

Wildlife (Exhibited Animals) Regulations 2010

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Nature Conservation Act 2002*.

22 November 2010

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

D. J. O'BYRNE

Minister for Environment, Parks and Heritage

PART 1 - Preliminary

1. Short title

These regulations may be cited as the *Wildlife (Exhibited Animals) Regulations 2010*.

2. Commencement

These regulations take effect on 1 January 2011.

3. Interpretation

In these regulations, unless the contrary intention appears –

Act means the *Nature Conservation Act 2002*;

cage includes any pen, aviary, enclosure and structure in which, or by means of which, wildlife is confined;

display, in relation to wildlife, means the display, for viewing by the public, of any wildlife held in captivity;

Secretary means the Secretary of the Department;

sell means sell by wholesale or retail and includes –

(a) offer, display or expose for sale; and

(b) keep or have in possession for sale; and

(c) barter or exchange; and

(d) deal in or agree to sell; and

(e) supply, send, forward or deliver for sale or for, or in expectation of receiving, any payment or other consideration; and

(f) authorise, cause, attempt or allow any act referred to in paragraph (a), (b), (c), (d) or (e);

travelling wildlife exhibition means a travelling show in which wildlife from a wildlife exhibition perform or are exhibited;

travelling wildlife exhibition permit means a permit issued and in force under Division 3 of Part 2;

wildlife display permit means a permit issued and in force under Division 4 of Part 2;

wildlife exhibition means a collection of wildlife that is kept –

(a) in connection with the conduct of a circus or similar show held in the State; or

(b) in a wildlife park, fauna park or similar place, for the purpose of public viewing, public education or public entertainment on payment of a fee or otherwise;

wildlife exhibition licence means a licence issued and in force under Division 2 of Part 2;

wildlife officer means –

(a) the Secretary; or

(b) an inspector as defined in the Animal Health Act 1995; or

(c) an authorised officer as defined in the Nature Conservation Act 2002; or

(d) a person employed in the Department who is appointed by the Secretary to be a wildlife officer.

4. Publication of codes of practice and management plans

If the Secretary approves a code of practice or a management plan under these regulations, the Secretary is to make a copy of the approved code or plan available to the public in such manner as the Secretary considers appropriate.

PART 2 - Licences and Permits

Division 1 - Requirement for licence or permit

5. Prohibition against keeping wildlife exhibition in unlicensed places

A person must not keep a wildlife exhibition in any place unless the person holds a wildlife exhibition licence authorising the person to keep that exhibition in that place.

Penalty:

Fine not exceeding 100 penalty units.

6. Prohibition against conducting travelling wildlife exhibition without travelling wildlife permit

A person must not conduct a travelling wildlife exhibition unless the person holds a travelling wildlife permit authorising the person to conduct that travelling exhibition.

Penalty:

Fine not exceeding 100 penalty units.

7. Prohibition against display of wildlife without permit or licence

A person must not display wildlife, or possess wildlife for the purpose of display, unless the person –

- (a) holds a wildlife display permit authorising the person to display that wildlife; or
- (b) holds a wildlife exhibition licence and displays that wildlife in accordance with that licence; or
- (c) holds a travelling wildlife permit and displays that wildlife in accordance with that permit.

Penalty:

Fine not exceeding 100 penalty units.

Division 2 - Wildlife exhibition licence

8. Authority of wildlife exhibition licence

A wildlife exhibition licence authorises the holder of the licence –

- (a) to keep wildlife in the place authorised by the licence; and
- (b) display that wildlife –

subject to and in accordance with these regulations and the terms of the licence.

9. Application for wildlife exhibition licence

(1) A body corporate, an individual or 2 or more individuals jointly may apply to the Secretary for a wildlife exhibition licence.

(2) An application for a licence is to be –

- (a) in writing; and
- (b) accompanied by a fee of 50 fee units.

10. Issue of wildlife exhibition licence

(1) On receipt of an application for a wildlife exhibition licence, the Secretary may –

- (a) grant the application; or
- (b) refuse to grant the application.

(2) If the Secretary grants the application, the Secretary is to issue a wildlife exhibition licence.

