

1990 - No. 838

EXHIBITED ANIMALS PROTECTION ACT 1986 - REGULATION

(Relating to the operation of minor establishments, the exemption of certain establishments and the fees payable for licences to operate minor establishments)

NEW SOUTH WALES



[Published in Gazette No. 183 of 28 December 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Exhibited Animals Protection Act 1986, has been pleased to make the Regulation set forth hereunder.

TIM MOORE
Minister for Environment.

Commencement

1. This Regulation commences on 7 January 1991.

Amendments

2. The Exhibited Animals Protection Regulation 1989 is amended:
 - (a) by inserting in clause 3, in alphabetical order, the following definition:

"minor establishment" means premises, not being a temporary establishment:

 - (a) at which not more than 30 animals are displayed, being not more than 20 birds and not more than 10 mammals; and
 - (b) at which all animals displayed are of a bird or a mammal species listed in Schedule 3 or of any combination of those species;

- (b) by inserting at the end of clause 6 (1) (b) the following word and paragraph:
 - ; and
 - (c) minor establishments.
- (c) by inserting after clause 6 the following clause:

Exemptions

6A. For the purposes of section 4 (1) of the Act, an animal display establishment is exempt from the requirement to be licensed if the only animals exhibited at the establishment are freshwater fish which are kept:

- (a) in a decorative or landscaped pond or ponds of any size;
or
 - (b) in an aquarium which has a capacity of less than 2,000 litres or aquaria which have a total capacity of less than 2,000 litres.
- (d) by inserting in clause 14 (2) after the matter "(5)" the matter "or (6)";
 - (e) by inserting in clause 14 (5) (a) after the matter "(b)" the words "and the application does not relate to a minor establishment";
 - (f) by inserting after clause 14 (5) (a) the following paragraph:
 - (a1) if the application is for an applicable authority referred to in subclause (1) (a) or (b) and the application relates to a minor establishment - \$250; or
 - (g) by inserting after clause 14 (5) the following subclause:
 - (6) Except as provided by subclause (5), the application fee for an applicable authority referred to in subclause (1) (a), (b) or (c) in respect of a minor establishment is \$250.

EXPLANATORY NOTE

The object of this Regulation is to provide for the licensing of minor establishments as a class of animal display establishment. A minor establishment, such as a garden centre or motel, is one at which not more than 30 birds and mammals of common species are exhibited. The class also takes in small zoos, aviaries and animal displays in botanic gardens operated by local councils.

A licence, and annual renewal, fee of \$250 is payable in respect of minor establishments. However, in the case of local councils which do not charge an admission fee to the display, no renewal fee is payable.

1990 - No. 838

An exemption from licensing is provided in respect of animal display establishments if the only animals kept are freshwater fish in decorative or landscaped ponds of any size or in aquaria of a capacity of less than 2,000 litres.
