



# **PARKS & RECREATION COMMITTEE MEETING**

## **AGENDA**

**4 FEBRUARY 2014**

*Your attendance is required at a meeting of the Parks & Recreation Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 4 February 2014 commencing at 3:00pm for transaction of the enclosed business.*

A handwritten signature in black ink, appearing to be "C. R.", is positioned above the printed name of the Chief Executive Officer.

**CHIEF EXECUTIVE OFFICER**  
29 January 2014

Next Meeting Date: 04.03.14

**Please note:**

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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**1 OPENING**

**2 PRESENT**

Members Present:

Councillor C R Rutherford (Chairperson)  
The Mayor, Councillor M F Strelow  
Councillor S J Schwarten  
Councillor A P Williams  
Councillor R A Swadling  
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr M Rowe – General Manager Community Services

**3 APOLOGIES AND LEAVE OF ABSENCE**

**4 CONFIRMATION OF MINUTES**

Minutes of the Parks & Recreation Committee held 5 November 2013

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

## 6 BUSINESS OUTSTANDING

### 6.1 BUSINESS OUTSTANDING TABLE FOR PARKS AND RECREATION COMMITTEE

**File No:** 10097

**Attachments:** 1. Business Outstanding Table for Parks and Recreation Committee

**Responsible Officer:** Evan Pardon - Chief Executive Officer

**Author:** Evan Pardon - Chief Executive Officer

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#### SUMMARY

*The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Parks and Recreation Committee is presented for Councillors information.*

#### OFFICER'S RECOMMENDATION

THAT the Business Outstanding Table for the Parks and Recreation Committee be received.

**BUSINESS OUTSTANDING TABLE FOR  
PARKS AND RECREATION  
COMMITTEE**

**Business Outstanding Table for Parks  
and Recreation Committee**

**Meeting Date: 4 February 2014**

**Attachment No: 1**

Meeting Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
6 November 2012	Draft Sport and Recreation Land Signage Policy	THAT the Committee recommend to Council that the Sport and Recreation Land Signage Policy be revised and represented to Council at a later date.	Sophia Czarkowski	18/12/2012	Currently being reviewed with Chair of Parks and Recreation Committee
5 March 2013	Gracemere Redbacks Football Club's Proposed Lease	THAT Council 1. Rescind the previous decision made to issue a Lease to Gracemere Redbacks Football Club Inc for land located on Johnson Road adjacent to the Cemetery (Lot 2 SP163921). 2. Authorise the Chief Executive Officer to offer the Gracemere Redbacks Football Club Inc a lease over a suitable area at Cedric Archer Park.	Sophia Czarkowski	19/03/2013	Discussions with Club ongoing.
7 May 2013	Zoo Development Plan	THAT: a) the report be received; b) The 2012/13 capital program for the Zoo proceed as programmed; and c) Council direct that a 5 year Operational Plan for the Zoo be prepared for consideration in the formulation of the 2013/14 Budget and Long Term Financial Plan review.	Vincent Morrice	30/06/2014	Site works for construction of Crocodile ponds underway. Cost estimates being prepared for Otter enclosure.

	Report Title	Resolution	Responsible Officer	Due Date	Comments
7 May 2013	Request from Brothers Cricket Incorporated for tenure at Victoria Park	<p>THAT</p> <ul style="list-style-type: none"> <li>• Council grant a Reserve Lease to Brothers Cricket Club for approximately 13mx27m of land at Victoria Park (Lot 40 SP240869) to construct practice cricket nets for training purposes, and that</li> <li>• Council agree to the standard terms and conditions of the Reserve Lease and the following Special Conditions:               <ol style="list-style-type: none"> <li>1. Trustee Lessee must provide the Trustee Lessor with current membership numbers upon execution of the Trustee Lease, and provide updated membership numbers by 31 January each subsequent year;</li> <li>2. The Trustee Lessee must provide the Trustee Lessor with proposed usage times and days upon execution of the Trustee Lease, and by 31 January each subsequent year;</li> <li>3. That the Trustee Lessee advise the Trustee Lessor of AGM dates, at least twenty-eight (28) days in advance, to ensure that the Trustee Lessor has the opportunity to attend such meetings to ensure any newly elected committee members are aware of the responsibilities under the Trustee Lease;</li> </ol> </li> </ul>	Sophia Czarkowski	21/05/2013	Survey plan has been completed and Properties and Insurance are drafting the new Lease Agreement.

	Report Title	Resolution	Responsible Officer	Due Date	Comments
		<p>4. Within two (2) years from the commencement date, the Trustee Lessee must complete the construction of the cricket nets (to the satisfaction of the Trustee, as per clause 5.4). Failure to fulfil this Special Condition may result in the termination of the Trustee Lease.</p> <p>5. The cricket nets (as per Special Condition 1) must not impede on the existing cricket field. The location must be approved by the Trustee.</p> <p>6. At such times that Victoria Park is required for use by the Trustee, the Trustee Lessee's access to the Lease Area may be prohibited or impeded as advised in writing by the Trustee from time to time</p>			
4 June 2013	Proposed Muellerville Walk	<p>THAT Council endorse the route for the proposed Muellerville Walk and approve the re-allocation of funds from the 2012/13 Parks &amp; Open Space budget to fund the acquisition of the signage with installation to be undertaken in 2013/14 by Council's day labour workforce.</p>	Vincent Morrice	30/05/2014	<p>Interpretive signs ordered. Installation of signage targeted for completion in time for May 2014 launch.</p>
4 June 2013	Planning and Collections Monthly Report for April 2013	<p>THAT the Planning and Collections Monthly Report for April 2013 be received and a further report that explores options for burial alternatives for Memorial Gardens other than the Modern Burial System be provided.</p>	Vincent Morrice	31/03/2014	<p>Costing received. Data and options analysis to be included with Cemetery Capacity Assessment report in March 2014.</p>

	Report Title	Resolution	Responsible Officer	Due Date	Comments
6 August 2013	Request from Rockhampton Fitzroy Rowing Club Inc for an extension to its Leased area at Rockhampton Ski Gardens	<p>THAT</p> <ol style="list-style-type: none"> <li>1. Council accept the surrender of the current Trustee Lease with Rockhampton Fitzroy Rowing Club Inc</li> <li>2. Council enter into a new Trustee Lease with Rockhampton Fitzroy Rowing Club Inc and accept its request for an extension to its current Trustee Lease area, with the following special condition: <ol style="list-style-type: none"> <li>a. Within two (2) years from the commencement date, the Trustee Lessee must complete the construction of second storage shed (to the satisfaction of the Trustee, as per clause 5.4). Failure to fulfill this Special Condition may result in the termination of the Trustee Lease.</li> </ol> </li> </ol>	Sophia Czarkowski	20/08/2013	Finalised survey plan has been completed and Properties and Insurance are drafting the new Lease Agreement.
6 August 2013	Request from Rockhampton Outrigger Canoe Club Inc for a relocation of its proposed Lease area at Rockhampton Ski Gardens	THAT Council accede to the request from Rockhampton Outrigger Canoe Club Inc for the relocation of its Trustee Lease area on Part Lot 371 CP863559, known as Rockhampton Ski Gardens, Harman Street.	Sophia Czarkowski	20/08/2013	Finalised survey plan has been completed and Properties and Insurance are drafting the new Lease Agreement.

	Report Title	Resolution	Responsible Officer	Due Date	Comments
6 August 2013	Request from Rockhampton Little Theatre for tenure at Bolton Park	<p>THAT Council accede to the request from Rockhampton Little Theatre for a ten (10) year Trustee Lease over part of Bolton Park (part Lot 438 LN2082) measuring 32m x 22m for the purposes of Rockhampton Little Theatre activities provided that the request for tenure is endorsed by Department of Natural Resources and Mines, with the following special condition:</p> <ul style="list-style-type: none"> <li>• Within two (2) years from the commencement date, the Trustee Lessee must complete the construction of the facility (to the satisfaction of the Trustee, as per clause 5.4). Failure to fulfil this Special Condition may result in the termination of the Trustee Lease.</li> </ul>	Sophia Czarkowski	20/08/2013	Awaiting survey plan to be completed.
6 August 2013	Allocation of Lanes at WWII Memorial Pool South Rockhampton	THAT Council proceed with an Expression of Interest process for lane allocations at the WWII Memorial Pool complex (preceded by the appropriate level of community engagement) with the duration of the agreement being a period of five (5) years.	Vincent Morrice	30/06/2014	Currently on hold pending the outcome of the Pool Management EOI process. Lane space continues to be managed by the operator.
3 September 2013	Dump Point Sound Shell Parkhurst – Terminate Service	<ol style="list-style-type: none"> <li>1. THAT the Council approve the decommissioning of the caravan dump point located at The Soundshell (Music Bowl) and secure the site to stop unlawful entry effective 31 December 2013.</li> <li>2. THAT a further report on alternate sites be provided.</li> </ol>	Sharon Sommerville	17/09/2013	Facilities liaising with Regional Services about the proposal to relocate the dump point to the North Rockhampton Sewer Treatment Plant. Report to be presented to February Parks and Recreation Committee.



	Report Title	Resolution	Responsible Officer	Due Date	Comments
1 October 2013	Australian White Ibis Management Program: Annual Report 2012-13	THAT the Australian White Ibis Management Program Annual Report 2012-13 be received, and that bearing in mind the pending loss of food source at Lakes Creek Landfill for the Australian White Ibis, that Council seek discussions with relevant parties with a view to addressing potential problems.	Vincent Morrice	15/10/2013	
5 November 2013	Business Outstanding Table for Parks and Recreation Committee	THAT the Business Outstanding Table for the Parks and Recreation Committee be received, and the Flood Mitigation Analysis for Jardine Park Precinct item be forwarded to full Council for determination with an appropriate report compiled by both Engineering and Parks.	Martin Crow	12/11/2013	
5 November 2013	36 Thompson Avenue, Mount Morgan – Community Engagement Outcome	That the matter lay on the table until the next Parks and Recreation Committee Meeting.	Sharon Sommerville	12/11/2013	Facilities are engaging a structural engineer to confirm that removing the verandas will not impact on the stability of the structure and to confirm whether any remedial works are required to the structural cracking of the building. An estimated cost for any remedial works to be supplied within the report. A contractor has provided a quotation for the removal of asbestos and fragments over the site. Facilities staff will maintain regular surveillance of the building in the interim. Costs to stabilise/make safe will be presented to February Parks and Recreation Committee.

	Report Title	Resolution	Responsible Officer	Due Date	Comments
5 November 2013	Funding Programs - Anzac Centenary	<p>That Council direct the officers to design and cost for council consideration the following projects for the forthcoming Anzac Centenary and Military Service related grants programs:</p> <ol style="list-style-type: none"> <li>1. lighting in the Rockhampton Botanical Gardens to facilitate public safety at commemorative services held at the Cenotaph</li> <li>2. upgrading to the commemorative plinth at the Cenotaph</li> <li>3. establishment of commemorative honour roll for regional servicemen; and</li> </ol> <p>That a steering committee comprising of Councillor Strelow, Councillor Rutherford and Councillor Swadling report back to Council with suggestions for appropriate memorialisation or commemoration for 2015.</p>	Vince Morrice	30/04/2014	Investigation into lighting underway. Report on Cenotaph and Honour Roll well advanced and will be ready for presentation to the sub-Committee early February 2014.
5 November 2013	Request to Purchase a Contiguous Parcel of Grave Sites	<p>THAT</p> <ol style="list-style-type: none"> <li>1. Council declines the offer from the Islamic Society of Central Queensland to pre-purchase a number of contiguous grave sites at the Gracemere Cemetery.</li> <li>2. Council identifies and reserves one or more areas of contiguous grave sites at the Gracemere Cemetery for future purchase, when they are required, by the Islamic Society of Central Queensland and/or those of Islamic faith.</li> </ol>	Vince Morrice	28/02/2014	ISCQ verbally advised of Council decision. Letter being prepared seeking acknowledgment of the operational terms & conditions.

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 REQUEST FROM GRACEMERE JUNIOR RUGBY LEAGUE FOR WAIVING OF UTILITY RATES CHARGES

<b>File No:</b>	<b>1464</b>
<b>Attachments:</b>	<b>1. Copy of Utility Rates Charges 2. Letter from Gracemere Junior Rugby League seeking Council waive utility rates charges</b>
<b>Responsible Officer:</b>	<b>Margaret Barrett - Manager Parks Michael Rowe - General Manager Community Services</b>
<b>Author:</b>	<b>Sophia Czarkowski - Sport &amp; Recreation Coordinator</b>

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#### SUMMARY

*Gracemere Junior Rugby League Football Club Inc has requested that Council waive its utility charges for the period 31 October 2012 through 30 June 2013.*

#### OFFICER'S RECOMMENDATION

THAT Council accede to the request to waive the utility rates charges for the period 1 October 2012 to 30 June 2013.

#### COMMENTARY

Gracemere Junior Rugby League have a Trustee Lease and a Trustee Permit over the building and rugby league fields at Cedric Archer Park. The Trustee Lease expires on 30 September 2017 and the Trustee Permit expired on 31 December 2013 and is currently being renewed.

The Club's Lease and Permit fees are in line with Council's Schedule of Fees and Charges for the 2013/14 Financial Year with \$3,300 per annum fee for its fields and \$1,870 per annum fee for its building which is owned and maintained by Council.

Cedric Archer Park is located on Fisher Street in Gracemere and is a Reserve for Recreation; the following Clubs have tenure at this location:

- Gracemere Men's Shed: Trustee Lease – 1 May 2013 to 20 April 2018
- Gracemere Croquet Club: Trustee Lease – 1 January 2009 to 31 December 2013 (currently being renewed)
- Gracemere Lakes Golf Club: Freehold Lease – 1 January 2013 to 31 December 2017
- Gracemere Bowls Club: Freehold Lease – 1 January 2012 to 31 December 2016
- Rockhampton Radio Control Car Club: Trustee Lease – 1 April 2013 to 31 October 2017

The Reserve also features public toilets, swimming pool, multipurpose courts (basketball, netball and tennis) and is the proposed site for the district playground in Gracemere.

#### BACKGROUND

Council Officers commenced preparation of Trustee Lease and Trustee Permit documentation for Gracemere Junior Rugby League Football Club Inc in March 2010. The tenure agreements were forwarded to the Club in October 2010 to be signed at which time Department of Natural Resources and Mines advised that a Land Management Plan (LMP) would be required and the Trustee Lease and Trustee Permit would not be approved until after the LMP had been completed.

In the interim, Trustee Permits were used as tenure for the Club to ensure it could access the playing fields and building. The LMP was approved by the Minister on 6 August 2012 and the Trustee Lease and Trustee Permit were forwarded to the Club for execution.

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The Club returned the Agreements to Council on 17 October 2012; however the Agreements had no witness signature and no dates and were subsequently returned to the Club. The correctly executed documents were received in March 2013 and registered against the Title in May 2013.

Upon registration, advice was sent from Properties and Insurance to Council's Revenue Unit advising that Utility Rates were to be levied to the Club. This request was processed and aligned with the commencement date of the Trustee Lease and the Club was rated for the following periods:

- 1 October 2012 to 31 December 2012 [\$949.10]
- 1 January 2013 to 30 June 2013 [\$1,898.20]
- 1 July 2013 to 31 December 2013 [\$1,514.25]

The Club contacted Sport and Education Services regarding the utility rates charges, officers then discussed the charges with Council's Revenue Unit. At this time it was determined that the correct rebate had not been applied. The utility rates charges were amended and new notices forwarded to the Club (as shown above).

The Club contacted Council on 21 November 2013 (pathway request number 323325) to seek further assistance with its utility rates charges. The Club was advised that due to it being a condition of the Lease Agreement that it pays Utility Rates Charges that the charges would need to be paid. Further communication between Council and the Club occurred on 29 November 2013 and the Club advised it was forwarding a letter to Sport and Education Services seeking its utility rates charges be waived.

On 6 December 2013 correspondence was received from the Club requesting that Council consider waiving the Utility Rates charges for the period 1 October 2012 to 30 June 2013 totaling \$2,847.30. With the waiving of such fees the Club would pay the utility rates charges for the period 1 July 2013 to 31 December 2013, of \$1,514.25.

The Club identified that it had made a profit of \$4,004.41 for the year and with expenses related to Lease/Licence fees and equipment the payment of the total rates of \$4,361.55 will put the Club in a difficult financial situation. The Club believes it is likely that it will need to increase its membership fee to assist with payment of utility rates charges.

Council has previously approved a similar request from Gracemere Croquet Club for waiving of utility rates charges:

*Committee Resolution from 7 May 2013*

*THAT Council accede to the request from Gracemere Croquet Club and refund all rates charges for the period 1 July 2012 to 31 December 2012 in recognition of demonstrated financial hardship, and on the understanding that Council is currently reviewing the charging regime for all sports clubs.*

*Moved by: Mayor Strelow  
Seconded by: Councillor Williams  
MOTION CARRIED*

## **CONCLUSION**

The Club is seeking assistance from Council and has requested its utility rates charges for the period 1 October 2012 through to 30 June 2013 be waived to assist the Club in providing junior rugby league to the Gracemere community without increases in membership fees which may be a barrier to participation for some players.