(3) The Secretary is not to grant an application unless satisfied that –

- (a) the place where the wildlife exhibition will be kept is suitable for the purpose; and

(b) the conditions under which the wildlife will be kept are in accordance with any relevant code of practice, or any relevant management plan, approved by the Secretary for the purpose of this regulation; and

(c) the facilities and services that will be available for the care and treatment of the wildlife to be kept in that place are satisfactory; and

(d) the nature and construction of any buildings and cages erected in that place that will be used for the confinement of any of the wildlife are suitable for that purpose; and

(e) it is unlikely that any of the wildlife will escape from that place or from confinement in that place; and

(f) in the case of an application by –

(i) a body corporate, every director of the body corporate is a fit and proper person to be a director of a body corporate that keeps a wildlife exhibition and is otherwise of good character; or

(ii) an individual, the individual is a fit and proper person to keep a wildlife exhibition and is otherwise of good character.

(4) Nothing in this regulation is to be construed as requiring the Secretary to grant an application.

11. Terms of wildlife exhibition licence

(1) A wildlife exhibition licence is subject to the following terms:

(a) that the holder of the licence must not, without the prior written approval of the Secretary or a person authorised by the Secretary in that behalf –

(i) erect, or cause or permit to be erected, in the place to which the licence relates a building or cage for the confinement of any wildlife; or

(ii) alter, or cause or permit to be altered, a building or cage erected for the confinement of wildlife in that place; or

(iii) keep any wildlife, or cause or permit any wildlife to be kept, in that place; or

(iv) release any wildlife, or cause or permit any wildlife to be released, from that place; or

(v) sell or otherwise dispose of any wildlife kept in that place;

(b) that the holder of the licence must not cause or permit any wildlife to escape from that place;

(c) that the holder of the licence must comply with any code of practice or management plan approved by the Secretary and specified in the licence;

(d) any other terms determined by the Secretary and specified in the licence.

(2) The holder of a wildlife exhibition licence must comply with each term of the licence.

Penalty:

Fine not exceeding 100 penalty units.

12. Directions to holder of wildlife exhibition licence

(1) The Secretary or a person authorised by the Secretary may, by notice in writing, give the holder of a wildlife exhibition licence a direction in respect of one or more of the following matters:

- (a) the provision of food and water for the wildlife kept under the licence;
- (b) the amount of space to be provided for the species or type of wildlife kept or for individual members of that species or type;
- (c) the kind of shelter to be provided for the species or type of wildlife kept or for individual members of that species or type;
- (d) the separation of different species or types of wildlife kept or of individual members of those differing species or types;
- (e) restrictions or prohibitions on displaying wildlife that is diseased or suffering from a wound;
- (f) restrictions or prohibitions on the handling of wildlife by the public.

(2) The holder of a wildlife exhibition licence must comply with a direction given under subregulation (1).

Penalty:

Fine not exceeding 100 penalty units.

13. Duration and renewal of wildlife exhibition licence

(1) A wildlife exhibition licence is in force for a period of 12 months commencing on the day on which the licence is issued or a later day specified in the licence.

(2) The holder of a wildlife exhibition licence may, at any time within the period of one month before the expiry date, apply to the Secretary to renew the licence.

(3) An application to renew a wildlife exhibition licence is to be –

- (a) in writing; and
- (b) accompanied by a fee of 50 fee units.

(4) On receipt of an application, the Secretary may –

- (a) grant the application; or
- (b) refuse to grant the application.

(5) The Secretary is to grant the application unless the Secretary is satisfied that grounds exist for the cancellation or suspension of the licence.

(6) If the Secretary grants the application, the Secretary is to renew the wildlife exhibition licence.

(7) A licence that is renewed under subregulation (6) is in force for a further period of 12 months commencing on the day after the expiry date.

(8) If the Secretary refuses to grant the application, the Secretary, by notice in writing served on the holder of the licence, is to notify the holder of that refusal.

(9) A notice is to specify the grounds on which the Secretary refuses to grant the application.

(10) If an application made in accordance with subregulations (2) and (3) is not determined, and not withdrawn, before the expiry date –

(a) the wildlife exhibition licence is taken to continue in force from the expiry date until whichever of the following occurs first:

(i) the licence is renewed;

(ii) the application is withdrawn;

(iii) if the application is refused and the applicant does not apply for a review of that decision under regulation 19 within the period allowed under the Magistrates Court (Administrative Appeals Division) Act 2001, the end of that period;

(iv) if the application is refused and the applicant applies for a review of that decision under regulation 19 within the period allowed under the Magistrates Court (Administrative Appeals Division) Act 2001, on the determination of that review; and

(b) on the renewal of that licence –

(i) the licence is in force for the remaining portion of the period of 12 months commencing on the day after the expiry date; and

(ii) the renewal is to be expressed to have taken effect on and from that day.

