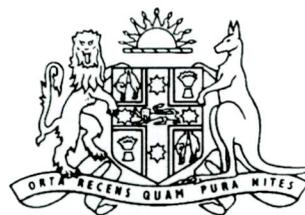


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New South Wales

# **Exhibited Animals Protection Amendment Bill 1996**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### **Overview of Bill**

The object of this Bill is to amend the *Exhibited Animals Protection Act 1986* so as:

- (a) to require zoological parks established, maintained or controlled by the Zoological Parks Board (such as Taronga Zoo and Western Plains Zoo) to be licensed as animal display establishments, and
  - (b) to enable the Director-General of the Department of Agriculture to appoint any member of the advisory committee constituted by the Act to be Chairperson of the committee.
-

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides that the proposed Act will commence on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments to the *Exhibited Animals Protection Act 1986* described in the overview of this Bill.

## Schedule 1 Amendments

### Licensing of zoos

Section 12 of the Act provides that occupiers of certain premises used as animal display establishments are guilty of an offence if the premises are not licensed. At present section 12 (2) exempts from the licensing requirement zoological parks established, maintained or controlled by the Board.

**Schedule 1 [1]** removes the exemption so that occupiers of premises that are zoological parks established, maintained or controlled by the Board will be required to obtain a licence. The Director-General will only be able to issue a licence for a zoological park if satisfied that it conforms to and will be conducted in accordance with any standards prescribed for such an animal display establishment.

**Schedule 1 [2]** contains a consequential amendment to omit a power to make regulations to apply standards prescribed under section 14 of the Act to such zoological parks. Such regulations will be unnecessary in view of the proposed amendment to section 12.

### Chairperson of advisory committee

**Schedule 1 [4]** provides for a member of the advisory committee appointed by the Director-General to be Chairperson of the advisory committee.

**Schedule 1 [3]** and **[5]** provide for the member currently holding office as Chairperson to cease to hold that office on the commencement of Schedule 1 [4].

First print



New South Wales

# Exhibited Animals Protection Amendment Bill 1996

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New South Wales

## **Exhibited Animals Protection Amendment Bill 1996**

No. , 1996

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### **A Bill for**

An Act to amend the *Exhibited Animals Protection Act 1986* with respect to the licensing of zoological parks established, maintained or controlled by the Zoological Parks Board and the Chairperson of the advisory committee.

---

**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Exhibited Animals Protection Amendment Act 1996*.

**2 Commencement**

5

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Exhibited Animals Protection Act 1986 No 123**

The *Exhibited Animals Protection Act 1986* is amended as set out in Schedule 1.

10

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**Schedule 1 Amendments**

(Section 3)

- [1] **Section 12 Licence required for animal display establishment**  
Omit section 12 (2).
- [2] **Section 53 Regulations** 5  
Omit section 53 (1) (i).
- [3] **Section 55**  
Insert after section 54:  
  
**55 Savings and transitional provisions**  
Schedule 5 has effect. 10
- [4] **Schedule 1 Provisions relating to the members of the advisory committee**  
Omit clause 2 (1). Insert instead:  
  
(1) A member of the advisory committee appointed by the Director-General is to be Chairperson of the advisory committee. 15

**[5] Schedule 5**

Insert after Schedule 4:

**Schedule 5 Savings and transitional provisions**

(Section 55)

**Chairperson of advisory committee**

5

The person holding office as Chairperson of the advisory committee under clause 2 (1) of Schedule 1 as in force immediately before the commencement of Schedule 1 [4] to the *Exhibited Animals Protection Amendment Act 1996*:

10

- (a) ceases to hold that office on that commencement, and
- (b) is not entitled to any remuneration or compensation because of the loss of that office.

*Amendment Bill 1996*  
**EXHIBITED ANIMALS PROTECTION ACT 1986**

**SECOND READING SPEECH**

MR PRESIDENT

I MOVE THAT THIS BILL BE READ A SECOND TIME.

MR PRESIDENT, THE EXHIBITED ANIMALS PROTECTION ACT IS AN ACT WHICH DEALS WITH EXHIBITION OF ANIMALS AT MARINE OR ZOOLOGICAL PARKS, CIRCUSES AND OTHER PLACES.

