are we allowing for all these hidden or unforeseen circumstances?

**Ms Clarke:** I think one of the submissions suggested that we were banning circuses, but let me go back one step. There was some discussion about the goat act. A lot of the animal acts in circuses are actually not what we are talking about here, category 2 animals, so talking about your llamas and your horses and your donkeys and your dogs. Those sorts of circus acts would only be covered by the bill to the extent they have to meet a general obligation to minimise risks. They would be no licence requirement for those. We are only talking about those couple of animals. Someone mentioned lions, tigers and elephants. There are only a handful of those circuses that tour Queensland. The large ones are all based interstate and there are just a couple of very small Queensland based circuses. I do not think in practice it will prevent tours by those operators. It will make them slightly more expensive because, as I say, at the moment they have to pay \$128 for two years. There is no doubt about that. It will mean a much closer monitoring of those circuses. It is a matter of judgement whether six months is the appropriate period.

**Mr COSTIGAN:** You did mention a lot about the risk of biosecurity breaches. I am interested to know what the likelihood of risk is. I am happy for the question to be taken on notice, but since the formation of Biosecurity Queensland in 2007 how many breaches have occurred in relation to exotic animals?

**Dr Thompson:** It has been one of the concerns of the zoo industry. We have probably had fairly strict requirements about which animals can be kept, and so we have not had problems in Queensland in relation to escapes from zoos. So that is the answer to the question in that sense. Because we have had a fairly restrictive practice in Queensland, we probably think that has set it up to make sure that those sorts of things do not happen.

**Mr COSTIGAN:** What about circuses?

**Dr Thompson:** Circuses would be the same.

**Ms Clarke:** There was a theft from a zoo, and I cannot remember the species—maybe one of the zoos could help me—that turned up on the private market. There is a private market for quite a few of these exotic animals, particularly for some of the attractive amphibians and reptiles.

**Dr Thompson:** There have been many cases overseas where a range of animals have got out of zoo situations or kept situations. Certainly there are a lot of cases in the United States, and obviously they have a very different set of rules around the keeping of animals than we do. But it is something we have been mindful of for a long period of time, and I guess bringing biosecurity into this act is something that is quite unique in many ways about the types of things we have tried to cover in this act.

**Ms Clarke:** I believe palm squirrels might have escaped from a zoo in a part of Perth, but that was a considerable length of time ago and you would not want to draw too much from that.

**CHAIR:** Ladies and gentlemen, that concludes our proceedings on exhibited animals today. We thank you for your attendance.

**Committee adjourned at 11.11 am**