(11) For the purposes of this regulation –

expiry date means the day on which the wildlife exhibition licence which is sought to be renewed under subregulation (1) would expire if not renewed.

14. Records to be kept by holder of wildlife exhibition licence

(1) The Secretary, by written notice provided to the holder of a wildlife exhibition licence, may require the holder of the licence to keep daily records in a form approved by the Secretary.

(2) Without limiting subregulation (1), the Secretary may require that the daily records contain particulars of any or all of the following matters:

(a) the natural increase in the exhibition of wildlife kept;

(b) deaths of the wildlife kept;

(c) acquisitions to that wildlife exhibition, other than by natural increase;

(d) losses of wildlife from that wildlife exhibition, other than by death;

(e) the names and addresses of persons from whom or to whom wildlife in that exhibition was obtained or disposed of;

(f) the ages, sexes and identifying marks (if any) of wildlife kept.

(3) A wildlife officer, at any reasonable time, may require the holder of a wildlife exhibition licence to produce to the officer a record kept by the holder in accordance with a requirement under subregulation (1).

(4) The holder of a wildlife exhibition licence must –

(a) comply with the requirements of the Secretary under subregulations (1) and (2); and

(b) comply with a requirement of a wildlife officer under subregulation (3).

Penalty:

Fine not exceeding 100 penalty units.

15. Disease notification by holder of wildlife exhibition licence

(1) The holder of a wildlife exhibition licence who knows, or has reason to suspect, that any of the wildlife kept is infected with disease, or is liable to spread disease, must –

(a) as soon as practicable, and within 48 hours after becoming aware of the infection or liability to spread disease, notify the Secretary; and

(b) as soon as practicable after becoming aware of the infection or liability to spread disease, ensure that the wildlife is quarantined from other wildlife capable of contracting the disease.

Penalty:

Fine not exceeding 100 penalty units.

(2) A person must not make a statement, or supply information, in a notification under subregulation (1) knowing the statement or information to be false or misleading in a material particular.

Penalty:

Fine not exceeding 100 penalty units.

16. Suspension of wildlife exhibition licence

(1) The Secretary, by notice in writing served on the holder of a wildlife exhibition licence, may suspend the licence on any grounds specified in regulation 17 if satisfied that –

(a) those grounds are not so serious as to warrant cancellation of the licence; or

(b) the holder of the licence is able to comply with a term specified in the licence within a reasonable time.

(2) A notice is to specify the grounds on which a licence is suspended.

(3) The Secretary may suspend a licence –

(a) for the period specified in the notice; and

(b) subject to any conditions specified in the notice.

(4) If a licence is suspended subject to conditions, the holder of the licence must comply with those conditions.

Penalty:

Fine not exceeding 100 penalty units.

17. Cancellation of wildlife exhibition licence

(1) The Secretary, by notice in writing served on the holder of a wildlife exhibition licence, may cancel the licence on any of the following grounds:

(a) that the holder of the licence has failed to comply with a term of the licence;

(b) that the holder of the licence has been convicted of an offence under the Act or these regulations;

(c) that the holder of the licence has not complied with a condition to which a suspension of the licence under regulation 16 is subject.

(2) A notice under subregulation (1) –

(a) is to specify the grounds on which the licence is cancelled; and

(b) may give directions to the holder of the wildlife exhibition licence regarding the disposal of the wildlife to which the wildlife exhibition licence relates, and is to specify the day by which the holder of the licence is to comply with those directions; and

(c) may give such other directions, and impose limitations and restrictions, as the Secretary considers appropriate.

(3) The holder of the cancelled wildlife exhibition licence must –

(a) not dispose of the wildlife –

(i) without first obtaining the approval of the Secretary; or

(ii) contrary to any directions given in the notice under subregulation (1); and

(b) comply with any directions given in the notice under subregulation (1).

Penalty:

Fine not exceeding 100 penalty units.

(4) The cancellation of a wildlife exhibition licence takes effect on service of a notice under subregulation (1) or on a later day specified in the notice.

(5) The holder of the wildlife exhibition licence must surrender it to the Secretary as soon as practicable after it is cancelled.