**REQUEST FROM GRACEMERE  
JUNIOR RUGBY LEAGUE FOR  
WAIVING OF UTILITY RATES  
CHARGES**

**Copy of Utility Rates Charges**

**Meeting Date: 4 February 2014**

**Attachment No: 1**



**Rockhampton Regional Council**  
 PO Box 1860, Rockhampton Q 4700  
**Phone** 1300 22 55 77 or 4932 9000  
**Email** enquiries@rrc.qld.gov.au  
**ABN** 59 923 523 766

**Rates Notice**  
**FIRST AND FINAL NOTICE**  
 SUPPLEMENTARY NOTICE

Gracemere Junior Rugby League Club Inc.  
 PO BOX 235  
 GRACEMERE QLD 4702

Assessment No: 308343.1  
 Date of Issue: 13-Nov-13  
 Half Year Ended: 31-Dec-12  
 Rateable Value:  
 Unimproved Value:

**Property Location and Description:** Lot 242 Fisher Street, Gracemere QLD 4702  
 Lease A LN 837879

**PERIOD 01/10/12 TO 31/12/12**

Rate Type	Annual Rate/Charge	Valuation/Units	Half Yearly Charge
Water Access 20mm	328.00	1	82.00
Sewerage Non-Res	651.60	5	814.50
Comm. Waste	282.00	5	352.50
Council Rebates			175.00CR

**Total Current Rates** **\$1,074.00**

(Notices only include payments to 12-Nov-2013 and interest on arrears (if any) to 12-Nov-2013)

*Payment for 10% Discount (Conditions apply see reverse)	Due Date	Gross Amount	Discount	Net Total Payable
	18-Dec-13	\$1,074.00	\$124.90CR	<b>\$949.10</b>

**RATES NOTICE**

**HOW TO PAY - For a full list of payment options please see reverse**



Billers Code: 115956  
 Ref: 3083431

Assess No: 308343.1  
 Name: Gracemere Junior Rugby League Club Inc.  
 Due Date: 18-Dec-13  
 Gross Amount: \$1,074.00  
 Discount: \$124.90CR  
 Nett Total Payable: **\$949.10**



Billpay Code: 2430  
 Ref: 13083431

Pay in person at any Post Office,  
 phone 13 18 16, or go to  
 post.billpay.com.au



Billers Code: 115956  
 Ref: 3083431

Return this portion if paying by mail  Please tick if receipt required

*T.K mem*



**Rockhampton Regional Council**  
 PO Box 1860, Rockhampton Q 4700  
**Phone** 1300 22 55 77 or 4932 9000  
**Email** enquiries@rrc.qld.gov.au  
**ABN** 59 923 523 766

**Rates Notice**  
**FIRST AND FINAL NOTICE**  
 SUPPLEMENTARY NOTICE

Gracemere Junior Rugby League Club Inc.  
 PO BOX 235  
 GRACEMERE QLD 4702

Assessment No: 308343.1  
 Date of Issue: 13-Nov-13  
 Half Year Ended: 30-Jun-13  
 Rateable Value:  
 Unimproved Value:

**Property Location and Description:** Lot 242 Fisher Street, Gracemere QLD 4702  
 Lease A LN 837879

**PERIOD 01/01/13 TO 30/06/13**

Rate Type	Annual Rate/Charge	Valuation/Units	Half Yearly Charge
Water Access 20mm	328.00	1	164.00
Sewerage Non-Res	651.60	5	1,629.00
Comm. Waste	282.00	5	705.00
Council Rebates			350.00CR
<b>Total Current Rates</b>			<b>\$2,148.00</b>

(Notices only include payments to 12-Nov-2013 and interest on arrears (if any) to 12-Nov-2013)

Payment for 10% Discount (Conditions apply see reverse)	Due Date	Gross Amount	Discount	Net Total Payable
	18-Dec-13	\$2,148.00	\$249.80CR	<b>\$1,898.20</b>

**RATES NOTICE**

**HOW TO PAY - For a full list of payment options please see reverse**



Billers Code: 115956  
 Ref: 3083431

Assess No: 308343.1  
 Name: Gracemere Junior Rugby League Club Inc.  
 Due Date: 18-Dec-13  
 Gross Amount: \$2,148.00  
 Discount: \$249.80CR  
 Nett Total Payable: \$1,898.20



Billpay Code: 2430  
 Ref: 13083431

Pay in person at any Post Office,  
 phone 13 13 16, or go to  
 postbillpay.com.au



Billers Code: 115956  
 Ref: 3083431

Return this portion if paying by mail  Please tick if receipt required





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 PO Box 1860, Rockhampton Q 4700  
**Phone** 1300 22 55 77 or 4932 9000  
**Email** enquiries@rrc.qld.gov.au  
**ABN** 59 923 523 766

**Rates Notice**  
**FIRST AND FINAL NOTICE**

Tax Invoice

Gracemere Junior Rugby League Club Inc.  
 PO BOX 235  
 GRACEMERE QLD 4702

Assessment No: 308343.1  
 Date of Issue: 13-Nov-13  
 Half Year Ended: 31-Dec-13  
 Rateable Value:  
 Unimproved Value:

**Property Location and Description:** Lot 242 Fisher Street, Gracemere QLD 4702  
 Lease A LN 837879

**PERIOD 01/07/13 TO 31/12/13**

Rate Type	Annual Rate/Charge	Valuation/Units	Half Yearly Charge
Water Access 20mm	354.30	1	177.15
Sewerage Non-Res	703.80	5	1,759.50
Comm. Waste (inc.GST)	342.80	5	857.00
Council Rebates			1,000.00CR

**Total Current Rates** \$1,793.65

(Notices only include payments to 12-Nov-2013 and interest on arrears (if any) to 12-Nov-2013)

Total includes GST of \$38.95

*Payment for 10% Discount (Conditions apply see reverse)	Due Date	Gross Amount	Discount	Net Total Payable
	18-Dec-13	\$1,793.65	\$279.40CR	\$1,514.25

**RATES NOTICE**

**HOW TO PAY - For a full list of payment options please see reverse**



Billier Code: 115956  
 Ref: 3083431

Assess No: 308343.1  
 Name: Gracemere Junior Rugby League Club Inc.  
 Due Date: 18-Dec-13  
 Gross Amount: \$1,793.65  
 Discount: \$279.40CR  
**Nett Total Payable: \$1,514.25**



Billpay Code: 2430  
 Ref: 3083431

Pay in person at any Post Office,  
 phone 13 18 18, or go to  
 postbillpay.com.au



Billier Code: 115956  
 Ref: 3083431

T.I.C  
 W.V.V.

Return this portion if paying by mail  Please tick if receipt required

**REQUEST FROM GRACEMERE  
JUNIOR RUGBY LEAGUE FOR  
WAIVING OF UTILITY RATES  
CHARGES**

**Letter from Gracemere Junior Rugby  
League seeking Council waive utility  
rates charges**

**Meeting Date: 4 February 2014**

**Attachment No: 2**

To whom it may concern,

I am writing to you regarding 3 sets of rates that the Gracemere Junior Rugby League have recently received. These rates are for the periods dating from October – 31<sup>st</sup> December 2012, 1<sup>st</sup> January 2013- 30<sup>th</sup> June 2013 and 1<sup>st</sup> July-31<sup>st</sup> December. We received these rates a few weeks ago totalling in excess of \$6000 and we questioned the amount, we were told that we had been incorrectly charged and new rates would be sent out the following week. The new rates notices have now arrived and the new amount is totalling over \$4000.

Gracemere Junior Rugby League Club is a non for profit sporting group and we are finding it increasingly hard to pay this amount considering we pay \$5170 per year to rent the fields and canteen.

We had approx 12 home games this year which enabled us to utilise the canteen. The club made a profit of \$4004.41 for the year. We are not guaranteed that amount of home games each year – we wait until the draw is released. As you could understand we had other expenses such as equipment, that needs to be bought for club -therefore not leaving a lot left at the end of the year. We have raffles throughout the year to raise money that may be needed throughout the season. These raffles are done with very little help from parents and the amount of time it would take us to continually raise money for rates would be ridiculous.

We currently add in our yearly player's fees an amount to help cover the lease of the fields for the year. Therefore doing this puts our fees up and when you have other clubs nearby offering lower fees, people may start to go elsewhere and we will be left no very few numbers to operate with. We have spoken to a few of the other clubs in the RJRL competition and the fees that we pay are very much in excess of what most other clubs pay.

The club's aim is to promote the sport of Junior League in Gracemere, allowing kids to play sports in a safe environment. If we cannot continue to afford to run the club then we will have to look at other options.

The Club requests Council to waive rate charges from October 2012 to June 2013 and that the Club will pay the current rates charges.

The executive would like to have a meeting to discuss the above matter. Please advise if this is suitable.

Kind Regards

Peta-ann Bailey  
Secretary  
Gracemere Junior Rugby League  
0408732069  
[thebaileys55@bigpond.com](mailto:thebaileys55@bigpond.com)

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**8.2 REQUEST FOR TENURE FOR ROCKHAMPTON HOCKEY ASSOCIATION AT BIRDWOOD PARK****File No:** 1464**Attachments:**

1. Letter from Rockhampton Hockey Association regarding club fee increases
2. Letter from Rockhampton Hockey Association regarding tenure at Birdwood Park

**Responsible Officer:** Margaret Barrett - Manager Parks  
Michael Rowe - General Manager Community Services**Author:** Sophia Czarkowski - Sport & Recreation Coordinator

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**SUMMARY**

*Rockhampton Hockey Association uses the hockey fields at Birdwood Park (commonly known as Kalka Shades), Water Street, Koongal (being Lot 1 LN2893) during the hockey season (March through September). The Club requires tenure over the land to formalise its usage for insurance and security purposes. The fees paid will contribute towards the costs incurred by Council in maintaining the playing surfaces and surrounds.*

**OFFICER'S RECOMMENDATION**

THAT

1. Council grant Rockhampton Hockey Association a Freehold Licence for non-exclusive use over Birdwood Park (being part Lot 1 LN2893) for a period of two (2) years from 1 January 2014 through 31 December 2015
2. Council charge the Club \$500 (incl. GST) in 2014 and \$1,000 (incl. GST) in 2015

**COMMENTARY**

Rockhampton Hockey Association regularly utilises Birdwood Park (Kalka Shades) for training and competition during the hockey season. The Club requires a Licence Agreement to continue usage at Birdwood Park. Services provided by Council include mowing, irrigation and maintenance of the irrigation system. Water consumption charges are borne by Parks and the amount levied for Birdwood Park for the period July 2012 to June 2013 was \$81,997.60. Mowing costs are estimated to be approx. \$11,880 per annum.

The following organisations currently utilise Birdwood Park:

- Park Avenue Brothers Hockey Club – Lease (Building Site) expires 30 June 2017
- Frenchville Sports Club – Lease (Building Site) and Licence (playing fields) awaiting renewal
- Wanderers Hockey Club – Lease (Building Site) currently being renewed
- Rockhampton Hockey Association – Lease (Building Site) expires 30 June 2020
- Rockhampton Cricket Incorporated – no formalised tenure

**BACKGROUND**

Council Officers met with the Club on 5 July 2013 to discuss the proposed Licence Agreement to formalise the Club's usage of Birdwood Park. At the meeting the Club was advised of the requirement to hold tenure over Birdwood Park and the usage of hockey fields was discussed. The Club has access to six (6) full size hockey fields and three (3) modified fields, however, the full capacity of the park is only utilised for major competitions approximately once per year.

It is proposed that the Club be granted a Licence for the whole of Birdwood Park but only be charged for the use of two (2) full size fields and three (3) modified fields being about 2

hectares as this is a fair representation of the areas utilised on a regular basis. This would reduce the Club's annual fees from approximately \$11,000 to \$2,200.

The Club was advised to send a letter to Council if it was unable to afford the proposed charge of \$2,200 per annum. The Club forwarded a letter to Council dated 17 December 2013 proposing a reduced schedule of Fees and Charges:

1. Year One – \$500 p.a.
2. Year Two – \$1,000 p.a.
3. Year Three – \$1,500 p.a.
4. Year Four – \$2,000 p.a.
5. Year Five – \$2,200 p.a.

The Club's proposed fee structure allows it to budget for future charges and gradually increase the increase the payment for the Licence to bring it in line with Council's schedule of fees and charges. Council Officers are proposing a two (2) year Licence Agreement whilst the new policy for sporting field usage and charging is prepared and presented to Council for consideration, therefore the Recommendation is only for reduced charges in 2014 and 2015 with further discussions to be held with the Club beyond 2015.

The Club requested Council be aware of the proposed fee structure increases for its members as set by Rockhampton Hockey Association in considering its request for reduced fees and charges. Rockhampton Hockey Association advised that its annual increases for the next three years are \$22.50 in 2014, \$27.80 in 2015 and \$31.50 in 2016 (a total increase of \$81.80 over current fees), however, this does not include any fee increases imposed by the sport's state and national governing bodies. The Club is also working towards replacement of its artificial turf surface at the end of the 2015 hockey season.

## **CONCLUSION**

Formalising the tenure arrangements for Rockhampton Hockey Association's use of Birdwood Park will allow the Club security of tenure and provide a legal basis for their exclusive use during the agreed times. The proposed reduction in fees and charges will allow the Club to factor the lease costs into future operations and minimise impact on their cash flow and budget.

**REQUEST FOR TENURE FOR  
ROCKHAMPTON HOCKEY  
ASSOCIATION AT BIRDWOOD PARK**

**Letter from Rockhampton Hockey  
Association regarding club fee  
increases**

**Meeting Date: 4 February 2014**

**Attachment No: 1**

***ROCKHAMPTON HOCKEY ASSOCIATION INC.***

Affiliated with Hockey Queensland Inc.

Box 605 P.O.  
Rockhampton Q 4700

Phone: 4928 7690  
Facsimile: 4928 3344  
Mobile: 0418 287 690  
E Mail: [rockhock@bigpond.net.au](mailto:rockhock@bigpond.net.au)

Patron: Mr. Robert Schwarten

President: Mr. Clark McKay

Secretary: Mrs. ThelmaNeumann

4<sup>th</sup> September, 2013

Sophia Czarkowski,  
Sport & Education Co-ordinator,  
Parks and Open Spaces,  
Rockhampton Regional Council,  
P.O. Box 1860,  
ROCKHAMPTON. Q 4700

Dear Sophia,

Re: Proposed Licence

Our proposed increases for the three (3) year period are as follows:

2014	\$22.50*
2015	\$27.80* **
2016	\$31.50*

\* does not include any fee increase imposed on Rockhampton Hockey Association

Inc. by the governing bodies – Hockey Queensland or Hockey Australia

\*\* due to replace artificial surface at the end of this season and not sure of financial impact on the Association.

This is based on current expenditure patterns and the player base remaining stable. If the player base drops significantly the fees may have to increase further. This does not include any increase.

Yours faithfully,

*Thelma Neumann*

Hon. Secretary

***“THE GAME THAT GROWS”***

**REQUEST FOR TENURE FOR  
ROCKHAMPTON HOCKEY  
ASSOCIATION AT BIRDWOOD PARK**

**Letter from Rockhampton Hockey  
Association regarding tenure at  
Birdwood Park**

**Meeting Date: 4 February 2014**

**Attachment No: 2**



***ROCKHAMPTON HOCKEY ASSOCIATION INC.***

Affiliated with Hockey Queensland Inc.

P.O.Box 605  
Rockhampton Q 4700

Phone: 4928 7690  
Facsimile: 4928 3344  
Mobile: 0418 287 690  
E.Mail: [rockhock@bigpond.net.au](mailto:rockhock@bigpond.net.au)

Patron: Mr. Robert Schwarten  
President: Mr. Clark McKay  
Secretary: Mrs. ThelmaNeumann

17<sup>th</sup> December, 2013

Sophia Czarkowski,  
Sport and Education Coordinator,  
Park and Open Space,  
Rockhampton Regional Council,  
P.O. Box 1860,  
ROCKHAMPTON. Q 4700

Dear Sophia,

The Rockhampton Hockey Association Inc. request that the Rockhampton Regional Council's Licence Fees for the Grass Fields at Birdwood Park, 34 Water Street, Rockhampton, are gradually increased over a five (5) year period:

- Year One - \$500.00
- Year Two - \$1,000.00
- Year Three - \$1,500.00
- Year Four - \$2,000.00
- Year Five - \$2,200.00

Our Association is unable to pay the full \$2,200.00 per annum due to planned increases through C.P.O., turf replacement, Regional Coaching Director wages.

Yours faithfully,

*Thelma Neumann*

Hon. Secretary

***“THE GAME THAT GROWS”***

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**8.3 REQUEST FOR TENURE FOR ROCKHAMPTON CRICKET INC AT BIRDWOOD PARK**

<b>File No:</b>	<b>1464</b>
<b>Attachments:</b>	<b>1. Letter from Rockhampton Cricket Inc regarding tenure at Birdwood Park</b>
<b>Responsible Officer:</b>	<b>Margaret Barrett - Manager Parks Michael Rowe - General Manager Community Services</b>
<b>Author:</b>	<b>Sophia Czarkowski - Sport &amp; Recreation Coordinator</b>

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**SUMMARY**

*Rockhampton Cricket Incorporated uses the cricket wickets at Birdwood Park (commonly known as Kalka Shades), Water Street, Koongal (being Lot 1 LN2893) during the cricket season (September through March). The Club requires tenure over the land to formalise its usage for insurance and security purposes.*

**OFFICER'S RECOMMENDATION**

THAT:

1. Council grant Rockhampton Cricket Incorporated a Freehold Licence for non-exclusive use over Birdwood Park (being part Lot 1 LN2893) for a period of two (2) years from 1 January 2014 through 31 December 2015;
2. Council charge the Club \$0 in 2014 and 25% of the annual fee in 2015.

**COMMENTARY**

Rockhampton Cricket Incorporated (the Club) regularly utilise Rockhampton Cricket Grounds and Birdwood Park (Kalka Shades) for training and competition during the cricket season. The Club requires a Licence Agreement to continue usage of Birdwood Park. Water consumption charges are borne by Parks and the amount levied for Birdwood Park for the period July 2012 to June 2013 was \$81,997.60. Mowing costs are estimated to be approximately \$11,880 per annum.

The following organisations currently utilise Birdwood Park:

- Park Avenue Brothers Hockey Club – Lease (Building Site) expires 30 June 2017
- Frenchville Sports Club – Lease (Building Site) and Licence (playing fields) awaiting renewal
- Wanderers Hockey Club – Lease (Building Site) currently being renewed
- Rockhampton Hockey Association – Lease (Building Site) expires 30 June 2020

**BACKGROUND**

Council Officers met with the Club on 20 August 2013 to discuss the proposed Licence Agreement to formalise the Club's usage of Birdwood Park. The Club was advised that Council's Schedule of Fees and Charges for 2013/14 Financial Year set the Licence Fee at \$1,100 per hectare per annum. As the proposed Licence area is for five (5) cricket fields or approximately 8ha the Club was advised to send a letter to Council if it was unable to afford the proposed charge of \$8,800 per annum.

The Club forwarded a letter to Council on 26 November 2013 proposing a reduced schedule of Fees and Charges:

1. Year One – no charge
  2. Year Two – 25% of annual cost
  3. Year Three – 50% of annual cost
  4. Year Four – 75% of annual cost
  5. Year Five – 100% of annual cost
-

The Club's proposed fee structure allows it to budget for future charges and gradually increase the payment for the Licence to bring it in line with Council's schedule of fees and charges. Council Officers are proposing a two (2) year Licence Agreement whilst the new policy for sporting field usage and charging is prepared and presented to Council for consideration, therefore the Recommendation is only for reduced charges in 2014 and 2015 with further discussions to be held with the Club beyond 2015.

