

DOC19/1308

Circular 2019/1

Changes to the Exhibited Animals Protection Regulation 2010

Dear Exhibitor,

NSW Department of Primary Industries (NSW DPI) has recently changed the way we authorise the display and keeping of exhibited animals to provide greater clarity about how existing requirements apply to mobile establishments, such as mobile animal farms.

We have included a new definition for an off-display establishment (a premises used for keeping animals for display, when they are not on display) and refined the definitions of fixed and mobile establishments. The amended Exhibited Animals Protection Regulation 2010 now provides for three classes of animal display establishments.

They are:

- Fixed;
- Mobile; and
- Off-display.

We have further clarified the type of authority needed for each class of establishment. A summary of these categories is attached.

The changes to the Exhibited Animals Protection Regulation 2010 came in effect on 28 February 2019. Some minor revisions have also been made to the relevant standards to clearly reflect the new definitions and authorities.

What do you need to do?

As an existing authorised exhibitor, you **do not** need to take any immediate action to update your authorities. We will be in contact to confirm details of any off-display establishments related to your business during the next renewal process in March. And we will be able to answer any questions you may have.

In addition, we want to assure you that **no new fees** or charges apply.

If you require further information regarding the changes, please contact the BFS Licensing and Accreditation unit at exhibited.animals@dpi.nsw.gov.au or on (02) 6552 3000.

Yours sincerely



Kim Filmer
Chief Animal Welfare Officer
NSW Department of Primary Industries

Definitions and required authorities

Class of establishment	Previously known as	New definition	Examples	Authority required
Fixed Establishment	Premises that are an animal display establishment not being a mobile establishment	An animal display establishment comprising premises used, on an ongoing basis, for the display, and the keeping for display, of animals, not being the following: (a) a mobile establishment, (b) an off-display establishment	<p>Premises which are open to the public and where animals are permanently kept for display and displayed to the public in fixed enclosures.</p> <p>These include for example zoos, fauna parks and oceanariums.</p> <p>Standards apply to the keeping of animals for display and display of the animals, including requirements for the public (eg. signage, education, facilities like toilets and seating, public safety).</p>	<p>Licence - fixed establishment</p> <p>(authorises the ongoing use of a single premises for the display, and the keeping for display, of animals)</p>
Mobile Establishment	Means an animal display establishment comprising premises that are of a type referred to in section 22 (2) of the Act.	An animal display establishment comprising premises used, on a temporary basis, for the display of the following animals, but only while the animals are displayed or kept for display at the premises: (a) animals that are the subject of an approval under section 22 of the Act, (b) animals that are the subject of	<p>A mobile exhibitor does not have a fixed establishment for the public display of animals.</p> <p>A mobile exhibitor temporarily takes animals to display them in transportable enclosures at places like fairs or schools.</p> <p>These include for example circuses, mobile animal displays of reptiles or young farm animals.</p> <p>Standards apply to the</p>	<p>Approval for animals of non-prescribed species</p> <p>Permit for animals of prescribed species</p> <p>(authorises a person to temporarily display animals at mobile establishments)</p>

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		a permit.	transport and display enclosures of the animals, including requirements for the public (eg. signage, education, public safety).	
Off-display establishment	Did not exist	An animal display establishment comprising premises used for the keeping for display of animals, but not the display of animals, that are: (a) the subject of an approval under section 22 of the Act, or (b) the subject of a permit, or (c) ordinarily exhibited at a fixed establishment, and includes the land, buildings, enclosures and facilities used for that purpose.	<p>These premises are not open to the public and animals are not displayed here.</p> <p>These premises are only used for exhibitors to keep animals when they are not being displayed at a fixed or mobile establishment.</p> <p>These include the home base premises of a mobile exhibitor.</p> <p>They also include a separate premises of a fixed exhibitor used for keeping animals for display at the fixed establishment, but not used for the display of animals.</p>	<p>Licence - off-display establishment</p> <p>(authorises the ongoing use of a single premises to keep animals that are displayed elsewhere - either at a mobile establishment or a fixed establishment)</p>

Questions and answers

Which standards have changed?

We have updated four sets of standards to reflect the amended Regulation:

- General standards for exhibiting animals in NSW
- Standards for exhibiting animals at mobile establishments in NSW
- Standards for exhibiting circus animals
- Standards for exhibiting animals during temporary removals in NSW

The requirements of these standards have not been changed, just the wording to reflect the three classes of establishments as they are now defined in the Regulation. The language and formatting has been updated to align with current writing standards within the Department and references to previously replaced legislation have been updated.

What happens for new exhibitors?

New exhibitors will be required to complete the application forms provided on our website. These have had minor updates to reflect the new establishment classes.

When do I need to renew?

Your current authorities will expire on 30 June 2019, as is usually the case. Your renewal paperwork will be issued in March 2019 with instructions on how you can confirm any arrangements you have for an off-display establishment.

How are the fees charged?

The current fee schedule remains in place. There will be a single fee covering your licence and approval, provided both are lodged at the same time. If you are a current exhibitor, your fees are due to be paid at the time of renewal (on or before 30 June 2019).

What if I want to vary my authority to exhibit?

The process for varying your authority to exhibit remains unchanged and you will need to complete the required forms on our website - <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/exhibit>

Are other changes planned?

We will continue to look for opportunities to modernise and streamline legislation.

Who can I ask for help?

If you require further information regarding the changes, please contact the BFS Licensing and Accreditation unit at exhibited.animals@dpi.nsw.gov.au or on (02) 6552 3000.