Penalty:

Fine not exceeding 50 penalty units.

18. Surrender of wildlife exhibition licence

(1) The holder of a wildlife exhibition licence, by notice in writing to the Secretary, may surrender the licence.

(2) A surrendered wildlife exhibition licence ceases to have effect –

(a) on the day specified in the notice; or

(b) if a day is not specified, on the day the notice is received by the Secretary.

19. Review of decisions in respect of wildlife exhibition licence

(1) A holder of a wildlife exhibition licence may apply to the Magistrates Court (Administrative Appeals Division) under the *Magistrates Court (Administrative Appeals Division) Act 2001* for a review of a reviewable decision.

(2) For the purpose of subregulation (1), the following are reviewable decisions:

(a) the refusal of the Secretary to renew the holder's wildlife exhibition licence;

(b) the cancellation or suspension of the holder's wildlife exhibition licence.

20. Power of wildlife officers to seize wildlife

A wildlife officer may seize any wildlife in a place in which wildlife is kept under a wildlife exhibition licence if –

(a) the wildlife officer considers the wildlife to be distressed; or

(b) the wildlife officer knows, or has reason to suspect, the wildlife is infected with disease or is liable to disseminate disease; or

(c) the wildlife officer knows, or has reason to suspect, the wildlife is not approved under regulation 11(1)(a)(iii).

21. Offences concerning escape or release of wildlife

(1) A person must not –

(a) cause or permit any wildlife to escape from the place in which it is kept under a wildlife exhibition licence; or

(b) release any wildlife, or cause or permit any wildlife to be released, from that place unless the person does so with the prior written approval of the Secretary, or a person authorised by the Secretary.

Penalty:

Fine not exceeding 100 penalty units.

(2) A person must not interfere with a fence, gate, cage, building or other structure, or with any equipment, so as to cause or permit any wildlife to escape, or with the intention of causing or permitting any wildlife to escape –

(a) from confinement in a place in which it is kept under a wildlife exhibition licence; or

(b) from such a place.

Penalty:

Fine not exceeding 100 penalty units.

(3) A person must not take any wildlife in a place in which it is kept under a wildlife exhibition licence.

Penalty:

Fine not exceeding 100 penalty units.

(4) Despite subregulation (3), the holder of a wildlife exhibition licence may, for the purposes of good husbandry, take or cause or permit to be taken any wildlife in a place in which it is kept under the licence.

(5) For the purposes of this regulation –

take includes kill, injure, catch, damage, destroy and collect.

22. Obligations on licence holder on escape or release of wildlife

(1) If wildlife kept under a wildlife exhibition licence has escaped or been released from the place in which it is kept, the holder of the licence must notify the Secretary –

(a) as soon as practicable, and within 2 hours, after becoming aware of the escape or release; and

(b) as soon as practicable, and within 2 hours, after recapture of the wildlife.

Penalty:

Fine not exceeding 100 penalty units.

(2) If wildlife kept under a wildlife exhibition licence has escaped or been released into the wild, the holder of the licence must –

(a) take all reasonable steps to recover the escaped or released wildlife; or

(b) if it is necessary to prevent an immediate threat to the public or environment, destroy the escaped or released wildlife.

Penalty:

Fine not exceeding 100 penalty units.

(3) Any wildlife kept under a wildlife exhibition licence that has escaped or been released into the wild and not recovered within a period of 48 hours after the licence holder becomes aware of the escape or release is forfeited to the Crown.

(4) The Secretary may extend the period referred to in subregulation (3) on receipt of a written request from the licence holder.

23. Recovery or destruction of escaped or released wildlife

(1) As soon as a wildlife officer is aware that any wildlife has escaped or been released into the wild, he or she is to –

(a) take any steps he or she considers necessary to facilitate the recovery of the escaped or released wildlife; or

(b) destroy the escaped or released wildlife if he or she is of the opinion that it is necessary to prevent an immediate threat to the public or environment.

(2) A wildlife officer may require the holder of a wildlife exhibition licence, by notice in writing, to take any action that the wildlife officer considers necessary to facilitate one or more of the following:

(a) the recovery of any escaped or released wildlife;

(b) the destruction of any escaped or released wildlife;

(c) the prevention of any further escape or release of wildlife.

(3) The holder of a wildlife exhibition licence must comply with a notice under subregulation (2).