**CONCLUSION**

Formalising the tenure arrangements for Rockhampton Cricket Incorporated's use of Birdwood Park will allow the Club security of tenure and the proposed reduced fees and charges will allow the Club to manage its budget into the future.

**REQUEST FOR TENURE FOR  
ROCKHAMPTON CRICKET INC AT  
BIRDWOOD PARK**

**Letter from Rockhampton Cricket Inc  
regarding tenure at Birdwood Park**

**Meeting Date: 4 February 2014**

**Attachment No: 1**

ROCKHAMPTON CRICKET INC.**Response to Sophia Czarkowski, Rockhampton Regional Council****RE : FORMAL TENURE AGREEMENT – KALKA SHADES**

The Rockhampton Cricket Inc Board has considered your email and is understanding of the principle of the formal tenure and the benefits that accompany it such as irrigation and mowing. However, the Board wishes to discuss the following matters :

- (a) Can we have clarification that the proposed fee will be \$1100 per hectare per year given that R C I uses Kalka Shades for a six month period only from the first weekend in October to the last weekend in March.
- (b) Given the size of the Kalka Shades complex, the R C I Board is very concerned with the impact the standard fee of \$1100 per hectare per year would have on its operations. The grounds are used almost exclusively by junior cricketers and the R C I's charter has always been to keep the cost of playing as low as possible as an incentive to parents to allow their children to play junior cricket. Any increase in operating costs will by necessity have to be passed on to parents. The R C I view is that a 50% reduction in the standard fee is warranted (subject to item (a) being clarified) in order to minimise this potential barrier to junior cricket participation.
- (c) The RCI Board is also of the view that any proposed fee should be based on the area of the 5 fields only, not the area of the whole of Kalka Shades
- (d) Further to the above points, the R C I also proposes the following time line for the introduction of the Licence fee :

2013/14 – No charge. This is because our Budget was prepared prior to the season commencing and obviously no allowance has been made for this expense.

The percentage of the standard fee as determined shall be 25% in 2014/15 ; 50% in 2015/16 ; 75% in 2016/17 ; and 100% in 2017/18, the final year of the initial agreement.

The overall view of the R C I Board is that the introduction of the full standard fee would be a significant impost by the Rockhampton Regional Council given that R C I already pays a substantial sum for wicket maintenance at both the Rockhampton Cricket Ground and Kalka Shades. This is by far our largest budgeted expense and, whilst we are a non-profit organisation, it is important to continue to at least break-even and preferably return a profit to fund future capital and maintenance requirements.

In relation to Kalka Shades, R C I is very keen to continue to use the 5 turf wickets at this facility. It is without doubt one of the top two complexes with this number of turf wickets outside of Brisbane and is always in demand for the Junior State Championships.

It would be appreciated if the area applicable and the resultant total dollar value of the proposed fee could be advised to R C I prior to the preparation of the agreement to enable further discussion and decision-making.

**8.4 YEPPEN ROUNDABOUT LANDSCAPE RENEWAL**

<b>File No:</b>	<b>1464</b>
<b>Attachments:</b>	<b>1. Landscape Renewal concept 2. Information on Canna lilies</b>
<b>Responsible Officer:</b>	<b>Michael Rowe - General Manager Community Services</b>
<b>Author:</b>	<b>Margaret Barrett - Manager Parks</b>

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**SUMMARY**

*Following completion of the construction of the new bridge crossing at Yeppen, the roundabout and southern and western entry to Rockhampton City requires renewal.*

**OFFICER'S RECOMMENDATION**

THAT the landscape renewal plan for Yeppen roundabout as contained within the report be approved for implementation.

**COMMENTARY**

The Yeppen roundabout is the southern and western gateway to Rockhampton City and requires renewal following flood events in 2011 and 2013. The Queensland Government has recently completed the construction of the new bridge crossing and Council has committed funding in the 2013-14 budget to complete the landscape renewal.

**BACKGROUND**

Following the completion of Queensland Government construction works, an agreement has been reached with Transport and Main Roads to undertake further rectification in order to meet Council's standards, these works improving the gradient of the batters to 1:6 to align with safety requirements for maintenance.

The existing palms will be retained. Cannas in four colours have been selected as the primary feature garden planting as they are representative of a sub-tropical to tropical climate, will grow in the environment, require less maintenance (than other choices) and if flooded in the future will re-establish.

The landscape concept for the renewal is shown in Attachment 1.

All works are scheduled to be completed within 3 weeks of commencement date, weather permitting.

The on-site power box is required to be relocated above flood level; these works will be undertaken by Electrical Services, Community Facilities Unit; the funding for this aspect is a carry-over from 2013 flood event recovery funds.

The scope of works and associated cost estimates for this renewal is as follows:

ITEM	DESCRIPTION/ QUANTITY	COST EST.
Supply of Irrigation	Supply of irrigation for entrance roundabout from Turf Irrigation Services Brisbane.  Solar Operated and Sentinel Compatible (Satellite operated)	\$16,202.00
Install Irrigation	Irrigation to turf and feature Garden Beds	\$5,000.00
Supply Plants	Supply 5000 Dwarf Cannas in four different colours <ul style="list-style-type: none"> <li>- Tropical yellow</li> <li>- Tropical Salmon</li> <li>- Tropical Rose</li> <li>- Tropical Red (dark)</li> </ul> See Attachment 2	\$7,000.00
Feature Garden Planting	Site preparation, mulching, fertilizer and labour	\$4,500.00
Over sow grass seed	Over sow grass seed in reinstated outer roundabout batters  Labour and grass seed	\$1,000.00
Bull plot reinstatement	Planting 12 Bambino (12" pots) Bougainvillea, fertilizer, mulching and labour	\$800.00
Repainting of the Bull Plot	Preparation and repaint bull plot in original colour	\$2,500.00
<b>TOTAL</b>		<b>\$37,002.00</b>

#### **BUDGET IMPLICATIONS**

Funding of \$50,000 committed in the 2013-14 budget (CP562)

#### **STAFFING IMPLICATIONS**

Work program will be supervised and completed by Parks staff, within existing establishment.

#### **CORPORATE/OPERATIONAL PLAN**

Operation Plan – Parks:

Maintain the Region's sports fields, parks, gardens and open spaces.

#### **CONCLUSION**

The Yeppen roundabout is the southern and western gateway to Rockhampton City and requires renewal following flood events in 2011 and 2013 and construction of the bridge crossing. The landscape concept contributes to the tropical feel of Rockhampton and provides a low maintenance solution.

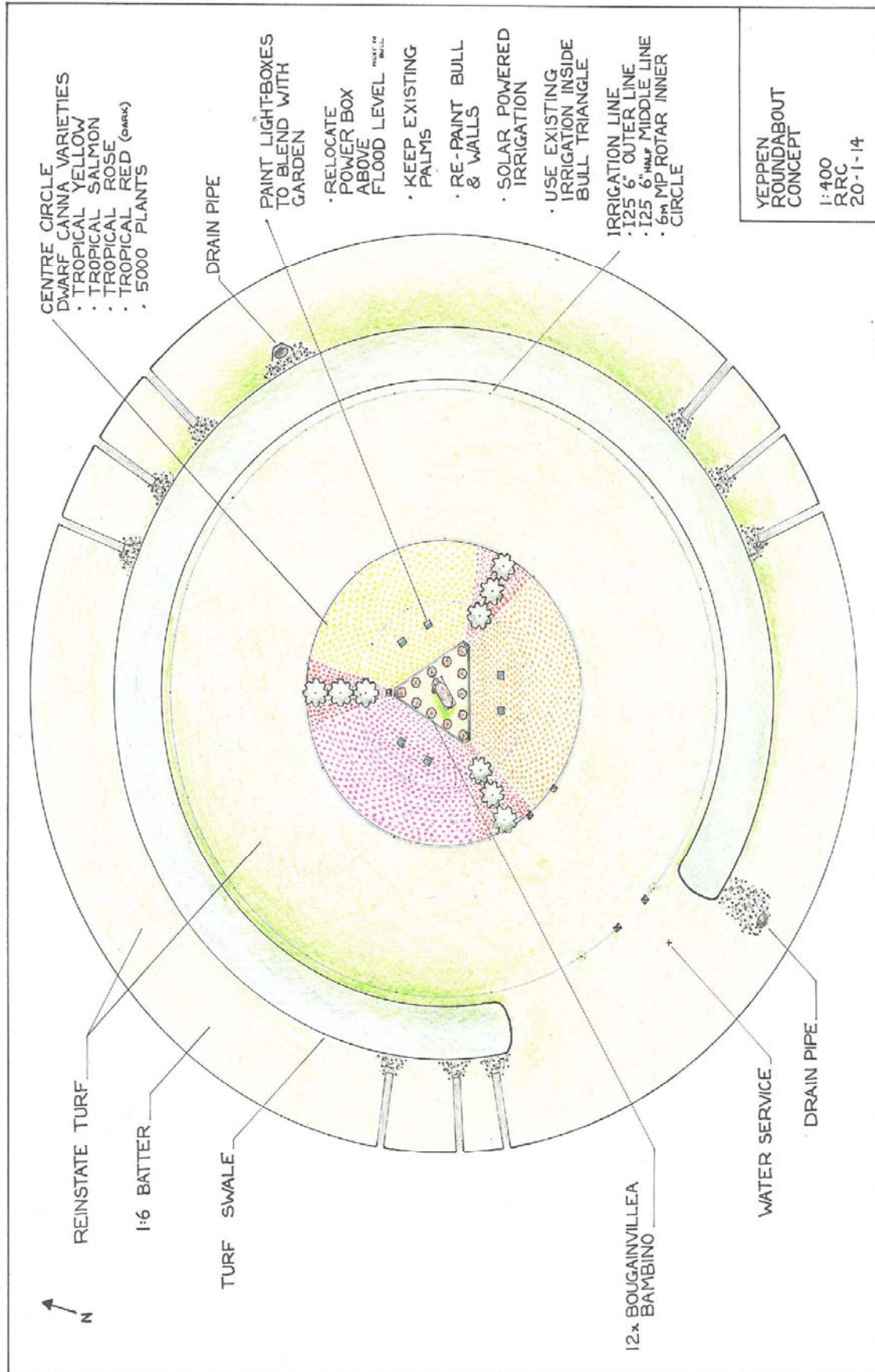
# **YEPPEN ROUNDABOUT LANDSCAPE RENEWAL**

## **Landscape Renewal concept**

**Meeting Date: 4 February 2014**

**Attachment No: 1**





# **YEPPEN ROUNDABOUT LANDSCAPE RENEWAL**

## **Information on Canna lilies**

**Meeting Date: 4 February 2014**

**Attachment No: 2**



### **Dwarf Canna Lilies**

**Canna Lilies have handsome tropical foliage and vibrant, colourful flowers.**

With a little care and attention they will thrive almost anywhere in Australia.

The flowers of Canna Lilies are bright and bold. They open all through the summer. Dead head the flowers regularly to extend the show.

Canna Lilies are tough plants that have adapted to survive neglect. They have rhizomes that store water and nutrients for the tough times, and shoot when times are good. Canna Lilies grow and establish quickly and will gradually form clumps.

Canna Lilies grow well in any humus rich soil. They cope well in boggy soils and once established will also tolerate dry conditions. Canna Lilies can also be grown in large containers.

Cannas are commonly known as Indian Shot. This is because the seed pods have a very hard casing and were rumoured to have been used as ammunition by native Americans. More likely though it is because the seeds resemble the lead buck shot ammunition of the 18th and 19th centuries.

Varieties - Tropical Peach, Tropical Ruby, Tropical Rose and Tropical Sunrise

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**8.5 EXHIBITED ANIMALS LEGISLATION – CONSULTATION - REGULATORY IMPACT STATEMENT**

<b>File No:</b>	<b>3066</b>
<b>Attachments:</b>	<b>1. Consultation Draft RIS - Exhibited Animals Legislation</b> <b>2. Proposed Council response to consultation draft RIS</b>
<b>Responsible Officer:</b>	<b>Margaret Barrett - Manager Parks</b> <b>Michael Rowe - General Manager Community Services</b>
<b>Author:</b>	<b>Vincent Morrice - Operations Manager Planning and Collections</b>

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**SUMMARY**

*The Queensland Government Department of Agriculture, Fisheries and Forestry has released a consultation draft Regulatory Impact Statement (RIS) outlining principles for proposed new legislation to regulate the exhibition of live animals and the keeping of live animals for exhibition. The operations of the Rockhampton Zoo fall under the jurisdiction of the proposed legislation.*

**OFFICER'S RECOMMENDATION**

THAT Council endorse the submission to the Queensland Government, as contained within the report, in response to the consultation draft Regulatory Impact Statement for Exhibited Animals Legislation.

**BACKGROUND**

The board of Zoo and Aquarium Association Queensland ZAAQ (including Rockhampton Zoo's Graeme Strachan) and, most recently, a dedicated sub-committee have been engaged with the Queensland Government for some time working to improve the legislative operating environment for the industry in Queensland. In late November 2013 the consultation draft Regulatory Impact Statement (RIS) was released and is open for submissions until 10 February 2014.

**COMMENTARY**

The following extract from the RIS provides an insight into the document content, principles followed and the drivers for the review:

*"This RIS explores options for government intervention in the exhibited animals industry in Queensland that would reasonably enable animal exhibition while minimising risks to animal welfare, biosecurity (e.g. pest establishment and spreading of disease) and public safety.*

*The current Queensland legislation regulating animal exhibition is fragmented. Some exhibitors need multiple licences (each with their own fees and processes) because they are regulated under more than one Act. Also, there are gaps in coverage of some public safety and animal welfare risks. Some species cannot be exhibited at all, even if the associated risks can be minimised."*

Section 2 of the RIS clearly articulates the *Policy Objectives* of the government.

Along with a risk management focus and a drive towards rationalisation/ simplification of governing legislation the RIS looks closely at the costs of administration.

**Implications for Rockhampton Regional Council and Rockhampton Zoo**

Under the proposed categorisation system in the RIS, Rockhampton Zoo is classed as a *Medium Fixed Exhibitor (over 15 native and exotic species)*. Implications for Rockhampton Regional Council and Rockhampton Zoo are best described by the following extract from the RIS:

---

Policy problem	Option 3— Develop new legislation
Risks to animal welfare, biosecurity and public safety	Licensing decisions would be risk-based—a licence could only be granted where risks were minimised. There would be a specific obligation on all exhibitors to minimise risks to animal welfare, biosecurity and public safety associated with their activities. Aspects of the obligation would be made explicit in standards.
Enabling animal exhibition in Queensland	Exhibitors could exhibit any species if they could adequately minimise the risks. Risk-based licensing decisions would unlock new opportunities for operators who are currently precluded, even if they can demonstrably manage the risks, from exhibiting some exotic species that are allowed in other Australian jurisdictions.
Complexity, consistency and equity of regulatory regime	There would be only one licence type. Exhibitors who currently require multiple licences could operate under a single licence. The licence fees payable would reflect the complexity of an exhibitor's activities and therefore how much regulatory attention is required.

Council must currently hold two permits for the scope of the Zoo operations. Permit Renewal Fees for “Establishing a Zoo” for the period May 2013 to May 2016 were \$3,247.95 or approximately \$1,082 per annum. In addition to this permit, Council must also hold a “Declared Pest Permit” which currently costs \$199.80 for two years. Based upon the options put forward in the RIS, fees are likely to increase for Rockhampton Regional Council regardless of the option adopted. For the preferred option (Option 3) annual fees would increase to average \$1,750 per annum over the coming 10 years. This amount is not considered material in the context of the Zoo's annual operating expenditure. Any cost offset by savings in reduced administration costs to Council through “red tape reduction” are not readily quantifiable at this time.

### BUDGET IMPLICATIONS

Nil

### CONCLUSION

Based upon the information available in the RIS, the proposed changes will simplify the administration of common zoo operations such as animal acquisitions and dispositions, enclosure upgrades/ renewals and the movement of animals within the Zoo and not introduce any significant increase in operating costs for licence/permit fees. Officers will continue to monitor the progress of the proposed changes independently and through industry associations and provide a further report on any material changes to the existing proposal.

# **EXHIBITED ANIMALS LEGISLATION – CONSULTATION - REGULATORY IMPACT STATEMENT**

## **Consultation Draft RIS - Exhibited Animals Legislation**

**Meeting Date: 4 February 2014**

**Attachment No: 1**

# Exhibited animals legislation

## Consultation Regulatory Impact Statement

Great state. Great opportunity.



CS2656 11/13

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## Have your say

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You are invited to have your say about new legislation being developed to regulate the exhibition of live animals and the keeping of live animals for exhibition.

The proposed legislation would modernise Queensland's legislative framework for regulating exhibited animals. A single, cohesive regulatory framework would replace the provisions that are currently spread across several Acts. The legislation would simplify the licensing requirements for exhibitors in Queensland and allow a greater range of species to be exhibited, provided the risks were managed.

This consultation draft Regulatory Impact Statement (RIS) explains why new legislation is needed, describes options for regulation and details the impacts of each option. It also fulfils requirements under the Competition Principles Agreement (see Part 7).

The RIS is being released in draft form for consultation so that public comments can be considered before it is finalised. The proposed changes will affect industry members the most; however, all members of the community are welcome to comment. Feedback from industry and the community will help to ensure the legislation achieves the right balance between allowing exhibition and minimising risks to animal welfare, biosecurity (e.g. pest establishment and spreading of disease) and public safety.

Please submit your responses to this RIS by 5 pm, Monday 10 February 2014.

You can submit your responses online at [www.daff.qld.gov.au](http://www.daff.qld.gov.au) via the form 'Exhibited animals legislation: Consultation Regulatory Impact Statement response form'. Alternatively, you can post or email more detailed written responses:

**Mail:** Exhibited animals legislation—Consultation Regulatory Impact Statement  
Biosecurity Queensland  
Department of Agriculture, Fisheries and Forestry  
GPO Box 46  
BRISBANE QLD 4001

**Email:** [ian.rodger@daff.qld.gov.au](mailto:ian.rodger@daff.qld.gov.au)

Under laws providing for freedom of information, your submission may be made available to others.

You can also participate in a webinar where you will have the opportunity to discuss the options described in this document with representatives of Biosecurity Queensland.

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## Summary

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Exhibition of animals in Queensland has a range of economic, social and other benefits; however, it also entails risk. Risks include the potential for:

- animal welfare problems
- wild animals to establish as pests and to spread disease
- wild animals to cause human injury and death.