IN 1991 THE EXHIBITED ANIMALS PROTECTION ACT WAS TRANSFERRED FROM THE PORTFOLIO OF THE MINISTER FOR THE ENVIRONMENT TO THE PORTFOLIO OF THE MINISTER FOR AGRICULTURE. DURING THIS PROCESS CERTAIN ADMINISTRATIVE FUNCTIONS UNDER THE ACT WERE TRANSFERRED FROM THE ZOOLOGICAL PARKS BOARD OF NEW SOUTH WALES TO THE DIRECTOR-GENERAL OF NSW AGRICULTURE.

HONOURABLE MEMBERS, THIS BILL WILL REQUIRE ZOOS OPERATED BY THE ZOOLOGICAL PARKS BOARD, THESE BEING TARONGA ZOO AND THE WESTERN PLAINS ZOO AT DUBBO, TO BE LICENSED UNDER



THE ACT.

THESE ZOOS ARE GOVERNMENT RUN ZOOS. ZOOS OPERATED BY THE ZOOLOGICAL PARKS BOARD WERE ORIGINALLY EXEMPTED FROM THE LICENSING PROVISIONS OF THE ACT BECAUSE THE ZOOLOGICAL PARKS BOARD WAS THE ORIGINAL LICENSING AUTHORITY UNDER THE ACT. IN 1991 AN AMENDMENT TO THE ACT MADE THE DIRECTOR-GENERAL OF AGRICULTURE THE LICENSING AUTHORITY. THUS IT MAKES SENSE FOR THESE ZOOS TO NOW BE LICENSED JUST AS ALL PRIVATE ZOOS AND CIRCUSES ARE LICENSED.

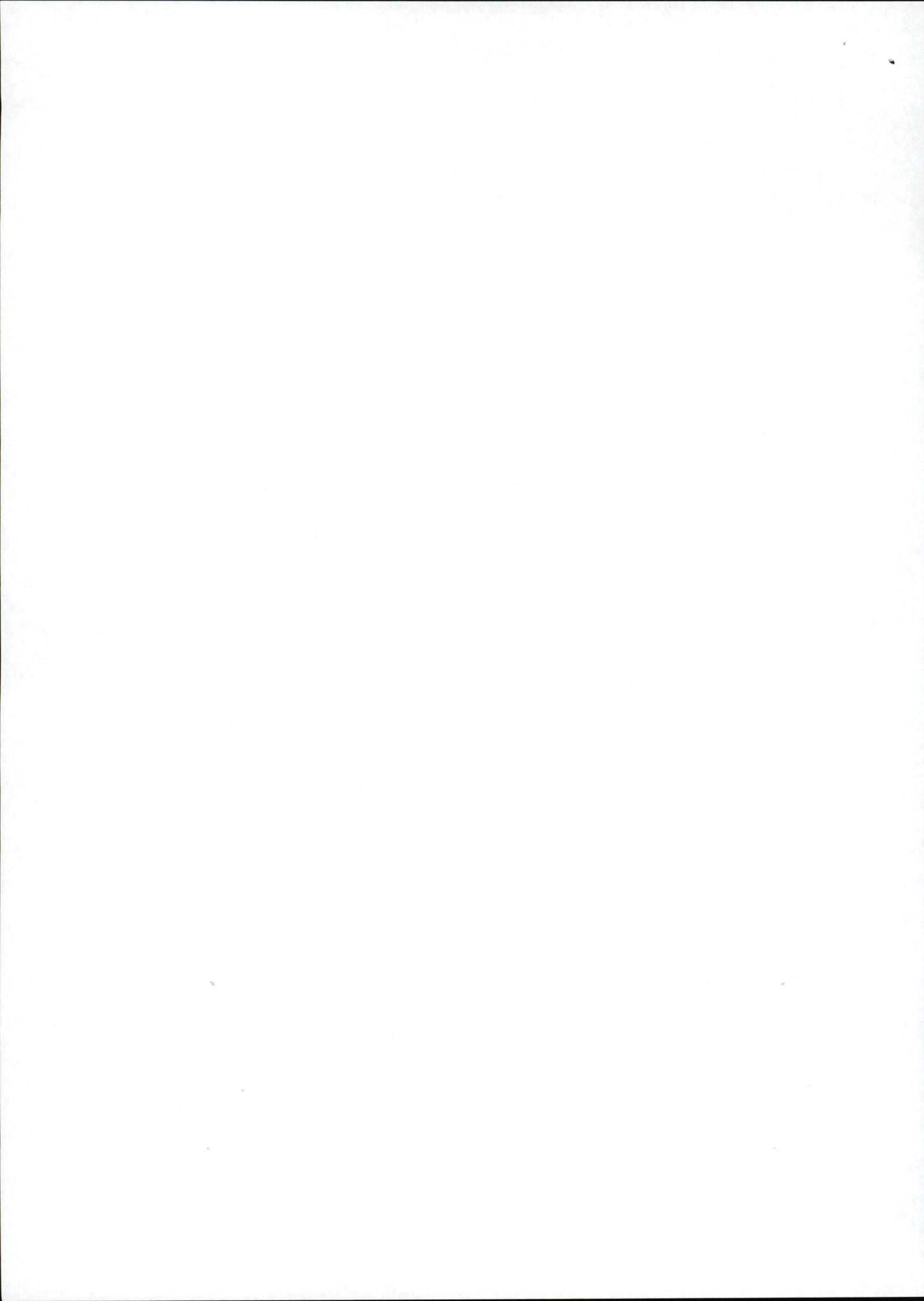
THIS CHANGE IS CONSISTENT WITH GOVERNMENT POLICY ON COMPETITIVE NEUTRALITY BETWEEN GOVERNMENT AND NON-GOVERNMENT ENTERPRISES. THE PRIVATE ANIMAL EXHIBITION INDUSTRY HAS INDICATED ITS DISSATISFACTION WITH THE CURRENT POSITION WHERE THEY MUST COMPETE WITH A GOVERNMENT-RUN ORGANISATION WHICH IS NOT REQUIRED TO PAY LICENSE FEES OR COMPLY WITH PRESCRIBED STANDARDS. THIS BILL WILL RECTIFY THIS ANOMALY. THE ZOOLOGICAL PARKS BOARD HAS INDICATED THAT IT HAS NO OBJECTION TO BEING LICENSED.