Penalty:

Fine not exceeding 100 penalty units.

(4) The holder of a wildlife exhibition licence is liable to pay to the Crown the costs, charges and expenses reasonably incurred by a wildlife officer in the destruction or recovery of, or an attempt to destroy or recover, any escaped or released wildlife.

(5) The Crown is not liable to pay compensation in respect of any escaped or released wildlife that has been destroyed under this regulation.

24. Offences concerning acquisition and disposal of wildlife

(1) The holder of a wildlife exhibition licence must not –

(a) acquire from a person any wildlife for exhibition if the holder knows, or ought reasonably to know, that the person committed a relevant offence by acquiring, possessing or disposing of the wildlife; or

(b) dispose of any wildlife kept under the licence to a person if the holder knows, or ought reasonably to know, that the person would commit a relevant offence by acquiring, possessing or disposing of the wildlife; or

(c) without the prior written approval of the Secretary or a person authorised by the Secretary, acquire any wildlife for exhibition or dispose of an exhibited animal.

Penalty:

Fine not exceeding 100 penalty units.

(2) For the purposes of this regulation –

relevant offence means an offence under –

(a) the Act, the *Animal Health Act 1995*, the *Animal Welfare Act 1993*, the *Threatened Species Protection Act 1995* or the *Whales Protection Act 1988*; or

(b) regulations made under any of those Acts.

Division 3 - Travelling wildlife exhibition permit

25. Authority of travelling wildlife exhibition permit

A travelling wildlife exhibition permit authorises the holder of the permit to conduct a travelling wildlife exhibition with the wildlife specified in the permit subject to and in accordance with these regulations and the terms of the permit.

26. Application for travelling wildlife exhibition permit

(1) A person who holds a wildlife exhibition licence may apply to the Secretary for a travelling wildlife exhibition permit.

(2) An application for a permit is to be in writing.

27. Issue of travelling wildlife exhibition permit

(1) On receipt of an application for a travelling wildlife exhibition permit, the Secretary may –

(a) grant the application; or

(b) refuse to grant the application.

(2) If the Secretary grants the application, the Secretary is to issue a travelling wildlife exhibition permit.

(3) Nothing in this regulation is to be construed as requiring the Secretary to grant the application.

28. Terms of travelling wildlife exhibition permit

(1) A travelling wildlife exhibition permit is subject to the following terms:

(a) that the holder of the permit must comply with any relevant code of practice, or management plan, approved by the Secretary and specified in the permit;

(b) that, during the transporting of wildlife, the wildlife –

(i) is not subjected to excessive noise, exhaust fumes, heat or cold; and

(ii) is provided with adequate ventilation;

(c) that the holder of the permit must not, without the prior written approval of the Secretary or a person authorised by the Secretary in that behalf, release any wildlife or cause or permit any wildlife to be released into the wild;

(d) that any directions given by a wildlife officer are complied with;

(e) any other terms determined by the Secretary and specified in the permit.

(2) Without limiting subregulation (1)(e), a travelling wildlife exhibition permit may include terms relating to –

(a) the provision of food and water for the wildlife; and

(b) the amount of space to be provided for the species or type of wildlife or for individual members of that species or type; and

(c) the kind of shelter to be provided for the species or type of wildlife or for individual members of that species or type; and

(d) the separation of differing species or types of wildlife or of the individual members of those differing species or types; and

(e) restrictions or prohibitions on displaying wildlife that is diseased or suffering from a wound; and

(f) restrictions or prohibitions on the handling of wildlife by the public; and

(g) restrictions or prohibitions on the sale or other disposal of any wildlife.

(3) The holder of a travelling wildlife exhibition permit must comply with each term of the permit.

Penalty:

Fine not exceeding 100 penalty units.

29. Duration of travelling wildlife exhibition permit

A travelling wildlife exhibition permit is in force for the period specified in the permit.

30. Disease notification by holder of travelling wildlife exhibition permit

(1) The holder of a travelling wildlife exhibition permit who knows, or has reason to suspect, that any of the wildlife to which the permit relates is infected with disease, or is liable to spread disease, must –

(a) as soon as practicable, and within 48 hours after becoming aware of the infection or liability to spread disease, notify the Secretary; and

(b) as soon as practicable after becoming aware of the infection or liability to spread disease, ensure that the wildlife is quarantined from other wildlife capable of contracting the disease.