Also, the demand for animals may trigger illegal and unsustainable taking of animals from the wild.

This RIS explores options for government intervention in the exhibited animals industry in Queensland that would reasonably enable animal exhibition while minimising risks to animal welfare, biosecurity (e.g. pest establishment and spreading of disease) and public safety.

The current Queensland legislation regulating animal exhibition is fragmented. Some exhibitors need multiple licences (each with their own fees and processes) because they are regulated under more than one Act. Also, there are gaps in coverage of some public safety and animal welfare risks. Some species cannot be exhibited at all, even if the associated risks can be minimised.

It is unlikely that all exhibitors would participate in an industry self-regulation scheme if regulation of the industry was minimised. Under minimal regulation, it would be more difficult to enforce the current prohibitions on private keeping of the vast majority of exotic and native animals (particularly vertebrates) and some exotic fish. The result of patchy self-regulation and increased incidence of private keeping would likely be an increase in risks to animal welfare, biosecurity and public safety as well as an increase in black-market demand for animals illegally taken from the wild. Even low levels of unmitigated risk under self-regulation could have very serious consequences not just for visitors to exhibitions but also for the broader community.

The government's preferred option is a single new piece of legislation to modernise and streamline the way Queensland regulates the exhibited animals industry. Public consultation on a discussion paper in 2008 confirmed general support for a single piece of legislation to replace the provisions that are currently spread across several Acts. Targeted consultation with industry members and some animal welfare interest groups occurred in 2011 and 2012 to confirm their general support for key principles proposed to underlie a cohesive regulatory framework for the industry.

The proposed new legislation would impose a general obligation on exhibitors of animals to minimise risks to animal welfare, biosecurity and public safety. This general obligation would apply to most exhibitors of exotic animals and native animals regardless of whether they require a licence under the legislation. Many aspects of this general obligation would be clarified in standards and licence conditions.

Only those exhibitors who currently need a licence would need a licence under the new legislation. There would be only one licence type. Exhibitors who currently require multiple licences would be able to exhibit under one licence. Licences would be granted for up to 3 years.

The new legislation would place more emphasis on monitoring licensed animal exhibitors to verify they are complying with their obligations. Site visits would be charged to the exhibitor. The frequency of visits would depend on the compliance record of the exhibitor and whether the exhibitor is part of an industry quality-assurance scheme that deals with the requirements of the legislation. This would create an incentive for industry members to proactively minimise risks to animal welfare, biosecurity and public safety.

Current licence fees do not recover all current costs, especially when compliance monitoring across all legislative requirements is considered. Further, small exhibitors currently subsidise larger ones and fees for permits to exhibit exotic animals are much lower than those to exhibit native animals.

Under the new legislation, exhibitors who undertake more complex activities would pay higher fees. Small demonstrators of native animals, who make up the majority of exhibitors, would pay either less than or around the same as they do now. The few large exhibitors would pay much higher fees than they do presently. Those who exhibit exotic animals only (magic acts, circuses and two zoos) would also pay higher fees compared to the current very low rate.

Under the new legislation, the total annual cost (including site visit charges) to the Queensland industry would be about \$183 000 in 2015–16; the total cost would be expected to increase to around \$126 000 if the current legislation was retained. The new cost is approximately 0.2% of the Queensland industry's total annual expenditure, which is broadly estimated to be \$100 million.

## 1. Issues statement

---

Animals are kept in captivity in Queensland for many reasons including private recreation, exhibition and commerce. Domestic animals (common pets and farm animals) and some wild native animals (such as sulphur-crested cockatoos) can be kept privately without a licence by any person in Queensland. Other native animals (such as carpet pythons) can be kept privately under a licence; however, the private keeping of many other native and exotic animals is generally not permitted in Queensland or in any other Australian jurisdiction.

There are good reasons for regulating the keeping of wild animals. These include the potential for:

- animal welfare problems
- wild animals to establish as pests and to spread disease
- wild animals to cause human injury and death.

There are many examples from around the world of such risks being realised. For example:

- In 2006, a major Canadian zoo, the Greater Vancouver Zoo, was charged with animal cruelty for failing to provide adequate facilities for a baby hippopotamus that was confined in a small concrete pen for 19 months.<sup>1</sup>
- In Europe, 82 non-indigenous terrestrial vertebrate species have been introduced as a consequence of escapes from zoological parks.<sup>2</sup> For example, in 1969 a single pair of Himalayan porcupines escaped from a wildlife park in England and the resultant population attacked crops and stripped bark from trees.
- In December 2006, there were two separate attacks by a Siberian tiger named Tatiana at the San Francisco Zoo. In the first incident, the tiger clawed and bit the arm of a zookeeper during a public feeding. In the second incident, the tiger escaped from her open-air enclosure then killed one person and injured two others before being shot dead.

Also, absence of regulation could increase the demand for animals, triggering illegal and unsustainable taking of animals from the wild.

The exhibition of native and exotic animals is, however, an important contributor to the economy as well as a valued educational and cultural activity. Appendix 1 provides further information about the public benefits of the exhibited animals industry in Queensland.

Because of these public benefits, the keeping of many species of wild animals for exhibition (as opposed to private keeping, which has mostly private benefits) is allowed in Queensland. To overcome the general prohibitions on keeping many species in Queensland, legislation allows for licences to be granted to exhibitors. Without such legislation, the vast majority of exotic and native animals (particularly vertebrates) and some exotic fish could not be exhibited in Queensland. Currently, a large proportion of exhibitors keep these species under licence.

As of August 2012, 135 entities held licences to exhibit animals under Queensland legislation. These include single-person part-time operations, large well-known commercial enterprises (such as Australia Zoo and Sea World) and not-for-profit organisations (such as Currumbin Wildlife Sanctuary). Appendix 1 provides further information about the exhibited animals industry in Queensland.

The economic and social benefits of exhibiting animals are widely accepted and the community demand for such activities is known. However, the risks outlined above related to keeping wild animals are also present when they are kept for exhibition and need to be managed. Apart from the risks related to the taking of animals from the wild, the risks fall into three clear categories: animal welfare, biosecurity and public safety.

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<sup>1</sup> The charges were stayed in 2007 when a new habitat for hippopotamuses was opened.

<sup>2</sup> Fàbregas, M, Guillén-Salazar, F & Garcés-Narro, C 2010, 'The risk of zoological parks as potential pathways for the introduction of non-indigenous species', DOI: 10.1007/s10530-010-9755-2.



- Animal welfare risks are minimised when an animal's needs for food and water are met, it has appropriate accommodation or living conditions, it can express normal behaviours, it is handled appropriately and it receives veterinary care as required. Management of these risks often requires, among other things, that keepers are sufficiently trained and experienced. Failure to manage animal welfare risks could result in pain and suffering for animals and lead to high rates of mortality.
- Biosecurity risks associated with the industry relate to the potential for wild animals to establish as pests and to spread disease. Failure to manage biosecurity risks could adversely impact the economy (e.g. if a pest or disease had a significant impact on agricultural production), human health, social amenity and the environment.
- Public safety risks associated with the industry relate to the potential for exhibited animals to cause human injury or death and compromise community safety (e.g. if dangerous animals are released or escape from captivity).

An enormous range of factors affect the likelihood and consequences of these risks in any given circumstances, and so it is difficult to quantify the risks in any meaningful way. However, it is possible to qualitatively assess how certain measures taken by an exhibitor might affect the likelihood and consequences of these risks and how a regulatory regime might influence what measures an exhibitor may take to address these risks.

While exhibitors would be the people most affected by how these risks are addressed, all community members have an interest in ensuring that any government intervention to address these risks achieves an appropriate balance between reasonably allowing exhibition and minimising the risks involved. Primary industry peak bodies, environmentalists and animal welfare groups have particular views on the importance of minimising certain risks.

Under current arrangements, an exhibitor may require a licence under one or more of the following:

- *Nature Conservation Act 1992* (to keep a range of native animals)
- *Land Protection (Pest and Stock Route Management) Act 2002* (to keep a range of exotic animals)
- *Fisheries Act 1994* (to keep noxious fish or other fish regulated under that Act).

Licences are granted to keep animals for exhibition under these three Acts without consideration of the full spectrum of risks to animal welfare, biosecurity and public safety that may be created or exacerbated by the activities. For example, the *Land Protection (Pest and Stock Route Management) Act 2002* does not provide for consideration of potential disease spread or animal welfare risks when licences are granted to keep declared pests. Conversely, the structure of the licensing framework under the *Land Protection (Pest and Stock Route Management) Act 2002* precludes exhibitors from exhibiting some exotic species that are allowed in other Australian jurisdictions even if they can demonstrably manage the risks to animal welfare, biosecurity and public safety. There is some cross-subsidisation of exhibitors under the various licence fee structures—large exhibitors pay the same as small exhibitors while fees to exhibit native animals are much higher than fees to exhibit exotic animals. The taxpayer is also subsidising the industry to the extent that licence fees do not recover the full cost of government provision of the licensing services.

The *Animal Care and Protection Act 2001* addresses animal welfare risks and adopts some standards relevant to exhibited animals but does not apply to activities licensed under the *Nature Conservation Act 1992*. Some licensing decisions under the *Nature Conservation Act 1992* contemplate public safety and animal welfare. However, even in combination these Acts do not provide comprehensive animal welfare standards for all species that are currently exhibited in Queensland.

The duty of care under the *Work Health and Safety Act 2011* applies to workplaces where animals are exhibited, but there is no specific regulation of the industry under this Act.

A government review in 2006<sup>3</sup> identified shortcomings in the current legislative scheme for exhibited animals. These included gaps in its coverage of native and exotic exhibited animals, public safety and animal welfare issues, and the need for some exhibitors to have multiple licences.

It is unclear to what extent the complexity, inconsistency and inequity of the current regulatory regime adds to the government's administration costs, impedes the development of the industry in Queensland and impacts the community. There would be some modest direct costs to the government and industry where exhibitors are required to obtain more than one licence and are required to comply with different procedural requirements under different legislation applying to noxious fish, exotic animals and native animals. The complexity and inconsistency of the arrangements may increase the time taken by both the government and industry to determine which requirements are applicable to a particular species kept by an exhibitor in a particular sector. It is unlikely that cross-subsidisation within the industry would significantly distort its structure because licence fees are likely to be only a small proportion of expenditure.

The continuation of the current approach would mean that:

- some risks to animal welfare, biosecurity and public safety would remain unmanaged
- industry would continue to operate under multiple legislative and licensing schemes and pay multiple fees as a result, and the government would need to continue the administration of the relevant legislation and schemes
- current licensing restrictions would remain, some of which would be unjustified if the risks can be managed.

For these reasons, the Queensland Government seeks to explore options that will:

- better manage the risks to animal welfare, biosecurity and public safety associated with keeping animals for exhibition
- enable the continued exhibition of animals in Queensland
- streamline the regulation of exhibitors to reduce its complexity and improve its consistency and equity.

This consultation RIS seeks public comment on options for regulation of exhibited animals to address these issues.

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<sup>3</sup> Service Delivery and Performance Commission 2007, *Review of the roles and responsibilities of the Department of Natural Resources, Mines and Water, Environmental Protection Agency and Department of Primary Industries and Fisheries*, Queensland Government.

## 2. Policy objectives

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The overarching policy objective of government intervention is to reasonably enable animal exhibition in Queensland while minimising risks to animal welfare, biosecurity and public safety.

Consistent with its goal of reduced red tape, the government also aims to:

- simplify how it authorises the exhibition of animals that generally cannot be kept in Queensland without a licence
- establish a cohesive, comprehensive and consistent framework to consolidate and streamline how it addresses risks to animal welfare, biosecurity and public safety
- allow a greater range of species to be exhibited in Queensland, provided the risks can be minimised.

Where applicable, the government also aims to ensure that fees:

- are set with consideration for the full cost of providing services<sup>4</sup>
- are equitable and reflect the resources required to authorise and monitor exhibitors of different scale and complexity
- create an economic incentive for industry members to proactively minimise risks to animal welfare, biosecurity and public safety.

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<sup>4</sup> Consistent with section 18 of the Financial and Performance Management Standard 2009 (under the *Financial Accountability Act 2009*), which provides that, when setting charges for services, the full cost of providing the services must be considered.



### 3. Options and alternatives

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This section describes five options for government intervention to reasonably enable animal exhibition in Queensland while minimising risks to animal welfare, biosecurity and public safety:

- Option 1—Retain existing provisions
- Option 1A—Retain existing provisions with a 45% fee increase
- Option 2—Have no industry-specific legislation
- Option 2A—Have minimal legislative intervention to allow industry self-regulation
- Option 3—Develop new legislation.

It also discusses approaches in other jurisdictions.

#### Option 1—Retain existing provisions

This option preserves the status quo for the industry; however, some or all of the existing legislative provisions could be consolidated into a single piece of legislation to increase their accessibility.

Animals that can be lawfully kept without an authority include:

- native birds that are listed as native exempt animals under the *Nature Conservation Act 1992* (such as sulphur-crested cockatoos)
- native invertebrates that are *not* listed as protected wildlife under the *Nature Conservation Act 1992*
- native fish that are *neither* listed as protected wildlife under the *Nature Conservation Act 1992* *nor* regulated under the *Fisheries Act 1992*
- exotic animals that are *not* listed as
  - declared pests under the *Land Protection (Pest and Stock Route Management) Act 2002* (such as many exotic invertebrates, birds and fish)
  - or
  - international wildlife or prohibited wildlife under the *Nature Conservation Act 1992*.

Other animals can generally be kept under a licence. Separate licensing schemes apply to different industry sectors:

- demonstrators of native species—a wildlife demonstrator licence under the *Nature Conservation Act 1992*
- demonstrators and exhibitors of regulated and noxious fish—a general fisheries permit under the *Fisheries Act 1994*
- zoos and other fixed exhibitors of native species—a wildlife exhibitor licence under the *Nature Conservation Act 1992*
- zoos and other fixed exhibitors of exotic animals—a declared pest permit under the *Land Protection (Pest and Stock Route Management) Act 2002*
- exhibitors of exotic species in circuses, film and television—a declared pest permit under the *Land Protection (Pest and Stock Route Management) Act 2002*
- magic acts exhibiting rabbits—a declared pest permit under the *Land Protection (Pest and Stock Route Management) Act 2002*.

Some operators require multiple licences and therefore have to pay multiple licensing fees. For example, a zoo that keeps exotic species, native species and noxious fish may need a declared pest permit under the *Land Protection (Pest and Stock Route Management) Act 2002*, a wildlife exhibitor licence under the *Nature Conservation Act 1992* and a general fisheries permit under the *Fisheries Act 1994*.

However, a licence cannot be granted to allow keeping of some species of animal at all or may only be granted for keeping some species of animal for certain types of exhibition.

- Under the *Land Protection (Pest and Stock Route Management) Act 2002*, certain species are declared pests. The legislation lists which species of currently declared pests can be used for certain types of exhibition.<sup>5</sup> If a species of declared pest is not listed at all, a licence cannot be granted for exhibition of that pest in Queensland, even if it can be legally brought into other Australian states for exhibition and it is shown that the relevant risks associated with its exhibition in Queensland could be adequately mitigated. If a species of declared pest is listed for some type of exhibition but not for another type of exhibition, a licence cannot be granted for it to be used in the other type of exhibition even if the risks associated with that type of exhibition are comparable to or less than those for the type of exhibition for which it is listed.
- A wildlife demonstrator or wildlife exhibitor licence to keep a native animal under the *Nature Conservation (Wildlife Management) Regulation 2006* can only be granted to allow the use of a native animal for promoting an understanding of the ecology and conservation of protected, prohibited or international animals or for use in a film or television production. Other exhibition purposes (e.g. entertainment, including circus acts and magic acts) are precluded.

A declared pest permit can only be issued under the *Land Protection (Pest and Stock Route Management) Act 2002* if the pest is not likely to endanger public safety and the introduction or keeping is not likely to lead to the spread of the pest in the state. There is no explicit requirement for consideration of the adequacy of measures to minimise risks to animal welfare and disease spread. However, the chief executive may impose reasonable conditions on the permit, including about:

- security enclosures for stopping the escape of a declared pest animal
- keeping records about a declared pest
- restricting the breeding, sale or movement of a declared pest
- stopping the spread of a declared pest
- providing appropriate shelter and care for a declared pest animal
- using a tag or other device to identify a declared pest
- maintaining adequate public liability insurance in relation to keeping a declared pest.

The *Animal Care and Protection Act 2001* imposes a duty of care on people in charge of most exhibited animals to take reasonable steps to provide appropriate food, water and accommodation or living conditions, and to provide for the animals' need to display normal patterns of behaviour. They also have a duty of care to ensure any handling of the animals is appropriate and to ensure that any disease of or injury to the animals is treated. However, a duty of care for the welfare of exhibited animals does not apply to activities licensed under the *Nature Conservation Act 1992*.

Some codes of practice adopted under the *Animal Care and Protection Act 2001* apply to the exhibition of exotic animals:

- Adherence to the *Queensland code of practice for the welfare of animals in circuses 2003*<sup>6</sup> is mandatory for animals exhibited in a circus.

<sup>5</sup> See Schedule 3 of the *Land Protection (Pest and Stock Route Management) Regulation 2003*, which lists the pests and the purposes for which a declared pest permit may be granted.

<sup>6</sup> The *Queensland code of practice for the welfare of animals in circuses 2003* is currently a mandatory code of practice under the *Animal Care and Protection Act 2001*. It can be viewed online at <http://www.business.qld.gov.au/Industry/agriculture/animal-management/land-management-for-livestock-farms/welfare-and-transport-of-livestock/animal-welfare/overview-codes-practice/animal-welfare-codes-list>.

- The *Queensland code of practice for the welfare of animals in film production*<sup>7</sup> would guide exhibitors using animals in film and television unless the activities were licensed under the *Nature Conservation Act 1992*. It would be admissible as evidence in a proceeding for an animal welfare offence as indicative of a reasonable standard of care.

The granting of a wildlife exhibitor licence under the *Nature Conservation Act 1992* is subject to the chief executive being satisfied that the exhibitor's facilities for housing or displaying the animal comply with the *Code of practice of the Australasian Regional Association of Zoological Parks and Aquaria—minimum standards for exhibiting wildlife in Queensland* (the exhibition code). Prior to or when applying for a wildlife exhibitor licence, the applicant must submit an 'exhibit notice' that:

- describes the design of the facilities the person has built, or intends to build, for housing or displaying the animal
- states how the keeping and exhibition of the animal will comply with the exhibition code.