HONOURABLE MEMBERS, THE AIM OF LICENSING ZOOS AND REQUIRING COMPLIANCE WITH PRESCRIBED STANDARDS IS TO ENSURE THAT THE ANIMALS ARE CARED FOR APPROPRIATELY, THAT THE VISITORS RECEIVE AN APPROPRIATE EDUCATIONAL EXPERIENCE AND THAT THE VISITORS ARE NOT DISTRESSED BY VIEWING ANIMALS HELD IN POOR CONDITIONS. REQUIREMENTS RELATING TO SAFETY SEEK TO MINIMISE THE CHANCES OF VISITORS, STAFF OR ANIMALS BEING INJURED.

MR PRESIDENT, THIS BILL WILL ALSO CHANGE THE CHAIRPERSON OF THE EXHIBITED ANIMALS ADVISORY COMMITTEE FROM THE MEMBER OF THE COMMITTEE NOMINATED BY THE ZOOLOGICAL PARKS BOARD TO A MEMBER SELECTED BY THE DIRECTOR-GENERAL OF NSW AGRICULTURE. THIS IS AN APPROPRIATE CHANGE SINCE THE ADVISORY COMMITTEE HAS THE FUNCTION OF ADVISING THE DIRECTOR-GENERAL.

HONOURABLE MEMBERS, THE ROLE OF THE ADVISORY COMMITTEE IS TO ADVISE THE DIRECTOR-GENERAL ON  
THE DEVELOPMENT OF APPROPRIATE LICENSING STANDARDS



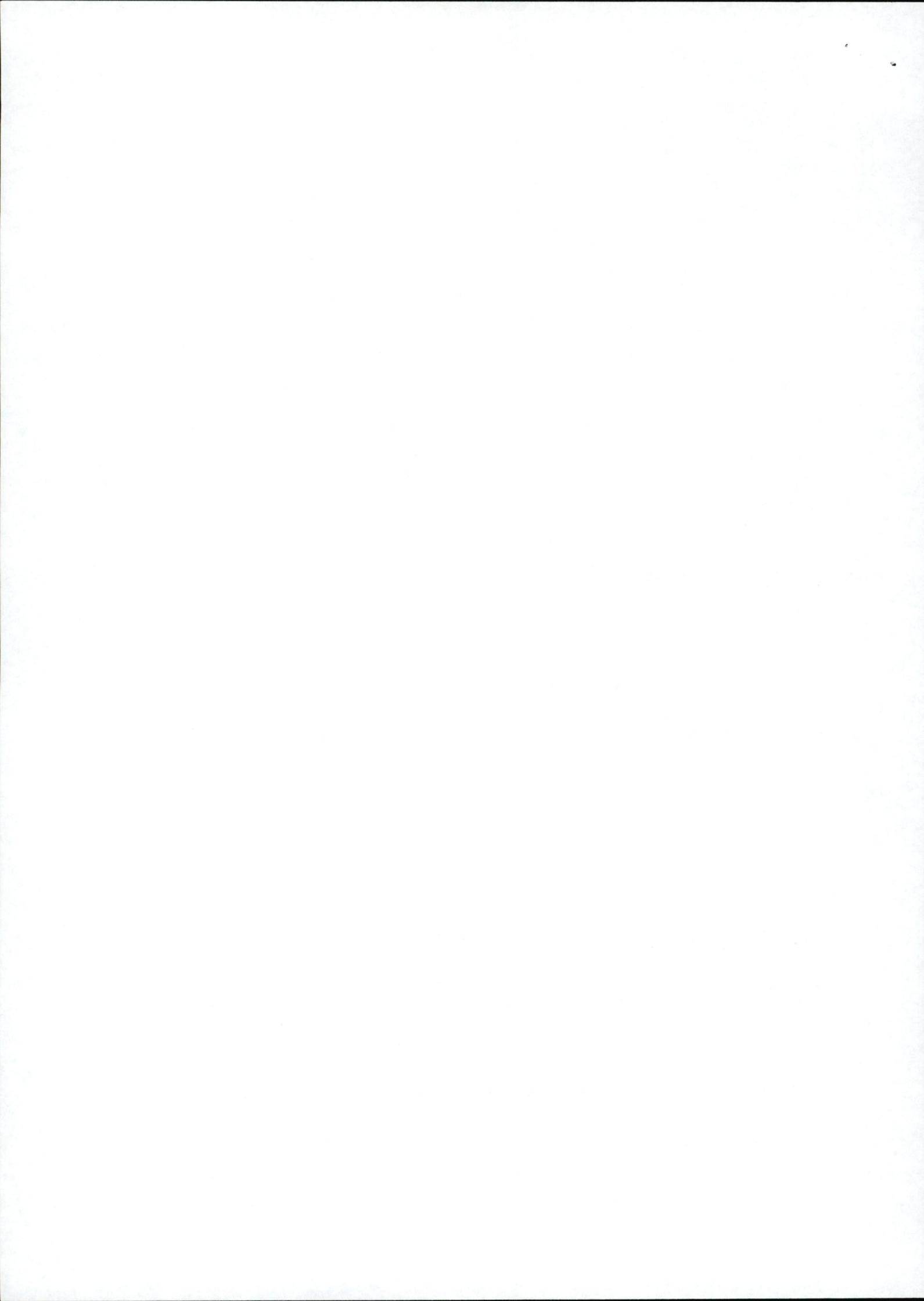
RELATING TO:

- . HOUSING AND EXERCISE FACILITIES FOR ANIMALS
- . HYGIENE, NUTRITION, HEALTH AND GENERAL ANIMAL HUSBANDRY
- . EDUCATIONAL REQUIREMENTS
- . PUBLIC SAFETY
- . RECORDS OF CHANGES TO ANIMAL INVENTORIES, ANIMAL HEALTH ETC

. THE OPERATION OF THE LICENSING SCHEME FOR ANIMAL EXHIBITORS.