Penalty:

Fine not exceeding 100 penalty units.

(2) A person must not make a statement, or supply information, in a notification under subregulation (1) knowing the statement or information to be false or misleading in a material particular.

Penalty:

Fine not exceeding 100 penalty units.

31. Cancellation of travelling wildlife exhibition permit

(1) A travelling wildlife exhibition permit is cancelled if the holder's wildlife exhibition licence is cancelled.

(2) The Secretary, by notice in writing served on the holder of a travelling wildlife exhibition permit, may cancel the permit on any of the following grounds:

(a) that the holder of the permit has failed to comply with a term of the permit;

(b) that the holder of the permit has been convicted of an offence under the Act or these regulations.

(3) A notice under subregulation (1) is to specify the grounds on which the travelling wildlife exhibition permit is cancelled.

(4) The cancellation of a travelling wildlife exhibition permit takes effect on service of a notice under subregulation (1) or on a later day specified in the notice.

(5) The holder of a cancelled travelling wildlife exhibition permit must surrender it to the Secretary as soon as practicable after it is cancelled.

Penalty:

Fine not exceeding 100 penalty units.

32. Surrender of travelling wildlife exhibition permit

(1) The holder of a travelling wildlife exhibition permit, by notice in writing to the Secretary, may surrender the permit.

(2) A surrendered travelling wildlife exhibition permit ceases to have effect –

(a) on the day specified in the notice; or

(b) if a day is not specified, on the day the notice is received by the Secretary.

33. Review of decisions in respect of travelling wildlife exhibition permit

(1) A holder of a travelling wildlife exhibition permit may apply to the Magistrates Court (Administrative Appeals Division) under the Magistrates Court (Administrative Appeals Division) Act 2001 for a review of a reviewable decision.

(2) For the purpose of subregulation (1), the cancellation of the holder's travelling wildlife exhibition permit is a reviewable decision.

34. Power of wildlife officers to seize wildlife

A wildlife officer may seize any wildlife specified in a travelling wildlife exhibition permit if –

- (a) the wildlife officer considers the wildlife to be distressed; or
- (b) the wildlife officer knows, or has reason to suspect, the wildlife is infected with disease or is liable to disseminate disease.

35. Offences concerning escape or release of wildlife

(1) A person must not –

- (a) cause or permit any wildlife kept in connection with the conduct of a travelling wildlife exhibition to escape from the place where the exhibition is being held or while travelling to or from that place; or
- (b) release any wildlife, or cause or permit any such wildlife to be released, from that place or while travelling to or from that place unless the person does so with the prior written approval of the Secretary, or a person authorised by the Secretary.

Penalty:

Fine not exceeding 100 penalty units.

(2) A person must not interfere with a fence, gate, cage, building or other structure, or with any equipment, so as to cause or permit any wildlife to escape, or with the intention of causing or permitting any wildlife to escape –

- (a) from confinement in a place where the exhibition is being held; or
- (b) from that place; or
- (c) while travelling to or from that place.

Penalty:

Fine not exceeding 100 penalty units.

Division 4 - Wildlife display permit

36. Authority of wildlife display permit

A wildlife display permit authorises the holder of the permit to display the wildlife specified in the permit subject to and in accordance with these regulations and the terms of the permit.

37. Application for wildlife display permit

(1) A body corporate, an individual or 2 or more individuals jointly may apply to the Secretary for a wildlife display permit.

(2) An application for a permit is to be –

(a) in writing; and

(b) accompanied by a fee of 20 fee units.

38. Issue of wildlife display permit

(1) On receipt of an application for a wildlife display permit, the Secretary may –

(a) grant the application; or

(b) refuse to grant the application.

(2) If the Secretary grants the application, the Secretary is to issue a wildlife display permit.

(3) Nothing in this regulation is to be construed as requiring the Secretary to grant an application.

39. Terms of wildlife display permit

(1) A wildlife display permit may be issued subject to one or more of the following terms as specified in the permit:

(a) that secure enclosures for the confinement of wildlife are provided;

(b) that wildlife is not released or allowed to escape from an enclosure;

(c) that wildlife that is diseased or suffering from any wound is not displayed;

(d) that wildlife is not handled by the public;

(e) that wildlife is not subject to stress;

(f) that wildlife is provided with appropriate and sufficient food and water;

(g) that, during the transporting of wildlife, the wildlife –

(i) is not subjected to excessive noise, exhaust fumes, heat or cold; and

(ii) is provided with adequate ventilation;

(h) that, while wildlife is not on display, it is kept in appropriate enclosures that allow sufficient space for exercise;

(i) that any directions given by a wildlife officer are complied with;

(j) that any code of practice, or management plan, approved by the Secretary and specified in the permit is complied with;

(k) any other terms determined by the Secretary and specified in the permit.

