

DPI Primefact

NSW Exhibited Animals Protection Act 1986 Authority Conditions

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Compliance & Integrity Systems, Biosecurity & Food Safety

Frequently Asked Questions.

A series of frequently asked questions (FAQs) have been developed to assist authority holders with compliance of newly implemented conditions. The new authority conditions provide improved clarity to authority holders on the legislative requirements under the NSW Exhibited Animals Protection Act 1986 (the Act) and the associated Regulation and Standards.

Authority holders will have a 6 month implementation period to develop and integrate the conditions into their business processes.

Breeding Plan

Q. Is this a brand-new condition?

A. NSW exhibited animal authority holders have always been required to only breed exhibited animals as part of a carefully managed program. This condition ensures authority holders can demonstrate compliance with their statutory requirement. This condition simply requires exhibitors to have a **written** plan that is updated and implemented.

Q. Does the breeding plan replace the animal records?

A. No, the breeding plan is separate to the animal records. You must keep your animal records up to date with all births, deaths, acquisitions and disposals.

Q. Do I need to write a breeding plan for each species listed under my authority?

A. No, the minimum requirement is to write a high-level breeding plan for each establishment listed on the authority certificate. If applicable to your establishment, the breeding plan should stipulate what species are bred as part of ZAA administered Species Management Programs (SMP) and justify the purpose and plan for breeding other animals. Individual species breeding plans are also acceptable.

Q. Does a breeding plan have to include all species on my authority?

A. Yes, all species held under the authority must be incorporated into the breeding plan, indicating whether you intend to breed or not.

Q. I don't intend to breed any of my animals. Do I need to have a breeding plan?

A. Yes, the breeding plan should stipulate that the authority holder does not intend to breed any species and record what preventative measures the authority holder is taking to prevent this (example: physical separation of sexes, contraceptive implants, surgical desexing).

Q. I have specific breeding conditions already prescribed on my authority. Do I need to record these in my breeding plan?

A. All breeding plans must include any special conditions specified by your authority pertaining to animal breeding.

Q. Do I need to send my breeding plan to the Department?

A. No, you must keep a copy of the breeding plan for each facility on-site and be able to produce it when requested by an authorised inspector.

Q. What is the minimum information I must include for each species listed on the breeding plan?

A. The purpose and plan for species you intend to breed, noting what species will be managed by ZAA (if applicable) and how you will control breeding of animals you don't intend to breed.

The breeding plan should include:

- the species name or list a group of species
- intention to breed; or not to breed
- reason for breeding
- whether the animal is under a species management program (SMP) (applicable to ZAA member)

Q. When will I need to have a documented breeding plan?

A. The best time to start developing your plan is now. Plans can be reviewed and updated at any time. The Department will be assessing confirm these plans are available during the next compliance audit. Exhibitors that do not have a documented plan have a 6-month implementation period to develop and implement their plans.

Q. I only have a small collection of animals. Do I still need to develop these plans?

A. Yes, all establishments listed on the authority certificate under the Exhibited Animals Protection Act 1986 are required to abide by the terms and conditions of their authority.

Q. How often does the breeding plan need to be updated?

A. The breeding plan must be updated within seven (7) days of any changes being made.

Q. I'm a mobile exhibitor. Do I need a breeding plan?

A. Yes, if you are an exhibitor with an off-display establishment located in NSW, you must maintain a breeding plan. If you are an interstate exhibitor with an off-display establishment 'home base' outside of NSW, you do not need a breeding plan. The exception to this is if you intend to come into NSW and allow your animals to breed. A breeding plan is required.

Q. What happens if the intention is not to be breed a species, but they do inadvertently produce off-spring?

A. Your breeding plan will need to be updated if you intend to breed the species. If the off-spring was not planned, you will need to ensure you have appropriate spatial requirements in accordance with the standards. You will also need to keep your NSW DPI animal records updated.

Q. Do I need to be a member with the Zoo and Aquarium Association (ZAA) to comply with the breeding condition?

A. No, industry membership with ZAA is a voluntary membership. Authority holders who are currently ZAA members must state which animals are bred as part of a ZAA administered Species Management Program and for other animals, justify the purpose and plan for breeding the animal. This information is kept in the Census Planning Online System (CPOS). If all the animals listed on your authority are listed in against your CPOS profile this will be satisfactory to meet the condition.

Q. I am a member of the Zoo and Aquarium Association (ZAA), do I still need a breeding program?

A. Members of the Zoo and Aquarium Association (ZAA) who are managing **all** their animals through the Census Planning Online System (CPOS) are already meeting compliance with this condition. It is important to note that authority holders who use CPOS should ensure information is kept up to date and any changes to the breeding status of animals is reflected in this system.