. HOW THE DIRECTOR-GENERAL'S APPROACH TO IMPORTATION, CONTROL, CARE AND WELFARE OF ANIMALS MAY BE BEST CO-ORDINATED WITH THAT OF OTHER GOVERNMENT DEPARTMENTS.

UNDER THIS ACT ANIMAL WELFARE OFFICERS ARE CONSTANTLY IMPLEMENTING AND UPGRADING STANDARDS FOR THE KEEPING AND EXHIBITION OF ANIMALS HELD IN CIRCUSES, ZOOS AND FAUNA PARKS. THE IMPLEMENTATION OF THIS ACT HAS SEEN A VERY SUBSTANTIAL IMPROVEMENT IN ANIMAL EXHIBITS IN NEW SOUTH WALES. MANY OLD SMALL CAGES WHICH CONSISTED

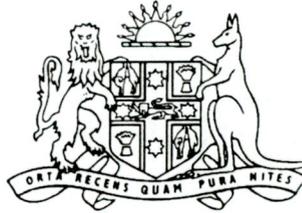


PREDOMINATELY OF CONCRETE AND IRON HAVE BEEN REPLACED BY LARGER ENCLOSURES WHICH ARE FULL OF GREENERY AND OTHER NATURAL FEATURES. THESE MODERN ENCLOSURES PRESENT THE ANIMAL AS IT WOULD APPEAR IN ITS NATURAL ENVIRONMENT. THIS NOT ONLY ENHANCES THE ANIMALS WELFARE BUT ALSO GREATLY IMPROVES THE VISITORS EXPERIENCE.

I AM ALSO PLEASED TO ANNOUNCE THAT DRAFT STANDARDS HAVE RECENTLY BEEN DEVELOPED FOR THE EXHIBITION OF CIRCUS ANIMALS IN NSW. THESE STANDARDS WILL GREATLY IMPROVE THE LEVEL OF CARE GIVEN TO CIRCUS ANIMALS, SUCH AS SETTING MINIMUM EXERCISE CAGE REQUIREMENTS. IN THE CASE OF BIG CATS, CIRCUSES WILL HAVE TO PROVIDE AN EXERCISE CAGE. THIS WILL PROVIDE THE CATS WITH GREATER EXERCISE SPACE AS WELL AS ACCESS TO A NATURAL SUBSTRATE. THESE STANDARDS HAVE BEEN ENDORSED BY THE AUSTRALIAN CIRCUS INDUSTRY. OTHER STATES HAVE ALSO INDICATED THAT THEY WILL ADOPT THESE STANDARDS.

I COMMEND THE BILL TO THE HOUSE.