The granting of a wildlife demonstrator licence is not subject to the submission of an exhibit notice. However, the chief executive cannot grant a wildlife demonstrator licence or wildlife exhibitor notice if the chief executive reasonably believes the place where the animal is to be kept is not appropriate or does not have the appropriate facilities for keeping the animal. This includes if the place does not comply with a relevant code of practice approved under the *Nature Conservation Act 1992*. The exhibition code is a relevant code of practice, as is the *Code of practice—captive reptile and amphibian husbandry*.

There are some general requirements on exhibitors under the *Nature Conservation Act 1992* that are relevant to animal welfare, biosecurity and public safety. For example, the Nature Conservation (Wildlife Management) Regulation 2006 requires that a person displaying an animal under either a wildlife demonstrator or wildlife exhibitor licence must display the animal in a way that minimises the likelihood of the animal's escape, the risk of injury to a person and the risk of injury or ill-health to the animal. If a person complies with the exhibition code, they are taken to comply with this requirement (or alternatively they may comply in another way). Further, the Nature Conservation (Wildlife Management) Regulation 2006 requires that animals:

- be kept in a secure cage or enclosure that prevents their escape and protects them from predators
- be supplied with shelter, ventilation and enough water and food to maintain their health and wellbeing
- have enough opportunities for exercise to maintain their health and wellbeing.

National standards and guidelines are currently being developed for keeping some exhibited animals. (Development and adoption of standards is subject to Queensland's regulatory impact statement system—if the impacts of the standards would be significant, the public would generally be consulted on an assessment of the impacts prior to a final decision to adopt the standards being made by the government.) Under Option 1 there would be no legislative framework to allow these to be adopted in their totality by regulation. Without major legislative amendments, implementation of any nationally developed standards and guidelines would be partial and inconsistent. References in the Nature Conservation (Wildlife Management) Regulation 2006 to the exhibition code could be amended to refer to the national standards as appropriate. However, there is currently no framework for the adoption of the national standards as mandatory standards for native animals. The national standards and guidelines could be adopted under the *Animal Care and Protection Act 2001* as mandatory and voluntary codes of practice respectively, but only to the extent that they relate to animal welfare (e.g. any standards developed for the purposes of biosecurity or public safety could not be adopted). If the standards were adopted under the *Animal Care and Protection Act 2001*, they would only apply to exhibition activities that were not licensed under the *Nature Conservation Act 1992*.

<sup>7</sup> The *Queensland code of practice for the welfare of animals in film production under the Animal Care and Protection Act 2001* is currently a voluntary code of practice under the *Animal Care and Protection Act 2001*. It can be viewed online at <http://www.business.qld.gov.au/industry/agriculture/animal-management/land-management-for-livestock-farms/welfare-and-transport-of-livestock/animal-welfare/overview-codes-practice/animal-welfare-codes-list>.



Native animals kept by a wildlife demonstrator under the *Nature Conservation Act 1992* for a period of more than 3 months must be exhibited at a site away from the licensed premises where the animals are kept at least once per month. The holder of a wildlife exhibitor licence does not have a minimum exhibition requirement.

An exhibitor must meet certain requirements for being open to the public before they can be granted a zoo permit under the *Land Protection (Pest and Stock Route Management) Act 2002* to allow them to keep listed declared pests. However, there are no minimum requirements for exhibition or keeping of declared pests for exhibition in a circus or film or television production, or for rabbits in a magic act.

Different fees are charged for each sector. Fees are generally increased annually in line with the consumer price index (CPI) and from time to time are reviewed in light of the full cost of providing the services.

Table 1 shows licence fees payable under the *Nature Conservation Act 1992* as at 1 July 2013 by the holders of wildlife exhibitor licences and wildlife demonstrator licences. These licences allow the display of protected native wildlife, international wildlife or prohibited wildlife for up to 3 years.

**Table 1** Licence fees under the *Nature Conservation Act 1992*

Type of licence	Fee (\$)		
	1 month or less	More than 1 month but not more than 1 year	More than 1 year but not more than 3 years
Wildlife demonstrator	153.40	747.70	2136.00
Wildlife exhibitor	225.80	1124.40	3247.95

Source: Nature Conservation (Administration) Regulation 2006

Under the *Nature Conservation Act 1992*, exhibitors are also required to obtain an approval or to give notice before moving native (and some exotic) species in many circumstances.

Table 2 shows the fees for amendments and other services under this Act as at 1 July 2013.

**Table 2** Associated fees under the *Nature Conservation Act 1992*

Item	Fee (\$)
Licence amendment	14.70
Wildlife movement permit	13.85
Wildlife movement advice	3.15
Record book (20 pages)	7.05
Record book (50 pages)	17.45

Source: Nature Conservation (Administration) Regulation 2006

Table 3 shows fees payable under the *Land Protection (Pest and Stock Route Management) Act 2002* by the holders of declared pest permits as at 1 July 2013. These permits allow the display of declared pests for up to 2 years in a circus, zoo, film and television production or magic act.

**Table 3** Fees under the *Land Protection (Pest and Stock Route Management) Act 2002*

Type of permit	Fee (\$)	
	New (for up to 2 years)	Renewal (for up to 2 years)
Declared pest permit for circus, zoo, film and television	Application fee (275.85) + permit fee (206.80) = 482.65	Permit fee only = 206.80
Declared pest permit for magic act	Application fee (41.20) + permit fee (82.65) = 123.85	Permit fee only = 82.65

Source: Land Protection (Pest and Stock Route Management) Regulation 2003

The fee payable under the *Fisheries Act 1994* for a general fisheries permit was \$275.85 as at 1 July 2013. This permit allows the holder to take and possess specified noxious or regulated fish for up to 3 years. The applicant may also need to cover the cost of any research or provide any additional information needed to assess the application.

Site visits are sometimes necessary to enable the chief executive to decide a licence application for a fixed exhibitor. This reflects that when deciding an application for a wildlife exhibition licence under the *Nature Conservation Act 1992*, the chief executive can only grant the licence if satisfied that the exhibitor's facilities for housing or displaying the animal comply with the exhibition code. Similarly, a site visit may be undertaken when deciding an application for a declared pest permit for a zoo under the *Land Protection (Pest and Stock Route Management) Act 2002* because the chief executive can only grant the permit if satisfied that the pest is not likely to endanger public safety and the introduction or keeping is not likely to lead to the spread of the pest in the state. Site visits rarely occur before a licence is granted to a mobile exhibitor. Exhibitors are not liable for the cost of conducting site visits.

Once a licence has been granted, compliance with the legislation is monitored through occasional random inspections and complaint-triggered investigations.

Tables 4 and 5 show the licence application fees that would be payable in 2015–16 by the exhibitors of native and exotic animals if the existing fees were increased by 2.5% annually. The licence fee payable by the holder of a general fisheries permit would be \$289.81. Amendment application fees payable by the holder of a wildlife demonstrator licence or wildlife exhibitor licence would be \$15.44.

**Table 4** Estimated 2015–16 licence fees under Option 1 for the display of protected native wildlife, international wildlife or prohibited wildlife

Type of licence	Fee (\$)		
	1 month or less	More than 1 month but not more than 1 year	More than 1 year but not more than 3 years
Wildlife demonstrator	161.17	785.55	2244.14
Wildlife exhibitor	237.23	1191.83	3412.38

**Table 5** Estimated 2015–16 licence fees under Option 1 for the display of declared pests in a circus, zoo, film and television production or magic act

Type of permit	Fee (\$)	
	New (for up to 2 years)	Renewal (for up to 2 years)
Declared pest permit for circus, zoo, film and television	Application fee (289.81) + permit fee (217.27) = 507.08	Permit fee only = 217.27
Declared pest permit for magic act	Application fee (43.29) + permit fee (86.83) = 130.12	Permit fee only = 86.83

### Option 1A—Retain existing provisions with a 45% fee increase

Under Option 1A, the industry would continue to be regulated under the existing legislative scheme as detailed in Option 1. However, an across-the-board fee increase of 45% in addition to CPI increases would be implemented to achieve full cost recovery of licensing-related services provided by the government.

There is considerable inter-annual variability in the government's licensing costs and revenue. This reflects a number of factors, including that licence renewals are not evenly distributed across a 6-year cycle.

Assuming the existing fees were increased annually by 2.5% and using the assumptions discussed later in this document about the numbers of transactions and exhibitors in future years, Biosecurity Queensland estimates that it would collect about \$126 000 under Option 1 in 2015–16.

Biosecurity Queensland estimates<sup>8</sup> that it will need to collect approximately \$184 000 in fees per year to cover the full cost of assessing applications (for licence renewals, new licences and licence amendments), developing licence conditions, checking annual returns and conducting adequate site visits<sup>9</sup> in 2015–16. This estimate allows for wages to increase by 2.5% per year, which is in the middle of the target inflation range for the Reserve Bank of Australia. A revenue increase of about 45% would be required to recover this amount.

Tables 6 and 7 show the licence application fees that would be payable in 2015–16 by the exhibitors of native and exotic animals if the existing fees were increased annually by 2.5% and there was an across-the-board fee increase of 45%. The licence fee payable for a general fisheries permit would be \$420.23. Amendment application fees for a wildlife demonstrator licence or wildlife exhibitor licence would be \$22.39.

**Table 6** Estimated 2015–16 licence fees under Option 1A for the display of protected native wildlife, international wildlife or prohibited wildlife

Type of licence	Fee (\$)		
	1 month or less	More than 1 month but not more than 1 year	More than 1 year but not more than 3 years
Wildlife demonstrator	233.69	1139.05	3254.00
Wildlife exhibitor	343.99	1728.15	4947.95

**Table 7** Estimated 2015–16 licence fees under Option 1A for the display of declared pests in a circus, zoo, film and television production or magic act

Type of permit	Fee (\$)	
	New (for up to 2 years)	Renewal (for up to 2 years)
Declared pest permit for circus, zoo, film and television	Application fee (420.23) + permit fee (315.04) = 735.27	Permit fee only = 315.04
Declared pest permit for magic act	Application fee (62.76) + permit fee (125.91) = 188.67	Permit fee only = 125.91

<sup>8</sup> 2011–12 was the basis for many of the assumptions used in calculating the revenue likely to be collected annually, so the costs attributed to providing the services in 2011–12 were used as the basis for estimating the cost of services.

<sup>9</sup> Although there is no provision for recovery of site visit fees, some site visits are currently conducted.

## Option 2—Have no industry-specific legislation

Keeping of declared pests, most protected wildlife and noxious fish without an authority is prohibited under Queensland legislation. A large proportion of exhibitors currently exhibit declared pests, native animals and noxious fish. If there was no industry-specific legislative intervention providing authority for keeping of these species by exhibitors, the activities of a large proportion of exhibitors would be severely impacted.

For this reason, it is not considered feasible to remove all legislation relevant to the industry.

## Option 2A—Have minimal legislative intervention to allow industry self-regulation

Under this option, most legislative provisions directly regulating the exhibition of animals would be removed and instead industry would be allowed to self-regulate.

Legislative intervention would not be wholly avoided under this option. Instead, exceptions for those keeping animals for exhibition would be made to the general prohibitions on keeping declared pests, native animals and noxious fish under the *Land Protection (Pest and Stock Route Management) Act 2002*, *Nature Conservation Act 1992* and *Fisheries Act 1994* respectively. The government would not need to be informed before an exhibitor began keeping and exhibiting animals under an exception.

Workplace health and safety requirements that apply to people who deal with animals generally would continue to apply to the industry. For example, in the case of potentially dangerous animals, the duty of care under the *Work Health and Safety Act 2011* would be relevant. Enforcement of public safety requirements would largely be reactive—the government would not be aware of exhibitors unless they were informed by the exhibitor or by a member of the public and there would be no requirement to demonstrate to the government that public safety risks were being minimised before an exhibitor began keeping and exhibiting animals.

The duty of care under the *Animal Care and Protection Act 2001* would continue to apply to exhibited exotic animals, but (unless that Act was amended) it would not apply to the keeping and exhibition of native animals because these activities would be authorised under the *Nature Conservation Act 1992*.<sup>10</sup> The relevant existing codes of practice adopted under the *Animal Care and Protection Act 2001* would continue to apply to exotic animals (but not native animals). Adherence to the *Queensland code of practice for the welfare of animals in circuses 2003*<sup>11</sup> would continue to be mandatory for exotic animals exhibited in a circus. The *Queensland code of practice for the welfare of animals in film production*<sup>12</sup> would continue to guide exhibitors using exotic animals in film and television. It would be admissible as evidence in a proceeding for an animal welfare offence as indicative of a reasonable standard of care. Enforcement of the animal welfare requirements would largely be reactive—the government would not be aware of exhibitors unless they were informed by the exhibitor or by a member of the public and there would be no requirement to demonstrate to the government that animal welfare risks were being minimised before an exhibitor began keeping and exhibiting animals.

<sup>10</sup> See section 6A of the *Animal Care and Protection Act 2001*, which concerns its relationship with the *Nature Conservation Act 1992*.

<sup>11</sup> The *Queensland code of practice for the welfare of animals in circuses 2003* is currently a mandatory code of practice under the *Animal Care and Protection Act 2001*. It can be viewed online at <http://www.business.qld.gov.au/industry/agriculture/animal-management/land-management-for-livestock-farms/welfare-and-transport-of-livestock/animal-welfare/overview-codes-practice/animal-welfare-codes-list>.

<sup>12</sup> The *Queensland code of practice for the welfare of animals in film production under the Animal Care and Protection Act 2001* is currently a voluntary code of practice under the *Animal Care and Protection Act 2001*. It can be viewed online at <http://www.business.qld.gov.au/industry/agriculture/animal-management/land-management-for-livestock-farms/welfare-and-transport-of-livestock/animal-welfare/overview-codes-practice/animal-welfare-codes-list>.



There would be no general requirement for exhibitors to minimise biosecurity risks<sup>13</sup> and there would be no requirement to demonstrate to the government that animal welfare risks were being minimised before an exhibitor began keeping and exhibiting animals.

Under Option 2A there would be no legislative framework to allow the adoption of national standards (currently under development) in their totality. The national standards could be adopted under the *Animal Care and Protection Act 2001*, but only to the extent that they relate to animal welfare (e.g. any standards developed for the purposes of biosecurity or public safety could not be adopted). Also, if the standards were adopted under the *Animal Care and Protection Act 2001*, they would not apply to the keeping and exhibition of native animals because these activities would be authorised under the *Nature Conservation Act 1992*.

Industry peak bodies could develop codes of practice detailing acceptable standards for animal welfare, biosecurity and public safety. Where desirable, codes of practice could be aligned with relevant national standards, such as the national standards for animal welfare currently under development.

Industry codes of practice would not be enforceable by the Queensland Government. The peak body or bodies could, however, establish an industry quality-assurance scheme that would accredit exhibitors against the standards. A failure to maintain the standards could result in the suspension or cancellation of accreditation. In some sectors, lack of accreditation could inflict reputational damage on the exhibitor, creating an incentive for compliance.

Currently, the Zoo and Aquarium Association, Australasia, requires members to participate in an industry-led accreditation program that includes a desktop exercise to demonstrate they meet minimum standards for operational policies and procedures as well as a peer review of animal welfare practices during a periodic site visit. The accreditation process recognises current legislative requirements relevant to Queensland. There is a formal process for assessing possible noncompliance, which may result in a membership being discontinued. Annual fees for full institutional members are calculated by reference to aspects of their operating costs but are subject to floor and ceiling limits. Many (currently 24) but not all fixed exhibitors are members of the Zoo and Aquarium Association, Australasia. Currently, demonstrators and members of other industry sectors are typically ineligible for membership.

Because there is currently no peak body that represents the diverse and fragmented exhibited animals industry, consistent and cohesive self-regulation across the entire industry may be difficult to achieve. It is likely that there would be multiple self-regulation schemes, each directed at a particular sector and each underpinned by different standards. Self-regulation of some sectors may be minimal.

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<sup>13</sup> Proposed new biosecurity legislation would impose a general obligation to minimise biosecurity risks.



### Option 3—Develop new legislation

This option is to develop a modern, risk-based framework for regulating animal exhibition.

Under this option, the legislation would apply to all exhibitions of animals except:

- exhibitions of common farm animals<sup>14</sup> (e.g. farm tours, petting farms, horse races and agricultural shows) and cats and dogs (e.g. dog and cat shows)
- incidental exhibitions allowed under a licence to keep the animals under the *Nature Conservation Act 1992* (e.g. escorted tours of crocodile farms under a wildlife farming licence) or under a declared pest permit for a game park under the *Land Protection (Pest and Stock Route Management) Act 2002*
- displays of animals for sale (e.g. in pet shops).

Existing legislation (Options 1 and 1A) already regulates all exhibitions in some way (e.g. the duty of care under the *Work Health and Safety Act 2011* would currently be relevant to all workplaces where there are exhibitions), but exhibitions of some species do not require a licence. Option 3 would apply consistent industry-specific regulation of risks to animal welfare, biosecurity and public safety to a broader range of exhibitions than are currently licensed, but licensing requirements would apply only to exhibitions of those species that currently require a licence.

All exhibitors regulated under Option 3 (including those who could exhibit without a licence) would have a general obligation to minimise the risks to animal welfare, biosecurity and public safety relevant to the exhibited animal(s).

Many components of this general obligation would be stated in standards adopted in regulations. For example, standards may cover matters including (but not limited to):

- security of the animal(s)
- animal handling
- appropriate enclosures and housing conditions
- animal health and welfare
- identifying animals
- expertise of animal keepers
- managing animal movements.

Standards would promote licensing consistency and give industry more certainty about what they need to do to minimise risks. Some standards would apply generally and others to particular exhibition activities or species.

Development and adoption of standards would occur separately from the development of the new legislation. Adoption of standards would be subject to Queensland's regulatory impact statement system—if the impacts of the standards would be significant, the public would generally be consulted on an assessment of the impacts before the government decided to adopt the standards.

National standards and guidelines for keeping some exhibited animals are currently being developed. (Consultation on a national regulatory impact statement for the proposed national standards would occur separately from the development of the new Queensland exhibited animals legislation. The national regulatory impact statement may meet the requirements for impact assessment under Queensland's regulatory impact statement system.) Crucially, under Option 3 there would be a regulatory framework that would allow

<sup>14</sup> It is proposed that the following common farm animals be excluded: alpaca (*Lama pacos*), aquaculture fisheries resources under the *Fisheries Act 1994*, cattle (*Bos taurus* and *Bos indicus*), chicken (*Gallus gallus*), donkey (*Equus asinus*), duck (domestic breeds of *Anas platyrhynchos*), goat (*Capra hircus*), goose (*Anser* species), horse (*Equus caballus*), llama (*Lama glama*), mule (*Equus caballus* × *Equus asinus*), pig (*Sus scrofa*), sheep (*Ovis aries*) and turkey (*Meleagris gallopavo*).

the adoption (subject to government consideration) and enforcement of these standards in Queensland. Queensland could supplement the national standards with state standards to cover additional matters, especially certain types of exhibition.