Q. Do I need to write a separate breeding plan for ZAA managed species listed on my authority?

A. No, your establishment's written breeding program should state that Studbook species are bred in accordance with Studbook Keepers/Species Coordinators recommendations. See Clause 59(2) of the *General Standard for Exhibiting Animals in NSW*.

Emergency Management Plan

Q. Will I have to make plans to evacuate all animals during an Emergency?

A. No, only animals that can be handled, transported, and moved safely should be moved. How animals that cannot leave the establishment will be managed will also need to be documented. If animals cannot be moved, considerations should be made to notify relevant emergency services, so they can factor this into their response to the event (particularly regarding potentially dangerous animals).

Q. Do I need to send my emergency management plan to the Department?

A. No, you must keep a copy of the plan for each facility on-site and be able to produce it when requested by an authorised inspector.

Q. What are the key targets for the Emergency Management Plan?

A. Your Emergency Management Plan should detail the plan for:

- maintaining human safety (the public, visitors, and staff)
- animal safety
- infrastructure protection.

Q. I'm a mobile exhibitor. Do I need an Emergency Management Plan?

A. Yes, all establishments that are listed on the authority certificate under the NSW Exhibited Animals Protection Act 1986 are required to develop this plan as part of their licence conditions. Please ensure your Emergency Management Plan encompasses both your off-display establishments 'home base' and arrangements whilst on display. For any incidents that may occur in transit please refer to the business's "transport contingency plan".

Q. How do I start to develop an Emergency Management Plan for my establishment?

A. The below websites provide you with information to help develop your Emergency Management Plan:

- Before an emergency (www.dpi.nsw.gov.au/emergencies/emergency/community/before-an-emergency)
- Plan and prepare - NSW Rural Fire Service (www.rfs.nsw.gov.au/plan-and-prepare)
- Get Ready NSW | NSW State Emergency Service (www.ses.nsw.gov.au/get-involved/get-ready-nsw/)

Q. When will I need to have a documented Emergency Management Plan?

A. The best time to start developing your plan is now. Plans can be reviewed and updated at any time. The Department will be assessing these plans during the next compliance audit. Exhibitors have a 6-month implementation period to develop and implement their plans.

Convictions of Animal Cruelty

Q. Why do I have to implement a policy for staff and volunteers to declare certain convictions?

A. In January 2023, the Act was amended to include *Section 31A Prohibition on employing persons convicted of, or charged with, certain offences*. Implementing a policy for staff and volunteers to declare if they have been charged with or convicted of relevant offences will assist the authority holder mitigate the risk of harm to animals under their authority.

Q. Will the policy for checking staff and volunteers be reviewed at time of audit?

A. Yes, all requirements for new and existing licence conditions will be reviewed as part of the next compliance audit

Q. What is a 'relevant offence'?

A. As defined in Section 31A(2) of the Exhibited Animals Protections Act 1986, a '*relevant offence*' is an offence under the Exhibited Animals Protection Act 1986 or the regulations made under that Act in relation to an animal, or an offence under the Crimes Act 1900, section 79, 80, 530 or 531, or an offence under the Prevention of Cruelty to Animals Act 1979, or regulations made under that Act, in relation to an animal.

Q. What happens if a staff member or volunteer declares they have a conviction of a relevant offence?

A. They will not be allowed to work with or care for animals exhibited under the authority. The holder of an authority will be committing an offence if they knowingly cause or permit such a person to work with, or care for, an animal exhibited under their authority.

Notification of theft of animal

Q. If an animal is stolen, how do I access the Exhibited Animals Incident Notification Form?

A. The form can be accessed on the Departments website under the 'Zoo, circus and other exhibited animals' tab or by searching 'Exhibited Animals Incident Notification'.

Website link: [Exhibited Animals Incident Notification](#)

Interstate Authorities

Q. Will I need to provide the Department with a copy of my interstate authority at renewal?

A. Yes. Before a decision is made with respect to your renewal application, a departmental officer will contact you to confirm that you have the necessary documentation. You will be required to supply this documentation to the Department within a period of seven (7) days.

Q. What will happen if I do not hold an interstate authority?

A. Your first action should be to contact the licensing unit at exhibited.animals@dpi.nsw.gov.au.

Further Help

If you have questions about these conditions, please contact the Department in writing via exhibited.animals@dpi.nsw.gov.au.

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