




Speech By  
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**MEMBER FOR MACKAY**

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**EXHIBITED ANIMALS BILL**

 **Mrs GILBERT** (Mackay—ALP) (4.47 pm): The Exhibited Animals Bill 2015 will streamline regulation of animal exhibits. Currently, laws regulating animal exhibition are spread across several acts. This bill will create a single coherent framework for regulating the exhibited animals industry. That is why I am standing here today in support of the bill.

Since time immemorial people have been attracted to exotic animals. This was evident in my travels to the ancient Persian and Mesopotamian sites. Even in those ancient times, people were fascinated by exotic animals and circus type exhibits. The exotic animals were depicted in many artworks preserved in museums.

Currently in Queensland, exhibitors of animals include zoos, circuses and mobile animal demonstrators. Licences are held by fixed exhibitors in zoos and aquariums licensed for exotic species and native animals as well as mobile exhibitors holding licences for native and noxious fish species, and circuses, film and magic acts for exotic species only.

At the public committee hearing some of the exhibitors told the committee that they contribute \$100 million to the Queensland economy each year. The exhibitors also explained that they not only contribute economically to Queensland but also contribute to the tourism, cultural, social, recreational and educational sectors of the community.

What has changed in modern times is our desire to take great care of our animals. The desire to ensure animals are cared for was evident from all stakeholder groups at the public hearing. Although some groups were really opposed in their views of what constituted quality care and quality animal environments, the best interest of animals was always front and centre. The types of animal handlers and exhibitors that took the time to make submissions to the committee included representatives from a large range of interested bodies, including: the RSPCA, representatives from zoos, aquaria, circuses, theme parks, wildlife parks wildlife demonstrators who exhibit to the community, private events and educational exhibitors and the television industry's animal trainers.

The Exhibited Animals Bill addresses complex inconsistencies and ensures the effective management of animals by consolidating legislation dealing with exhibited animals. There are currently more than six different licensing schemes under different acts which may apply to an exhibitor, and some exhibitors need more than one of these licences to operate their business. Work is underway to develop a uniform national standard for exhibited animals in response to criticism of the industry arising from public incidents of poor animal treatment—animal escapes, et cetera—difficult experiences of jurisdictions in managing and preventing such undesirable situations, and difficulties for the industry in dealing with separate jurisdictions with inconsistent standards. It is anticipated that the bill will provide a legislative framework to enable the adoption of a national standard as the code of practice in the future. The bill addresses gaps in animal welfare and safety risks associated with their exhibition, which is inconsistent under the current legislation.

The current Animal Care and Protection Act 2001 applies to exhibitors of exotic animals but not native animals, and the duty of care under the Work, Health and Safety Act 2011 is also relevant to the exhibition of dangerous animals such as tigers and venomous snakes. There are, however, gaps in the carriage of some animal welfare and safety risks. The bill takes a risk based approach to regulation. Some exotic species included under the current legislative regime will now be protected with the passing of this bill. The passing of the bill will ensure that animal exhibitors will be together under one comprehensive, coherent legislative framework which deals with biosecurity risks. Animal welfare and human safety risks will also be consolidated sensibly under one head of power.

The bill will substitute multiple licensing requirements with one licensing framework incorporated under one single act of parliament. Not all exhibitors will be required to be licensed, but under the proposed legislation there will be an obligation on them to pay care and attention to biosecurity; the health, safety and amenity of the community; and the care and welfare of exhibited animals. This covers small exhibitors without imposing on them burdensome licensing requirements.

A feature of the bill is that it imposes no more licensing requirements than is currently the case. Only those exhibitors who currently require a licence will require a licence under the new legislation. Licences will be granted for up to three years. To receive a licence, the bill requires an applicant to submit an animal management plan. The management plan will explain how the applicant proposes to deal with the subject animal and will also identify risks and ways in which the applicant intends to prevent or minimise the risk. The management plan will form the basis for the assessment of an applicant's suitability to hold an exhibition licence. The explicit intent of a management plan is to provide exhibitors with flexibility in how they will manage risk, which is consistent with a risk based approach to industry oversight. This ensures that the knowledge, experience and history involved in the industry is indeed the best basis upon which to demonstrate how the risks involved can be mitigated or eliminated.