Standards would be either mandatory or voluntary:

- Mandatory standards would express minimum requirements. For example, all exhibitors wanting to exhibit a particular species would know that its permanent enclosure must comply with the relevant standard. It is proposed that the national standards currently being developed<sup>15</sup> would generally be mandatory standards. It is also proposed to review and recast the *Queensland code of practice for the welfare of animals in circuses 2003*<sup>16</sup> as a mandatory standard under the new legislation with supporting (non-mandatory) guidelines.
- Voluntary standards would guide exhibitors. The voluntary standards would be indicative of a reasonable standard of risk reduction—if an exhibitor chose not to follow a voluntary standard, they would need to manage the relevant risks in a way that was as good as or better than the way suggested in the voluntary code of practice. It is proposed to review and recast the *Queensland code of practice for the welfare of animals in film production*<sup>17</sup> as a voluntary standard under the new legislation with supporting (non-mandatory) guidelines.

The chief executive could make guidelines to assist exhibitors who had obligations under the new legislation. For example, if there was a standard that required the permanent enclosure for an animal to be large enough to allow the animal to display normal behaviours, a guideline may assist exhibitors by suggesting a type, dimensions and finish of enclosure that would enable animals of a particular species to display normal behaviours. However, an exhibitor could meet the requirement in some other way. It is proposed that guidelines and/or notes accompanying the national standards currently being developed would generally be reflected in guidelines under the new legislation.

Under the new legislation, an ‘exhibition licence’ would be required to exhibit an animal if the animal could not be kept without an authority (such as a licence or permit) under Queensland law. This is also when a licence or permit must be held under the current legislation. So an exhibition licence would be required to exhibit an animal that is:

- a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*
  - noxious fish under the *Fisheries Act 1994*
- or
- prohibited, international or protected wildlife under *Nature Conservation Act 1992*.

A person with an exhibition licence would not require a separate licence to keep the animals under the *Land Protection (Pest and Stock Route Management) Act 2002* or the *Nature Conservation Act 1992*.<sup>18</sup>

<sup>15</sup> The national standards would be adopted with modification as necessary to ensure they are consistent with Queensland law. Note that there would be a national impact assessment process for the proposed national standards that would take into account the impacts on Queensland and regulatory best practice principles. As a result, the content of the national standards is not considered in this RIS.

<sup>16</sup> The *Queensland code of practice for the welfare of animals in circuses 2003* is currently a mandatory code of practice under the *Animal Care and Protection Act 2001*. It can be viewed online at <http://www.business.qld.gov.au/industry/agriculture/animal-management/land-management-for-livestock-farms/welfare-and-transport-of-livestock/animal-welfare/overview-codes-practice/animal-welfare-codes-list>.

<sup>17</sup> The *Queensland code of practice for the welfare of animals in film production under the Animal Care and Protection Act 2001* is currently a voluntary code of practice under the *Animal Care and Protection Act 2001*. It can be viewed online at <http://www.business.qld.gov.au/industry/agriculture/animal-management/land-management-for-livestock-farms/welfare-and-transport-of-livestock/animal-welfare/overview-codes-practice/animal-welfare-codes-list>.

<sup>18</sup> Note also that a person authorised to keep an animal under the *Land Protection (Pest and Stock Route Management) Act 2002* or the *Nature Conservation Act 1992* (such as an operator of a game park or a wildlife farm) could exhibit the animals to the extent allowed under that authorisation (such as conducting farm tours) without being subject to the exhibited animals legislation.

An exhibition licence could be granted, provided the proposed exhibitor could demonstrably manage the risks, for any species of declared pest including species that are currently not listed under the *Land Protection (Pest and Stock Route Management) Act 2002* for that type of exhibition.<sup>19</sup>

Animals that could be exhibited without an exhibition licence are:

- exotic animals that are *not* listed as
  - declared pests under the *Land Protection (Pest and Stock Route Management) Act 2002*or
  - international wildlife or prohibited wildlife under the *Nature Conservation Act 1992*
- native invertebrates that are *not* listed as protected wildlife under the *Nature Conservation Act 1992*
- native birds that are listed as native exempt animals under the *Nature Conservation Act 1992*
- native fish that are *neither* listed as protected wildlife under the *Nature Conservation Act 1992* *nor* regulated under the *Fisheries Act 1992*.

However, under the *Fisheries Act 1994*, an exhibitor would still need an authority to take and possess some native fish.

Exhibitors who do not require an exhibition licence would still need to fulfil the general obligation and meet the required standards under the new legislation.

Under this option, there would be only one type of exhibition licence and it would be granted for up to 3 years. The licence holder would need to be an adult, and a licence application could be refused if the applicant had been convicted of a relevant offence or had a relevant licence cancelled.

Each application would need to be accompanied by a plan explaining how the exhibitor would minimise the risks to animal welfare, biosecurity and public safety that are relevant to the proposed activities. The plan would need to identify which types of dealings with animals are proposed to be authorised, any significant risks to animal welfare, biosecurity and public safety that would be associated with those dealings and the steps the applicant would take to minimise the risks. The size of the plan would depend on the risks associated with the proposed dealings. A plan for very low risk species and activities might be brief. Conversely, a plan for high-risk species and activities may be very extensive. Further information could be required in the plan only if there were not already reasonable grounds for believing the risks would be minimised.

If the chief executive was satisfied that the risks would be minimised, they could grant an exhibition licence allowing one or more of the following:

- a fixed exhibition of any species of animal
- a mobile exhibition of any species of animal that is not listed as a Class 1 pest under the *Land Management (Pest and Stock Route Management) Act 2002*<sup>20</sup>
- a mobile exhibition of any animal that is a Class 1 pest at the same site as its permanent enclosure, provided that at all times the animal remains within a perimeter fence capable of containing it
- public interaction with any animal.

Animals kept under an exhibition licence would need to be kept primarily for exhibition rather than for private recreation. Therefore, under an exhibition licence, most species would have to be exhibited. In particular, a species that is currently listed as a Class 1 pest under the *Land Protection (Pest and Stock Route Management) Act 2002* would need to be displayed in a fixed exhibition that is open to access by the general public for at

<sup>19</sup> See Schedule 3 of the *Land Protection (Pest and Stock Route Management) Regulation 2003*, which prescribes the pests and purposes for which a declared pest permit may currently be granted.

<sup>20</sup> Animals that are currently Class 1 declared pests under the *Land Protection (Pest and Stock Route Management) Act 2002* will be listed as prohibited biosecurity matter under the proposed new biosecurity legislation.



least 900 hours<sup>21</sup> each year. Most other species would need to be exhibited for at least 12 days each year.<sup>22</sup> Exhibition would not be required, however, if private keeping of that species is allowed (under a recreational wildlife licence under the *Nature Conservation Act 1992*).<sup>23</sup> Exemptions to the exhibition requirements would apply where there is a reasonable excuse, such as where a veterinary certificate states that exhibition was not in the interests of the animal, if the animal was in quarantine or, in exceptional circumstances, with the chief executive's prior written approval.

There is an indirect risk that allowing animals to be kept for exhibition may trigger some illegal taking of animals from the wild. The legislation would not allow native animals to be taken from the wild—this is already regulated under other legislation.<sup>24</sup>

To ensure animals would be kept under an exhibition licence primarily for exhibition rather than for wildlife trade, the legislation would require an animal to be kept under an exhibition licence for at least 28 days before being sold or given away.

It is proposed that a regulation or the chief executive may put conditions on keeping and exhibiting an animal under an exhibition licence. For example, conditions may be imposed to restrain reproduction and limit the number of animals that may be kept. Exotic animals would only be allowed to reproduce where retention or placement of offspring had been prearranged under a breeding program advised to the chief executive—offspring produced in contravention of this restriction could be seized.

The legislation would provide that, in most circumstances, exhibitors would be exempt from requirements under the *Nature Conservation Act 1992* to obtain an approval or give notice before moving native species.

Under this option, licence fees would reflect the cost of assessing applications, developing licence conditions, granting licences and checking annual reports submitted under the licences. It is assumed that savings from the simplified licensing administration under Option 3 would offset the costs to the government of increased site visits, ensuring there would be no net increase in the cost to the government under Option 3 compared to Options 1 and 1A. This assumption is consistent with estimates made by Biosecurity Queensland staff about the time required under Option 3 to assess applications, develop licence conditions, check annual returns and conduct adequate site visits for various categories of exhibitors. Accordingly, Biosecurity Queensland estimates that it would need to collect approximately \$184 000 in fees per year to cover the full cost in 2015–16.<sup>25</sup>

Under this option, application fees would vary depending on the number of paid full-time equivalent staff. The number of paid full-time equivalent staff is indicative of the size and complexity of an operation, and it takes longer to assess the application of a larger and/or more complex operation. (Two alternative fee models were considered when developing the proposal for new legislation—uniform fees and charging higher fees for more species. Although charging uniform fees is attractively simple, it would be unfair to some exhibitors. Small exhibitors of relatively low risk animals would subsidise larger exhibitors with high-risk animals. Charging exhibitors who keep more species higher fees would reflect that generally it would take longer to assess their applications. However, this approach would also be unfair on some exhibitors. The number of species does not always reflect the resources required to assess an application; for example, there can be many species of bird in one walk-through aviary or many species of fish in one large aquarium.)

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21 An hour could be counted against this requirement only if that hour occurred during a continuous period of at least 3 hours of fixed exhibition of the species.

22 A day could be counted against this requirement only if the species was displayed in a fixed exhibition open to access by the general public for at least 3 continuous hours on that day or was displayed in an off-site mobile exhibition on that day.

23 A prescribed controlled, commercial, recreational, restricted or International animal can be kept under a recreational wildlife licence under the *Nature Conservation Act 1992*.

24 The *Nature Conservation Act 1992* regulates taking of many native animals from the wild and the *Fisheries Act 1994* regulates taking and possessing regulated fish (prohibited species, or more than normally allowed, or smaller or larger than normally allowed).

25 Follow-up site visits, random inspections and visits triggered by complaints have not been included in this calculation.

The non-refundable licence application fees payable under Option 3 are shown in Table 8.<sup>26</sup>

**Table 8** Proposed fees in 2015–16 under Option 3

Type of exhibitor	Fee (\$) <sup>27</sup>	
	New licence application	Licence renewal application
Up to 3 paid full-time equivalent staff	3062 (in the range 2910–3216)	1531 (in the range 1455–1608)
Between 4 and 15 paid full-time equivalent staff	4813 (in the range 4572–5054)	2406 (in the range 2286–2527)
16 or more paid full-time equivalent staff	7292 (in the range 6927–7657)	3646 (in the range 3464–3828)
Rabbits only (e.g. magic act)	291 (in the range 277–306)	146 (in the range 139–153)

A non-refundable fee of approximately \$438 (in the range \$416–\$459) would apply for any application for a *major* licence amendment. This is an amendment that reflects a significant change in the activities undertaken under the licence, such as exhibiting a different species in a new enclosure. A non-refundable fee of approximately \$146 (in the range \$139–\$153) would apply for any application for a *minor* licence amendment. This is an amendment where there is *not* a significant change in the activities undertaken under the licence, such as a change in the address of the licence holder.

The chief executive may grant a special exhibition permit allowing the holder to conduct specific exhibition activities with an animal that could not occur under the exhibition licence (or interstate equivalent) under which the animal is kept. This may include the mobile exhibition of an animal that is a Class 1 pest under the *Land Protection (Pest and Stock Route Management) Act 2002*, such as in a circus, for film or television production or for a one-off event. A non-refundable fee of approximately \$438 (in the range \$416–\$459) would apply for each special exhibition permit application. The permit would be valid for scheduled activities in Queensland over a period of up to 6 months.

A site visit would generally be required to provide the chief executive with sufficient evidence to assess an application for the granting, renewal or major amendment of a licence. The cost of this visit would be charged to the applicant. However, sometimes other evidence may be sufficient—the chief executive could only request a site visit where it was reasonably necessary to decide an application. A site visit would not be conducted if there were already reasonable grounds for believing the risks would be minimised. For example, photographs of the enclosure may be sufficient evidence for fixed exhibition of very low risk species. Where there is a good record of compliance by an exhibitor and the exhibitor participates in an industry quality-assurance scheme that deals with the requirements of the legislation, a site review report from an accredited independent inspector for the scheme may provide sufficient evidence to assess a licence renewal application.

A follow-up site visit, also charged to the exhibitor, would be conducted if noncompliance is identified during a site visit, a random inspection or an inspection to investigate a complaint.

<sup>26</sup> The licence fees stated assume that the 2015–16 financial year will be the first full operational year for the new licensing scheme. They have been calculated using estimates about likely future wage costs. A range is given to allow for variance from these estimates.

<sup>27</sup> To calculate fees that would apply when the legislation commences, Biosecurity Queensland had to anticipate when the legislation would commence and estimate salary costs beyond the life of current industrial agreements. The actual fee charged when the legislation commences may differ from the indicative fee calculated for this consultation RIS; however, it is unlikely that it would differ by more than 5%. The ranges provided indicate the likely bounds within which the fee would be set.

Site visit charges would recover the full cost of services. The following fees would apply to site visits:

- a fixed base fee per visit of approximately \$200<sup>28</sup> (in the range \$190–\$210) to cover travel or alternatively the actual cost of travel for the visit if the exhibitor requests an urgent visit
- an hourly rate of approximately \$173 (in the range \$164–\$184) charged for a minimum of 1 hour per day, then in 15-minute increments.

Authorised officers and inspectors would be able to issue exhibitors with written directions to address any breach of their obligations. The government may step in where an exhibitor fails to comply with a direction and may charge the cost of the action to the exhibitor. Also, if the exhibitor does not comply with written directions, the chief executive may suspend or cancel a licence.

## Options analysis

Table 9 (page 23) shows how Options 1 (Retain existing provisions), 1A (Retain existing provisions with a 45% fee increase), 2A (Have minimal legislative intervention to allow industry self-regulation) and 3 (Develop new legislation) would address the policy issues identified in the issues statement. Option 2 (Have no industry-specific legislation) is not included because it is not considered a feasible option.

## Alternative approaches in other jurisdictions

Regulatory approaches to the exhibited animals industry in other jurisdictions are summarised in Appendix 2.

No jurisdictions have an approach comparable to Options 2 or 2A—in all Australian jurisdictions, a licence, permit or some other kind of authority is required to exhibit many exotic animals and native animals.

No jurisdiction has consolidated in a single Act management of the risks to animal welfare, biosecurity and public safety that are associated with the exhibition of exotic and native animals, as is proposed under Option 3. However, both New South Wales and Tasmania have consolidated licensing of exhibition of exotic and native animals under a single Act. Otherwise, the legislative approach in other Australian jurisdictions is somewhat similar to Option 1—the exhibited animals industry is generally regulated by several pieces of legislation that deal separately with pest management and animal disease, wildlife conservation and risks to animal welfare.

Additionally, in New South Wales, Victoria and Western Australia, legislation provides for state ownership and operation of zoos.

<sup>28</sup> The proposed base fee was calculated by broadly estimating the cost of travel in 2012–13 to visit each current Queensland-based exhibitor (excluding magic acts), then dividing this by 4 (to reflect that on average 4 visits might be conducted each time an officer visited a region) to determine the average cost per exhibitor. This was indexed by 2.5% per year to obtain an average cost for 2015–16.



Table 9 Analysis of options against policy problems identified in the issues statement

Policy problem	Option 1— Retain existing provisions	Option 1A— Retain existing provisions with a 45% fee increase	Option 2A— Have minimal legislative intervention to allow industry self-regulation	Option 3— Develop new legislation
Risks to animal welfare, biosecurity and public safety	A licence for some sectors of the industry could not be refused or cancelled on the grounds that risks to animal welfare and public safety were inadequately addressed. In some sectors and circumstances, exhibitors would have no specific obligations to manage risks associated with their activities.	A licence for some sectors of the industry could not be refused or cancelled on the grounds that risks to animal welfare and public safety were inadequately addressed. In some sectors and circumstances, exhibitors would have no specific obligations to manage risks associated with their activities.	Exhibitors could keep and exhibit animals without government scrutiny of the measures taken to minimise the associated risks. Exhibitors would have no specific obligations to manage risks associated with their activities. There may be some self-regulation by some sectors of the industry.	Licensing decisions would be risk-based—a licence could only be granted where risks were minimised. There would be a specific obligation on all exhibitors to minimise risks to animal welfare, biosecurity and public safety associated with their activities. Aspects of the obligation would be made explicit in standards.
Enabling animal exhibition in Queensland	Restrictions on which exotic animals can be exhibited by each sector of the industry would remain even if they are unjustified if associated risks can be managed.	Restrictions on which exotic animals can be exhibited by each sector of the industry would remain even if they are unjustified if associated risks can be managed.	There would be no effective restrictions on exhibition of animals.	Exhibitors could exhibit any species if they could adequately minimise the risks. Risk-based licensing decisions would unlock new opportunities for operators who are currently precluded, even if they can demonstrably manage the risks, from exhibiting some exotic species that are allowed in other Australian jurisdictions.
Complexity, consistency and equity of regulatory regime	Industry would continue to operate under multiple legislative and licensing schemes and pay multiple fees as a result, and the government would need to continue their administration. Large-scale exhibitors who require significant regulatory attention would continue to pay the same as small exhibitors. Licensing fees for exotic animals would continue to be much less than those for native animals. Fees would continue to under-collect for the cost of government services.	Industry would continue to operate under multiple legislative and licensing schemes and pay multiple fees as a result, and the government would need to continue their administration. Large-scale exhibitors who require significant regulatory attention would continue to pay the same as small exhibitors. Licensing fees for exotic animals would continue to be much less than those for native animals. Full cost recovery would be achieved.	Regulation of the industry would be minimal—only generalised obligations in relation to animal welfare, biosecurity and public safety would apply and even these may be excluded in certain circumstances. There would be no licensing requirements or fees.	There would be only one licence type. Exhibitors who currently require multiple licences could operate under a single licence. Different industry sectors, such as zoos, wildlife parks, wildlife demonstrators, circuses and magic acts, would be treated more consistently. The licence fees payable would reflect the complexity of an exhibitor's activities and therefore how much regulatory attention is required. Full cost recovery would be achieved.