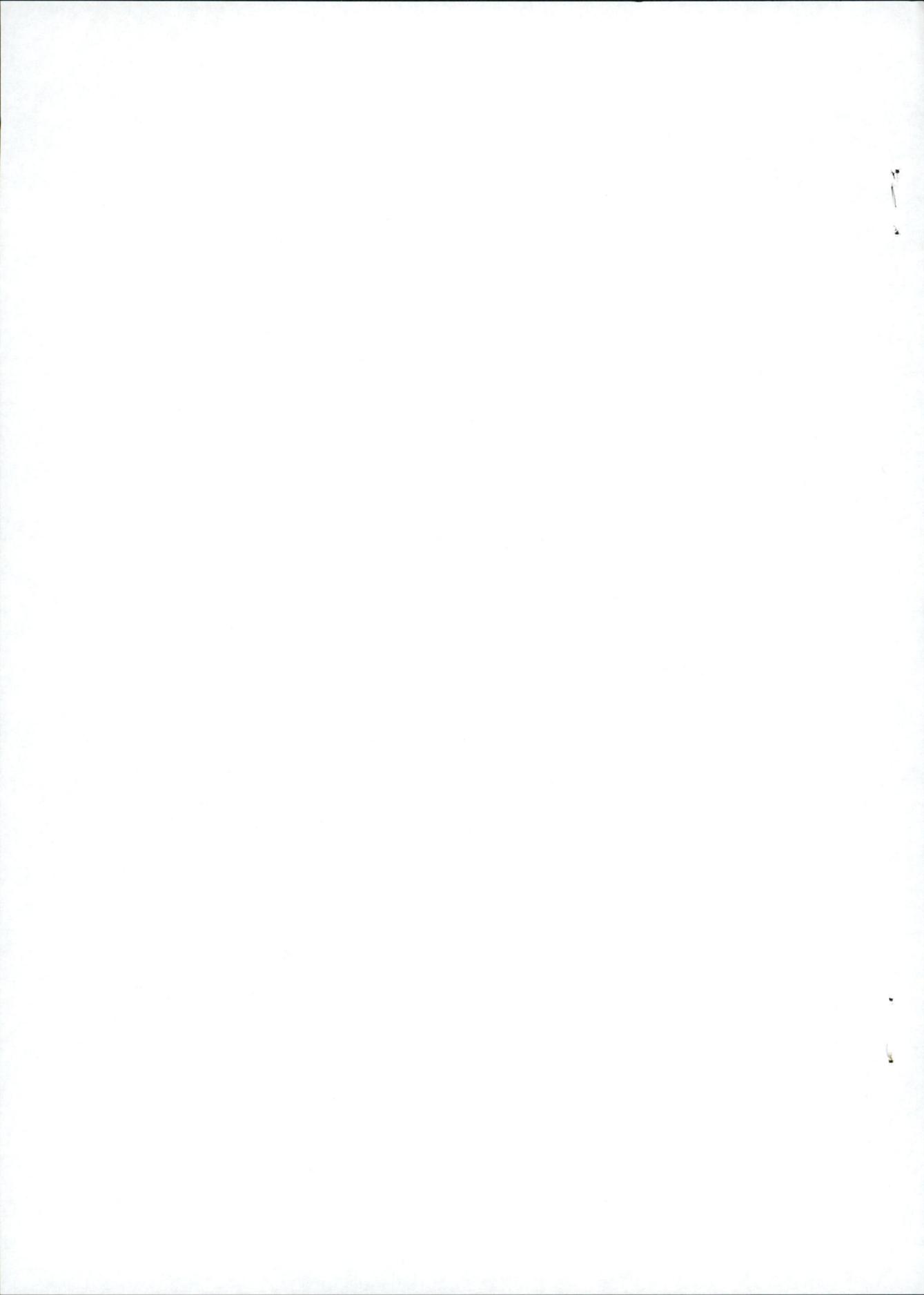
New South Wales

# Exhibited Animals Protection Amendment Act 1996 No 11

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New South Wales

# **Exhibited Animals Protection Amendment Act 1996 No 11**

Act No 11, 1996

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An Act to amend the *Exhibited Animals Protection Act 1986* with respect to the licensing of zoological parks established, maintained or controlled by the Zoological Parks Board and the Chairperson of the advisory committee.  
[Assented to 5 June 1996]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Exhibited Animals Protection Amendment Act 1996*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Exhibited Animals Protection Act 1986 No 123**

The *Exhibited Animals Protection Act 1986* is amended as set out in Schedule 1.

## **Schedule 1 Amendments**

(Section 3)

**[1] Section 12 Licence required for animal display establishment**

Omit section 12 (2).

**[2] Section 53 Regulations**

Omit section 53 (1) (i).

**[3] Section 55**

Insert after section 54:

**55 Savings and transitional provisions**

Schedule 5 has effect.

**[4] Schedule 1 Provisions relating to the members of the advisory committee**

Omit clause 2 (1). Insert instead:

- (1) A member of the advisory committee appointed by the Director-General is to be Chairperson of the advisory committee.

**[5] Schedule 5**

Insert after Schedule 4:

**Schedule 5 Savings and transitional provisions**

(Section 55)

**Chairperson of advisory committee**

The person holding office as Chairperson of the advisory committee under clause 2 (1) of Schedule 1 as in force immediately before the commencement of Schedule 1 [4] to the *Exhibited Animals Protection Amendment Act 1996*:

- (a) ceases to hold that office on that commencement, and
- (b) is not entitled to any remuneration or compensation because of the loss of that office.

[Minister's second reading speech made in—  
Legislative Assembly on 17 April 1996  
Legislative Council on 2 May 1996]