(2) The holder of a wildlife display permit must comply with each term specified in the permit.

Penalty:

Fine not exceeding 100 penalty units.

40. Duration and renewal of wildlife display permit

(1) A wildlife display permit is in force for the period, not exceeding 12 months, specified in the permit.

(2) The holder of a wildlife display permit, at any time within the period of one month before the expiry date, may apply to the Secretary for renewal of the permit.

(3) An application for renewal of a wildlife display permit is to be –

(a) in writing; and

(b) accompanied by a fee of 20 fee units.

(4) On receipt of an application, the Secretary may –

(a) grant the application; or

(b) refuse to grant the application.

(5) The Secretary is to grant the application unless the Secretary is satisfied that grounds exist for the cancellation or suspension of the permit.

(6) If the Secretary grants the application, the Secretary is to renew the wildlife display permit.

(7) A permit that is renewed under subregulation (6) is in force for a further period, not exceeding 12 months, specified in the permit and commencing on the day after the expiry date.

(8) If the Secretary refuses to grant the application, the Secretary, by notice in writing served on the holder of the permit, is to notify the holder of that refusal.

(9) A notice is to specify the grounds on which the Secretary refuses to grant the application.

(10) If an application made in accordance with subregulations (2) and (3) is not determined, and not withdrawn, before the expiry date –

(a) the wildlife display permit is taken to continue in force from the expiry date until whichever of the following occurs first:

(i) the permit is renewed;

(ii) the application is withdrawn;

(iii) if the application is refused and the applicant does not apply for a review of that decision under regulation 44 within the period allowed under the Magistrates Court (Administrative Appeals Division) Act 2001, at the end of that period;

(iv) if the application is refused and the applicant applies for a review of that decision under regulation 44 within the period allowed under the Magistrates Court (Administrative Appeals Division) Act 2001, on the determination of that review; and

(b) on the renewal of that permit—

(i) the permit is in force for the remaining portion of the period, not exceeding 12 months, specified in the permit commencing on the day after the expiry date; and

(ii) the renewal is to be expressed to have taken effect on and from that day.

(11) For the purposes of this regulation –

expiry date means the day on which the wildlife display permit which is sought to be renewed under subregulation (1) would expire if not renewed.

41. Suspension of wildlife display permit

(1) The Secretary, by notice in writing served on the holder of a wildlife display permit, may suspend the permit on any grounds specified in regulation 42 if satisfied that –

(a) those grounds are not so serious as to warrant cancellation of the permit; or

(b) the holder of the permit is able to comply with a term specified in the permit within a reasonable time.

(2) A notice is to specify the grounds on which a permit is suspended.

(3) The Secretary may suspend a permit –

(a) for the period specified in the notice; and

(b) subject to any conditions specified in the notice.

(4) If a permit is suspended subject to conditions, the holder of the permit must comply with those conditions.

Penalty:

Fine not exceeding 100 penalty units.

42. Cancellation of wildlife display permit

(1) The Secretary, by notice in writing served on the holder of a wildlife display permit, may cancel the permit on any of the following grounds:

(a) that the holder of the permit has failed to comply with a term of the permit;

(b) that the holder of the permit has been convicted of an offence under the Act or these regulations;

(c) that the holder of the permit has not complied with a condition to which a suspension of the permit under regulation 41 is subject.

(2) A notice under subregulation (1) –

(a) is to specify the grounds on which the permit is cancelled; and

(b) may give directions to the holder of the wildlife display permit regarding the disposal of the wildlife to which the permit relates, and is to specify the day by which the holder of the permit is to comply with those directions; and

(c) may give such other directions, and impose limitations and restrictions, as the Secretary considers appropriate.

(3) The holder of the cancelled wildlife display permit must –

(a) not dispose of the wildlife –

(i) without first obtaining the approval of the Secretary; or

(ii) contrary to any directions given in the notice under subregulation (1); and

(b) comply with any directions given in the notice under subregulation (1).