## 4. Impact assessment

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A comprehensive quantitative assessment of the costs and benefits is not possible for these options because it is difficult to quantify some of the benefits and costs in a meaningful way. For example, the animal welfare outcomes of each option would be difficult to quantify. Establishment of market values for animal welfare outcomes is an embryonic field of economics with very few accepted methods and no consensus about the best analytical technique to use. Consumer economics models of production animal welfare are still in their infancy. Extension of production animal market economics to a credible model for non-production markets is challenging. Data collection would require extensive surveys, the cost of which would be difficult to justify given the scope of the legislation. Values reported by survey respondents could be highly volatile in response to media reporting of relevant events. Therefore, any monetary value placed on animal welfare outcomes could not be seen as truly representative of social preferences.

### Quantification of application-related costs for each option

Although it is not possible to quantify all the costs and benefits and determine the net present value of each option, some costs are quantifiable. In particular, it is possible to estimate the total application fees payable by the industry, total cost of preparation of applications and total site visit charges associated with new licence applications, licence renewal applications and licence amendment applications.

### Assumptions about number of entities in each category and number of applications

There is some inter-annual variability in the size and composition of the industry, but there are no discernable trends in the data. Some applications for a new licence are received each year, but there are also some exhibitors who surrender or do not renew their authority. Generally the turnover relates to small demonstrators and exhibitors. The calculations in this RIS (based on the number of applications received in 2011) rest on the assumption that every year 14 applications for a new licence would be received (9 from small demonstrators with less than 15 native species, 2 from small exhibitors with less than 15 species and 3 from small exhibitors with more than 15 species) but that there would be no net change in the number of exhibitors because an equivalent number of exhibitors would leave the industry.

It is also assumed that the size and composition of the industry would remain the same—135 entities would hold licences (as in August 2012, see Appendix 1) and they would have the characteristics shown in Table 10.



**Table 10** Assumed numbers of exhibitors

Type of exhibitor	Keeping native species only	Keeping exotic species only	Keeping noxious fish only	Keeping native and exotic species
Small demonstrators with up to 15 species	20	0	5	0
Small demonstrators with over 15 species	22	0	0	0
Medium demonstrators with over 15 species	2	0	0	0
Small fixed exhibitors with up to 15 species	4	1	0	0
Small fixed exhibitors with over 15 species	4	0	0	0
Medium fixed exhibitors with up to 15 species	4	1	0	2
Medium fixed exhibitors with over 15 species	14	0	0	11
Large fixed exhibitors with over 15 species	0	0	0	5
Medium circuses or film and television productions	0	6	0	0
Magic acts	0	34	0	0
<b>Total</b>	<b>70</b>	<b>42</b>	<b>5</b>	<b>18</b>

From the number of amendment applications received in 2011 and part of 2012 (the only period for which reliable data is available), it is assumed that the total number of licence amendment applications received annually would be 139 and that these would be broken down as shown in Table 11.

**Table 11** Assumed number of amendments undertaken annually

Type of amendment	Exhibitors with native species	Exhibitors with exotic species
Minor	100.5	7
Major	17.5	14
<b>Total</b>	<b>118.0</b>	<b>21</b>

### Assumptions about application-related costs

The application and site visit fees payable by various categories of exhibitors under each option are summarised in Table 12. This assumes that fees and charges would increase at 2.5% per year. Under Options 1 and 1A the application fee for a licence to keep native animals depends on the duration of the licence the applicant requests. Also, the maximum duration of licence is 3 years in some circumstances and 2 years in others. In this summary and for calculations in this RIS, it is assumed that exhibitors apply for the maximum licence period of 3 years except where indicated that the maximum duration is 2 years.

**Table 12** Fees payable under each option in 2015–16 (to the nearest dollar, for up to 3 years unless indicated otherwise)

Category of exhibitor	Fees (\$)											
	Option 1			Option 1A			Option 3			Site visit		
	Renewal	Amendment	New licence	Renewal	Amendment	New licence	Renewal	Amendment	New licence			
<b>Small demonstrator with mobile exhibitions</b>												
Up to 15 native species	2244	15	2244	3254	22	3254	1531	438	3062		200 + 173 per hour	
Over 15 native species	2244	15	2244	3254	22	3254	1531	438	3062		200 + 173 per hour	
Up to 15 species of noxious fish under approved program that assists in educating public about obligations	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	(unlikely to be required)	
<b>Medium demonstrator with mobile exhibitions</b>												
Over 15 native species	2244	15	2244	3254	22	3254	2406	438	4813		200 + 173 per hour	
<b>Small fixed exhibitor</b>												
Up to 15 native species	3412	15	3412	4948	22	4948	1531	438	3062		200 + 173 per hour	
Over 15 native species	3412	15	3412	4948	22	4948	1531	438	3062		200 + 173 per hour	
Up to 15 exotic species	217 (2 years)	0	507 (2 years)	315 (2 years)	0	735 (2 years)	1531	438	3062		200 + 173 per hour	

(continued)

Table 12 (continued)

Category of exhibitor	Fees (\$)										Site visit
	Option 1			Option 1A			Option 3				
	Renewal	Amendment	New licence	Renewal	Amendment	New licence	Renewal	Amendment	New licence		
<b>Medium fixed exhibitor</b>											
Up to 15 native species	3412	15	3412	4948	22	4948	2406	438	4813	200 + 173 per hour	
Over 15 native species	3412	15	3412	4948	22	4948	2406	438	4813	200 + 173 per hour	
Up to 15 exotic species	217 (2 years)	0	507 (2 years)	315 (2 years)	0	735 (2 years)	2406	438	4813	200 + 173 per hour	
Up to 15 native and exotic species	3412 + 217 (2 years)	15	3412 + 507 (2 years)	4948 + 315 (2 years)	22	4948 + 735 (2 years)	2406	438	4813	200 + 173 per hour	
Over 15 native and exotic species	3412 + 215 (2 years)	15	3412 + 507 (2 years)	4948 + 315 (2 years)	22	4948 + 735 (2 years)	2406	438	4813	200 + 173 per hour	
<b>Large fixed exhibitor</b>											
Over 15 native and exotic species	3412 + 215 (2 years)	15	3412 + 507 (2 years)	4948 + 315 (2 years)	22	4948 + 735 (2 years)	3646	438	7292	200 + 173 per hour	
<b>Medium circus or film and television production</b>											
Up to 15 exotic species	217 (2 years)	0	507 (2 years)	315 (2 years)	0	735 (2 years)	2406	438	4813	200 + 173 per hour	
<b>Magic act</b>											
Rabbit	87 (2 years)	0	129 (2 years)	126 (2 years)	0	189 (2 years)	146	438	291	(unlikely to be required)	

Table 13 shows the hours that it was assumed would be needed to conduct a site visit prior to deciding an application for a new licence or renewal of a licence.

**Table 13** Assumed number of hours to complete a site visit

Category of exhibitor	Number of hours			
	Keeping native species only	Keeping exotic species only	Keeping noxious fish only	Keeping native and exotic species
Small demonstrators with up to 15 species	1.5	—	—	—
Small demonstrators with over 15 species	3	—	—	—
Medium demonstrators with over 15 species	6.5	—	—	—
Small fixed exhibitors with up to 15 species	2.5	2.5	—	—
Small fixed exhibitors with over 15 species	4	—	—	—
Medium fixed exhibitors with up to 15 species	4.5	4.5	—	6
Medium fixed exhibitors with over 15 species	6	—	—	7.5
Large fixed exhibitors with over 15 species	—	—	—	10
Medium circuses or film and television productions	—	6	—	—
Magic acts	—	1	—	—

It was assumed that a site visit conducted prior to deciding a major amendment application would take 1 hour and a site visit would not be required to decide a minor amendment application.

It was assumed that the time taken by an entity to prepare an application under each option was:

- for a licence renewal—3 hours
- for a licence amendment—2 hours
- for a new licence—6 hours.

The average hourly salary cost was assumed to be \$34.83 in 2012–13 (based on Australian Bureau of Statistics November 2012 average full-time adult ordinary time weekly earnings and a 40-hour working week). This cost was increased by 2.5% per year.

#### Total present value of application-related costs

Table 14 shows the total costs associated with new licence applications, licence renewal applications and licence amendment applications under each option for the 10-year period commencing 2015–16. In each case these include application fees payable by industry, total cost of preparation of applications and total site visit charges. It is unsurprising that the total costs for Options 1A and 3 are comparable and are both about 45% more than for Option 1.

**Table 14** Estimated costs associated with new, renewal and amendment licences for the 10-year period commencing 2015–16 (in present value, discount rate 2.5%)

Type of licence	Costs (\$)			
	Option 1	Option 1A	Option 2	Option 3
Renewals	1 030 846	1 513 046		1 182 789
Amendments	113 736	121 352		479 854
New applications	375 241	530 935		481 939
<b>Total</b>	<b>1 519 823</b>	<b>2 165 333</b>	n/a	<b>2 144 581</b>

### Projected government fee revenue

Table 15 shows the estimated fee revenue under each option in 2015–16. Under Option 3, fee revenue would vary significantly with the number of amendment applications. However, for Options 1 and 1A, fee revenue would vary only slightly in response to significant variations in the number of amendment applications and so would not track variations in government costs resulting from such fluctuations.

**Table 15** Estimated fee revenue in 2015–16 for each option (to the nearest \$1000)

Type of licence	Fee revenue (\$)			
	Option 1	Option 1A	Option 2	Option 3
Renewals	87 000	127 000		93 000
Amendments	2 000	3 000		41 000
New applications	37 000	54 000		49 000
<b>Total</b>	<b>126 000</b>	<b>183 000</b>	n/a	<b>183 000</b>

### Case studies

This section provides some case studies that give context for consideration of the options.

Table 16 shows the estimated average costs for different categories of exhibitor under Options 1, 1A and 3. The table gives the *average cost per year over 10 years* to allow direct comparison between the options; this is because currently some fees are payable every 2 years and others every 3 years. The estimates are indicative only—each exhibitor is different and the actual time taken to conduct a site visit (and hence the cost of the site visit, which is included in the estimate) would differ from exhibitor to exhibitor. Crucially, the visit would take longer (and therefore costs would be higher) if the exhibitor was noncompliant or was not properly prepared for the site visit.

Table 16 Estimated costs over 10 years from 2015–16 for different categories of exhibitor

Category of exhibitor	Costs (\$) over 10 years (and average annual costs) <sup>29</sup>		
	Option 1	Option 1A	Option 3
<b>Small demonstrator with mobile exhibitions</b>			
Up to 15 native species	10 066 (1007 per year)	14 596 (1460 per year)	8930 (893 per year)
Over 15 native species	10 066 (1007 per year)	14 596 (1460 per year)	10 092 (1009 per year)
Up to 15 species of noxious fish under approved program that assists in educating public about obligations	0	0	0 <sup>30</sup>
<b>Medium demonstrator with mobile exhibitions</b>			
Over 15 native species	10 066 (1007 per year)	14 596 (1460 per year)	16 730 (1673 per year)
<b>Small fixed exhibitor</b>			
Up to 15 native species	15 306 (1531 per year)	22 194 (2219 per year)	9705 (970 per year)
Over 15 native species	15 306 (1531 per year)	22 194 (2219 per year)	10 867 (1087 per year)
Up to 15 exotic species	1202 (120 per year)	1743 (174 per year)	9705 (970 per year)
<b>Medium fixed exhibitor</b>			
Up to 15 native species	15 306 (1531 per year)	22 194 (2219 per year)	15 180 (1518 per year)
Over 15 native species	15 306 (1531 per year)	22 194 (2219 per year)	16 342 (1634 per year)
Up to 15 exotic species	1202 (120 per year)	1743 (174 per year)	15 180 (1518 per year)
Up to 15 native and exotic species	16 508 (1651 per year)	23 937 (2394 per year)	16 342 (1634 per year)
Over 15 native and exotic species	16 508 (1651 per year)	23 937 (2394 per year)	17 505 (1750 per year)
<b>Large fixed exhibitor</b>			
Over 15 native and exotic species	16 508 (1651 per year)	23 937 (2394 per year)	25 002 (2500 per year)
<b>Medium circus or film and television production</b>			
Up to 15 exotic species	1202 (120 per year)	1743 (174 per year)	26 146 (2615 per year) <sup>31</sup>
<b>Magic act</b>			
Rabbit	480 (48 per year)	697 (70 per year)	654 (65 per year) <sup>32</sup>

<sup>29</sup> For this calculation, inflation is assumed to be 2.5% per year over 10 years—in the middle of the Reserve Bank's target range.

<sup>30</sup> The 5 existing holders of general fisheries permits, who demonstrate noxious fish to educate members of the public (such as those involved in a fishing competition) about their responsibilities in dealing with these fish, would likely qualify for a fee waiver under the proposal. If they did not qualify for a fee waiver, the fee for a small demonstrator would apply.

<sup>31</sup> For this calculation, it was assumed that circuses would obtain 2 special exhibition permits each year in addition to an exhibition licence. Each permit would be granted for a period of up to 6 months.

<sup>32</sup> For this calculation, it was assumed that the chief executive would make licensing decisions without conducting a site visit.



### Case study 1—Small mobile exhibitors of native species

Biosecurity Queensland estimates that there are 42 exhibitors in this category. These exhibitors would pay about the same or less under Option 3 than they would under the current system (Option 1).

Under Option 1, these exhibitors would pay an average of \$1007 per year over 10 years. This assumes current fees would only increase in line with the CPI.

Under Option 1A, they would pay about \$1460 per year over 10 years.

Under Option 3, the total fees payable by exhibitors in this category would vary because the length of a site visit would vary. To allow calculation of total costs, Biosecurity Queensland has assumed a site visit would take longer for an exhibitor with more species:

- For those with up to 15 species (approximately 22 exhibitors), Biosecurity Queensland estimates that a site visit would take approximately 1.5 hours. This means that under Option 3, an exhibitor would pay about \$893 per year over 10 years.
- For those with over 15 species (approximately 20 exhibitors), Biosecurity Queensland estimates that a site visit would take approximately 3 hours. Under Option 3, an exhibitor would pay about \$1009 per year over 10 years.

An exhibitor (who asked not to be named) told Biosecurity Queensland that operating costs (net of wages) in their first year were in the range \$20 000 – \$25 000. This included some establishment costs, so the exhibitor expects that operating costs will fall slightly in future years. This is a full-time business supporting two people who exhibit, and keep for exhibition, 40 species. On average they complete two exhibits per week, but there is a lot of variation between weeks. Assuming that their future annual operating costs (net of wages) were \$15 000 – \$20 000 over 10 years, the fees under Option 3 would account for 5–6% of their annual operating costs.

The benefits of Option 3 for an exhibitor with fewer species would be greater—their fees would decrease by around 10% from what they would pay under the current system. Unfortunately, financial information was not available for a case study for such an exhibitor.

### Case study 2—Medium fixed exhibitors of native and exotic species

Biosecurity Queensland estimates that there are 13 exhibitors in this category.

Under Option 1, these exhibitors would pay on average \$1651 per year over 10 years.

Under Option 1A, they would pay about \$2394 per year over 10 years.

Under Option 3, the total fees payable by exhibitors in this category would vary because the length of a site visit would vary. To allow calculation of total costs, Biosecurity Queensland has assumed a site visit would take longer for an exhibitor with more species:

- For those with up to 15 species (approximately 2 exhibitors), Biosecurity Queensland estimates that a site visit would take approximately 6 hours. This means that under Option 3, an exhibitor would pay about \$1634 per year over 10 years.
- For those with over 15 species (approximately 11 exhibitors), Biosecurity Queensland estimates that a site visit would take approximately 7.5 hours. Under Option 3, an exhibitor would pay about \$1750 per year over 10 years.

Under Option 3, these exhibitors would also save about \$38 per year<sup>33</sup> over 10 years in reduced procedural costs because they would no longer need to apply for more than one licence. (Currently they require a licence for the native animals they exhibit and a licence for the exotic animals they exhibit.)

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<sup>33</sup> See 'Quantification of application-related costs for each option' for assumptions used to calculate the saving.

The Rockhampton Zoo has annual costs of approximately \$690 000.<sup>34</sup> Even if its other expenses did not increase at all, the CPI-escalated licence fees under Option 1 would still be only about 0.24% of its annual costs in 2015–16 (the first full operational year of the new licensing system). Annual government fees and charges under Option 3 would be about 0.25% of their annual costs in that year—this would be slightly more than Option 1 but would not recover the cost of government services.

Another exhibitor who falls into this category (who asked not to be named) has approximately 200 000 visitors per year and annual costs of around \$455 000. Even if this exhibitor's other expenses did not increase at all, the CPI-escalated licence fees under Option 1 would still be only about 0.36% of annual costs in 2015–16. Annual government fees and charges under Option 3 would be about 0.38% of their annual costs in that year—this would be slightly more than Option 1 but would not recover the cost of government services.

### Case study 3—Large fixed exhibitors of native and exotic species (and fish in some cases)

Biosecurity Queensland estimates that there are 5 exhibitors in this category. Currently, small exhibitors subsidise the cost of licensing these large exhibitors.

Licensing fees would remain a small proportion of operating costs for these large exhibitors, despite increasing from approximately \$1651 (under Option 1) to \$2500 (under Option 3) per year over 10 years. Under a 45% across-the-board fee increase to achieve full cost recovery (Option 1A), these exhibitors would pay about \$2394 per year over 10 years.

In 2011–12, Currumbin Wildlife Sanctuary had total annual costs of around \$12 million<sup>35</sup>, including administrative and professional costs of around \$1.2 million. Even if this exhibitor's other expenses did not increase at all, from 2015–16 onwards the CPI-escalated licence fees under Option 1 would still amount to only 0.014% of total annual costs, or 0.14% of administrative and professional costs. Annual government fees and charges under Option 3 would amount to about 0.021% of total annual costs, or 0.21% of administrative and professional costs in 2015–16. This would be a 0.007% increase in their total annual costs or a 0.07% increase in their administrative and professional costs.