The management plan approach to licensing is in fact advantageous for the industry. It allows for the possibility of new species to be exhibited in Queensland providing that the chief executive is satisfied that relevant risks and relevant adverse effects are shown conclusively to be effectively managed under the management plan. However, specific restrictions on exotic animals that present a high risk of spreading pests in Queensland's environment and to our agriculture and tourism industries are provided for in the bill.

Under the Biosecurity Act there is provision made for the fixed public display of exotic animals such as in a zoo, for example. Exhibiting away from this fixed site may be approved on stringent conditions under a special exhibition authority which is valid for up to a year. The bill addresses risks posed by animal exhibits. The keeping and exhibiting of animals involves risks to the animal and/or from animals to their handlers, the viewing public or to other species. The potential remains for disastrous events to occur. From time to time we have been made aware of instances where individuals have kept exotic animals for their own purposes—sometimes for notoriety or perverse entertainment. The results are often dangerous for the animals and the community. This comes to the attention of the public when animals escape or are no longer wanted by their owner and let loose in inappropriate places. Animals which are prohibited for private purposes under the provisions of the bill may now only be kept if they are approved for exhibition.

At a minimum, category B animals will need to be exhibited at least once a month. The more exotic category C animals that are prohibited under the Biosecurity Act will need to be exhibited for the equivalent of 600 hours each year. These provisions contained in the bill will discourage any private collectors from keeping exotic animals under the subterfuge of being genuine exhibitors.

Examples of exhibiting an animal include the display of an animal in public for commercial, cultural, educational, entertainment or scientific purposes. This could be done by displaying the animal in a zoo or wildlife park; using an animal to perform in a circus or magic show; allowing public interaction with animals at a petting farm; showing an animal as part of an educational wildlife demonstration; and displaying an animal—including, for example, a bird in a cage—in an area of commercial premises accessible to the public.

After considering the submissions from mobile exhibitors, the committee recommended that the bill be amended to specify that a regular enclosure at a regular enclosure site need not be open generally to the public provided that (a) it still meets the exhibitor's minimum exhibition requirements; and (b) that the enclosure is assessed and meets the required standards for the relevant authorised animals. This means that mobile exhibitors will not need to display their animals at their home bases, which may not be suitable for public access.

The risk-averse approach of the bill will restrict the exhibiting of exotic category C animals to predominantly fixed exhibits. These animals will need to be based in a fixed exhibit which is open to

viewing by the general public; for example, in a zoo. Exhibits away from the site can only be authorised on a temporary basis under a special exhibition approval which is valid for up to one year. This will help protect animals.

This will help protect Queensland's environment and valuable agriculture and tourism industries from the establishment of new pests while ensuring the government does not bear significantly increased risk mitigation costs. To mitigate risks caused by the animals in category C, the bill restricts their exhibit under licence to (a) a regular enclosure for the animal at a regular enclosure site under the licence; (b) a place outside a regular enclosure site under the licence but within a controlled area including a regular enclosure for the animal at the site; or (c) another place, but only if the exhibition is authorised under a special exhibition approval included in the licence. The restriction of having fixed-site enclosures for the exotic animals eliminates risks that may occur with mobile exhibitors, although I mention that mobile exhibitors have had a good record to date, without any breaches of biosecurity. The circus representatives believed that the restrictions relating to fixed enclosures discriminated against their ability to operate.

The committee recognised that there may be times when an animal can be exempt from being exhibited. The circumstances in which an animal may be unsuitable for exhibition include breeding programs, companionship for another exhibited animal or the requirement for prolonged handling or training in preparation for exhibit. We recommended that temporary exemptions be put in clauses 75 and 76 for reasonable circumstances. The committee also recommends that licence holders not be deemed to have committed an offence if they have reasonable grounds for not having their animals on display.

In its regulatory impact statement for the exhibited animals legislation, the Department of Agriculture and Fisheries listed three risks and good reasons for regulating the keeping of wild animals. These reasons are the potential for animal welfare problems, wild animals causing human injury and death, and wild animals establishing pests and spreading disease. I believe that the Exhibited Animals Bill 2015 has safeguards in its regulations to address these issues identified by the department.

The Exhibited Animals Bill 2015 consolidates licensing schemes into a single fit-for-purpose act. It will meet community expectations for the management of animal welfare, biosecurity and the safety risks associated with exhibited animals whilst streamlining and simplifying the licensing of exhibitors. I support the bill.