Penalty:

Fine not exceeding 100 penalty units.

(4) The cancellation of a wildlife display permit takes effect on service of a notice under subregulation (1) or on a later day specified in the notice.

(5) The holder of the wildlife display permit must surrender it to the Secretary as soon as practicable after it is cancelled.

Penalty:

Fine not exceeding 50 penalty units.

43. Surrender of wildlife display permit

(1) The holder of a wildlife display permit, by notice in writing to the Secretary, may surrender the permit.

(2) A surrendered wildlife display permit ceases to have effect –

(a) on the day specified in the notice; or

(b) if a day is not specified, on the day the notice is received by the Secretary.

44. Review of decisions in respect of wildlife display permit

(1) A holder of a wildlife display permit may apply to the Magistrates Court (Administrative Appeals Division) under the Magistrates Court (Administrative Appeals Division) Act 2001 for a review of a reviewable decision.

(2) For the purpose of subregulation (1), the following are reviewable decisions:

- (a) the refusal of the Secretary to renew the holder's wildlife display permit;
- (b) the cancellation or suspension of the holder's wildlife display permit.

45. Power of wildlife officers to seize wildlife

A wildlife officer may seize any wildlife displayed under a wildlife display permit if –

- (a) the wildlife officer considers the wildlife to be distressed; or
- (b) the wildlife officer knows, or has reason to suspect, the wildlife is infected with disease or is liable to disseminate disease.

PART 3 - Miscellaneous

46. Misrepresentations as to licences and permits

(1) A person must not produce to a wildlife officer any document that is, or purports to be, a licence or permit with the intention of falsely representing to that officer that the person or a body corporate is the holder of that licence or permit.

Penalty:

Fine not exceeding 100 penalty units.

(2) A person must not, with intention to deceive, produce to a wildlife officer any licence or permit that has been altered in a material respect or any document that resembles a licence or permit.

Penalty:

Fine not exceeding 100 penalty units.

(3) The holder of a licence or permit must not lend the licence or permit to another person, or cause or permit that licence or permit to be used in a manner calculated to deceive a wildlife officer.

Penalty:

Fine not exceeding 100 penalty units.

(4) A person must not falsely represent to a wildlife officer that –

(a) the person is the holder of a licence or permit in the person's own right or jointly with another person or other persons; or

(b) a body corporate is the holder of a licence or permit.

Penalty:

Fine not exceeding 100 penalty units.

(5) For the purposes of this regulation –

licence means a wildlife exhibition licence;

permit means a travelling wildlife exhibition permit or a wildlife display permit.

47. False or misleading statements in applications

A person must not, in an application for a wildlife exhibition licence, a travelling wildlife exhibition permit or a wildlife display permit, state anything which the person knows to be false or misleading in a material particular.

Penalty:

Fine not exceeding 100 penalty units.

48. Infringement notice offences and penalties

For the purposes of section 62 of the Act –

(a) an offence against a regulation specified in Schedule 1 is a prescribed offence in respect of which an infringement notice may be issued; and

(b) the penalty specified in that Schedule opposite that offence is the applicable penalty for that prescribed offence.

SCHEDULE 1 - Infringement Notice Offences and Penalties

Regulation 48

	Regulation	Penalty (Penalty units)
1.	5	4
2.	6	4
3.	7	4
4.	11(2)	4
5.	12(2)	4
6.	14(4)	4
7.	15(1)	4
8.	15(2)	4
9.	16(4)	4
10.	17(3)	4
11.	17(5)	2
12.	21(1)	4
13.	21(2)	4
14.	21(3)	4

15.	22(1)	4
16.	22(2)	4
17.	23(3)	4
18.	24(1)	4
19.	28(3)	4
20.	30(1)	4
21.	30(2)	4
22.	35(1)	4
23.	35(2)	4
24.	39(2)	4
25.	41(4)	4
26.	42(3)	4
27.	42(5)	2
28.	46(1)	4
29.	46(2)	4
30.	46(3)	4
31.	46(4)	4
32.	47	4

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 1 December 2010.

These regulations are administered in the Department of Primary Industries, Parks, Water and Environment.

Table Of Amendments

Citation	Serial Number	Date of commencement
Wildlife (Exhibited Animals) Regulations 2010	S.R. 2010, No. 114	1.1.2011