Under Option 3, these exhibitors would also save about \$38 per year<sup>36</sup> over 10 years in reduced procedural costs because they would no longer need to apply for two licences. (Currently they require a licence for the native animals they exhibit and a licence for the exotic animals they exhibit.) The exhibitors that are likely to fall into this category currently do not exhibit noxious fish. However, several of these exhibitors do exhibit regulated fish.<sup>37</sup> Under Option 3, these fish would not have to be listed under the exhibition licence, but relevant exhibitors would still need to hold an authorisation under the *Fisheries Act 1994* (e.g. a general fisheries permit) if they intended to keep regulated fish.

<sup>34</sup> Based on Rockhampton Zoo's 2010–11 budget management report as at 30 March 2011.

<sup>35</sup> *National Trust of Queensland annual report 2011–2012*.

<sup>36</sup> See 'Quantification of application-related costs for each option' for assumptions used to calculate the saving.

<sup>37</sup> Regulated fish may, for example, be fish that are smaller than the minimum size limit for that species or fish that cannot be taken at all in Queensland.



### Case study 4—Circuses

The overall number of circuses and the number of circuses exhibiting Class 1 pests (such as lions and monkeys) has dwindled dramatically in recent decades, reflecting public attitudes to circus exhibition of wildlife. Many circuses no longer exhibit animals or else exhibit domestic animals for which there are no licensing requirements. Some animals are used for film and television.

Under Option 1, circus and film and television exhibitors (including the 4 exhibitors who also hold licences in New South Wales) would pay an average of \$120 per year over 10 years.

Under Option 1A, these exhibitors would pay about \$174 per year over 10 years.

Under Option 3:

- Interstate-based circuses (currently 3) would not need to hold Queensland exhibition licences provided they maintained their interstate licences. However, they would pay the cost of a special exhibition permit (in the range \$416–\$459) for each Queensland tour of up to 6 months.<sup>38</sup>
- The exhibitor who currently keeps elephants in a Queensland zoo and other species interstate when not using them in a circus and/or for film and television would pay about \$2615 per year over 10 years (including fees for 2 special exhibition permits each year).<sup>39</sup>
- The fees for the remaining Queensland-based circuses (currently 2) who use macaques (monkeys) would be about \$2615 per year over 10 years (including fees for 2 special exhibition permits each year).<sup>40</sup>

Under Options 1 and 1A, circuses would not be required to have a fixed (permanent) enclosure in which to keep their animals between tours and would not be subject to minimum exhibition requirements.

The practical impact of proposed licensing restrictions for Class 1 pests under Option 3 would largely be confined to the Queensland-based circuses who keep macaques. These circuses would need to arrange to keep and exhibit their macaques in a zoo (or similar) between tours. Compliance costs would depend on whether they developed fixed exhibitions for their macaques or entered into an arrangement with an existing zoo (as has one other exhibitor as mentioned above). The one-off cost of developing a suitable fixed enclosure for macaques is broadly estimated at \$75 000 – \$100 000. The cost of keeping macaques under an arrangement with an existing zoo is difficult to estimate and may even be cost neutral.

The licensing restrictions would help reduce animal welfare and other risks associated with these circuses and would ensure there was sufficient justification for allowing them to keep these wild animals for exhibition (rather than primarily for private recreation). Nevertheless, it is proposed that they be exempt from these requirements for up to 5 years to allow them time to make arrangements to comply.

Fees under Option 3 would be increasing from a very low base. Current licensing fees for circuses do not reflect the resources required to assess applications and to undertake compliance activities for the relatively risky mobile exhibition of wild animals in a circus. Therefore, they do not recover the full cost in line with government policy.

Biosecurity Queensland has no accurate data about the operating costs of these circuses, but they are likely to be substantial. Licence fees are likely to remain a small proportion of operating costs.

<sup>38</sup> Alternatively, if they retained their Queensland licence, their fees would be about \$2615 per year over 10 years (including fees for 2 special exhibition permits each year) and they would need to have a fixed (permanent) enclosure in which to keep their animals between tours and comply with minimum exhibition requirements.

<sup>39</sup> Assuming that they retain a licence for the animals kept in the Queensland zoo only and obtain a special exhibition permit (in the range \$416–\$459) when bringing other animals kept under an interstate licence into Queensland for exhibition (e.g. filming) and/or when exhibiting the animals kept under the Queensland licence outside the zoo where they are normally kept.

<sup>40</sup> It is likely these costs may be overstated because all circuses have been assumed to be medium exhibitors requiring a 6-hour monitoring visit. Given that these circuses only keep macaques, it is unlikely they would have more than 3 paid full-time equivalent staff acting under the licence or that it would take 6 hours to complete a monitoring visit.

Under Option 3, circuses may derive some benefits that partly offset the increased compliance costs. The new legislation may increase public confidence in the welfare of circus animals. This may result in a relaxation of current local government restrictions on where circuses can perform (or at least avert any additional restrictions) and so reduce operating costs.

### Case study 5—Magic acts

There are 34 exhibitors who fall into this category.

Under Option 1, magic acts would pay an average of \$48 per year over 10 years.

Under Option 1A, they would pay about \$70 per year over 10 years.

Under Option 3, they would pay an average of \$65 per year over 10 years.<sup>41</sup> This compares with Brisbane City Council's 2013–14 annual registration costs for a dog—\$125, reduced to \$43.60 if the dog is desexed or increased to \$490 if the dog is dangerous or menacing.<sup>42</sup> Unlike dog registration, however, an exhibition licence would allow magic acts to keep a species that cannot be kept for private recreation in Queensland.

Magic acts have been given their own fee category under Option 3. This recognises the relatively low risks associated with keeping and exhibiting a single castrated rabbit. However, the current fee charged for renewal of a declared pest permit to keep a rabbit for a magic act is not sufficient to cover the associated administration costs. The relatively large percentage increase in fees is necessary to ensure the rest of the exhibited animals industry is not subsidising the cost of licensing magic acts to keep rabbits (which the general public cannot keep in Queensland).

Financial data for magic acts is not publicly available. However, the prices magic acts charge for their services provides some context for the fees under Option 3. For example, 'Magic Mike'<sup>43</sup> advertises a \$250 30-minute magic show that involves a rabbit. The rabbit is an important component of the show—the advertisement states that there is an additional 15 minutes 'to feed the bunny', or that he will stay up to 60 minutes 'if the kids would like more time with the bunny'.

Magic acts vary in the extent of their commercial orientation. For serious businesses, the licence and site visit fees are legitimate business expenses for taxation purposes. At the hobbyist end of the spectrum, the higher fees may be an incentive to replace a live rabbit with an inanimate object in the show.

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41 This calculation assumes that the chief executive would make a licensing decision without conducting a site visit.

42 Brisbane City Council registration fees 2013, Brisbane City Council, Brisbane, viewed 25 July 2013, <<http://www.brisbane.qld.gov.au/laws-permits/laws-and-permits-for-residents/animals-and-pets/cats-dogs/cat-dog-registration/registration-fees/index.htm>>.

43 Magic Mike 2013, Magic Mike, Brisbane, viewed 25 July 2013, <<http://www.magicmike.net.au/>>.

**Case study 6—Exhibitors who do not need a licence but are subject to the general obligation and standards**

There is little data to assist in estimating the number of exhibitors currently in this category. They could number as few as 1000 or as many as 10 000. It is expected that a small percentage of these exhibitors would need to upgrade their existing animal enclosures to comply with the general obligation and mandatory standards under Option 3.

Most of those who would need to upgrade their enclosures are likely to be displaying a large bird (such as a sulphur-crested cockatoo) in an area that is accessed by the public (such as at a petrol station) in a cage that does not allow it to flap its wings. A new cage suitable for keeping a sulphur-crested cockatoo under the standards<sup>44</sup> currently retails for \$200–\$300.

Biosecurity Queensland would adopt an educational approach to informing these exhibitors about their obligations under the new legislation. Except for gross breaches, enforcement action would be deferred until an exhibitor had been given ample opportunity to comply (or cease exhibiting the animal).

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<sup>44</sup> A cage with 1500 cm<sup>2</sup> of floor space and height 150 cm would allow a large bird (such as a sulphur-crested cockatoo) to flap its wings.

## Assessment of all costs and benefits

The remainder of this section provides a qualitative assessment of the costs and benefits of Options 1A, 2A and 3 compared to Option 1.

### Option 1A

The impacts of Option 1A on government, business and the community are shown in Table 17.

**Table 17** Impacts of Option 1A compared to those of Option 1

Sector	Benefits	Costs
Government	<p>Provided there were no significant changes to the composition of the industry, the government would recover the full cost of providing services—total fee revenue in 2015–16 would be about \$183 000 (compared to \$126 000 under Option 1—see Table 15), which is close to the estimated total administrative costs of \$184 000.</p> <p>As is the case at present, the government would not have to incur the costs associated with the implementation of new legislation and licensing arrangements.</p>	<p>As is the case at present, the government may have difficulties taking action against exhibitors who do not mitigate all of their animal welfare, biosecurity and public safety risks. This is because there are gaps in the coverage of some of these risks by current legislation and licences are generally not subject to a requirement to manage these risks.</p> <p>Retention of the current legislative regime for exhibited animals would require the government to continue to administer several licensing systems.</p> <p>The extent of cost recovery would be highly sensitive to the number of exhibitors of exotic species—fees for a licence to exhibit an exotic animal are far less than those for a licence to exhibit a native animal, but administrative costs are comparable.</p> <p>The extent of cost recovery would also be highly sensitive to the number of amendment applications—administrative costs for amendments are much higher than application revenue.</p> <p>The current legislative provisions could be amalgamated into one instrument; however, this would not reduce the overall licensing and administrative burden nor increase cost recovery.</p>
Business	<p>Exhibitors would not have to adjust to new legislation and licensing arrangements.</p>	<p>Exhibited animal businesses would still have to obtain different licences and pay different fees depending on the animals being kept. Some exhibitors would continue to have licence application costs under several schemes.</p> <p>All exhibitors, including those with relatively less capacity to pay, would experience a 45% increase in licensing fees.</p> <p>Exhibitors of native animals would continue to pay much higher fees than exhibitors of exotic animals and small exhibitors would continue to subsidise large exhibitors. These fee inequities would be amplified by the across-the-board fee increase. The estimated application-related costs for the 10-year period commencing 2015–16 expressed in present value would be \$2 165 333 (compared to \$1 519 823 under Option 1—see Table 14).</p>
Community	<p>The community would no longer be subsidising the provision of licensing services to the industry.</p>	<p>Retention of the current legislative regime with its gaps and deficiencies in management of risks to animal welfare, biosecurity and public safety would fail to address community interests in minimising these risks. Further, the fee structure would not provide an economic incentive for industry members to proactively minimise these risks.</p> <p>It could be anticipated that the fees payable by the community to visit exhibited animals facilities would increase in some way to match the increase in licensing fees.</p>



**Option 2A**

Under Option 2A, private keeping under the guise of keeping for exhibition would be difficult to identify and would likely proliferate. Without a notification scheme, register or licensing requirement, the government would not even know who was keeping wild animals for exhibition. In the absence of regulatory oversight, black-market demand for pest animals, noxious fish and protected wildlife illegally taken from the wild would likely increase.

Under Option 2A, an increase in risks to animal welfare, biosecurity and public safety would be likely because of the following:

- More people would keep pest animals, noxious fish and protected (native) wildlife for exhibition and privately under the guise of keeping for exhibition.
- It is unlikely that all exhibitors would participate in a self-regulation scheme.
- There is no guarantee that all sectors would develop standards and that any standards developed would meet community expectations of risk minimisation.
- Without a proactive regulatory framework, people with insufficient competence and facilities may attempt to keep animals without a full appreciation of the risks and/or the capacity to minimise them.

The impacts of Option 2A on government, business and the community are shown in Table 18.

**Table 18** Impacts of Option 2A compared to those of Option 1

Sector	Benefits	Costs
Government	Administration costs broadly estimated at \$184 000 per year (if self-regulation commenced in 2015–16) would be avoided. Also, there is potential for additional savings in avoided policy development costs. Industry would be encouraged to be less reliant on the government to manage risks.	The less comprehensive and less consistent minimisation of risks to animal welfare, biosecurity and public safety may not meet community expectations in some cases. Prohibitions on private keeping of declared pests and noxious fish (which reduce the risks of pest establishment) would be undermined. Prohibitions on private keeping of protected (native) wildlife (which reduce the risk of unsustainable illegal take from the wild) would be undermined. Government compliance and enforcement costs that could not be recovered from industry would increase in response to complaints under animal welfare, biosecurity and occupational health and safety legislation.
Business	Compliance and administrative costs would be avoided if self-regulation commenced (although some of this saving may be offset by the costs of self-regulation). New exhibitors would be able to enter the industry more easily. Exhibitors would be able to exhibit a greater range of species in various circumstances, provided the risks can be minimised.	Exhibitors may not be clear about what is required to address risks (although industry-developed codes of practice and national standards currently under development would establish a benchmark in time). More frequent animal welfare, biosecurity and public safety incidents may impact the community’s perception of the industry and this may adversely affect visitor numbers. If there was a serious incident that caused significant damage to the reputation of the industry, the costs (e.g. loss of income from a significant drop in visitor numbers or if the exhibitor was forced to close for a period) could be significantly higher than the avoided costs of government regulation. Theoretically, exhibitors would need to participate in an industry self-regulation scheme or risk losing visitors, particularly if they directly competed for visitors with similar exhibitors who did participate in such a scheme. However, public recognition of the schemes may be insufficient for participation to generate any significant benefit to participants or to overcome damage to public perception of the industry (especially if there were separate industry self-regulation schemes for each sector or participation rates were low).

(continued)

Table 18 (continued)

Sector	Benefits	Costs
Community	The community may be able to see animal exhibitions not previously allowed in Queensland.	The likelihood and severity of animal welfare, biosecurity and public safety incidents would increase. Even low levels of unmitigated risk under self-regulation could have very serious consequences not just for visitors to exhibitions but also the broader community. Biosecurity incidents, in particular, could have serious and irreversible consequences for the economy, the environment, human health and social amenity. For example, establishment of a pest animal could have major impacts on Australia's livestock and/or agricultural industries and ultimately its economy.

### Option 3

Option 3 would not change who must obtain a licence to exhibit animals (compared to Options 1 and 1A). However, the fee burden would be redistributed across the industry—some exhibitors would pay more and others less than currently, depending on the characteristics of their business.

The impacts of Option 3 on government, business and the community are shown in Table 19.

Table 19 Impacts of Option 3 compared to those of Option 1

Sector	Benefits	Costs
Government	<p>More comprehensive and more consistent regulation would meet community expectations.</p> <p>The legislation would provide modern regulatory tools.</p> <p>Administration costs would be reduced via a more efficient and more effective regulatory scheme, but this would be offset by increased monitoring costs.</p> <p>The government would recover the full cost of providing services—total fee revenue in 2015–16 would be approximately \$183 000 (compared to \$126 000 under Option 1—see Table 15), which is close to the estimated administrative costs of \$184 000. Further, the fee structure should ensure that full cost recovery is not compromised by changes over time in the number of applications being received (e.g. an increase in the number of operators exhibiting exotic animals or changes to the number of amendment applications).</p> <p>The legislation would encourage industry to be less reliant on the government to manage risks—exhibitors would have an obligation to minimise risks. A site review conducted under an industry quality-assurance scheme that deals with the requirements of the legislation may substitute for a site visit before licence renewal.</p>	<p>The same obligations, standards and licensing requirements would apply to government wildlife parks as to the rest of the industry (which means approximately \$38 077 would be payable in licensing and site visit fees for the three government parks currently operated—David Fleay Wildlife Park, Daisy Hill Koala Centre and Walkabout Creek) over the first 10 years of the new legislation.</p> <p>The government would incur some costs associated with implementing a new legislative and licensing regime.</p>

(continued)

Table 19 (continued)

Sector	Benefits	Costs
Business	<p>Exhibitors would be able to exhibit a greater range of species provided the risks could be minimised.</p> <p>Exhibitors would have more flexibility in changing operations (e.g. fixed to mobile operations, exotic to native animals, new exhibition activities, new species, transfer to a new owner).</p> <p>Exhibitors could be more certain about what is required to address risks (by the legislation providing for the adoption of more comprehensive standards).</p> <p>By providing for the adoption of national standards (currently under development), the new legislation would ensure Queensland's requirements are broadly similar to those of other Australian jurisdictions.</p> <p>There would be reduced requirements to obtain approval or give notice when moving native (and some exotic) species.</p> <p>There would be less subsidisation of large exhibitors by small exhibitors and generally fees would better reflect the cost of assessing an application.</p> <p>Industry efforts to self-manage risks would be acknowledged (because a site review conducted under an industry quality-assurance scheme that deals with the requirements of the legislation may substitute for a site visit before licence renewal and compliant businesses would not have to pay for follow-up site visits).</p> <p>18 (out of 46) fixed exhibitors would require a reduced number of licences (which would reduce procedural, recordkeeping and education costs for exhibitors that currently require multiple licences under several pieces of legislation). Procedural cost savings are estimated to be about \$30 per year over 10 years (from 2015–16). Other cost savings would depend on the circumstances of each exhibitor.</p> <p>Small demonstrators would pay about the same or less in fees than under Option 1 and considerably less than under Option 1A—see Case study 1.</p> <p>Generally, interstate-based circuses would not need to maintain Queensland licences—see Case study 4.</p>	<p>The keeping and exhibition of unlicensed animals (such as sulphur-crested cockatoos) would need to comply with a higher standard (see Case study 6 for indicative costs).</p> <p>Exhibitors would be required to prepare and submit a plan for managing risks when applying for a licence. The extent of the plan would vary in proportion to the risks associated with the proposed activities.</p> <p>The estimated costs related to applications and site visits for the 10-year period commencing 2015–16 expressed in present value would be \$2 144 581 (compared to \$1 519 823 under Option 1)—see Table 14.</p> <p>The licence-related fee burden would depend on the characteristics of the fixed exhibitor—some fixed exhibitors would have lower fees than under Options 1 and 1A (e.g. small wildlife parks exhibiting native species only) while others would pay higher fees than under Options 1 and 1A (e.g. small parks exhibiting exotic species only and large exhibitors). Table 16 and Case studies 2 and 3 indicate of the impacts on various types of fixed exhibitors.</p> <p>Fixed exhibitors who wished to take a Class 1 pest off site for a mobile exhibition would need to apply for a special purposes permit.</p> <p>Medium demonstrators would pay more in fees than under Options 1 and 1A—see Table 16.</p> <p>All circuses (both Queensland and interstate-licensed) would need to obtain a special exhibition permit for a tour of up to 6 months duration.</p> <p>Circuses holding Queensland licences would need to arrange to keep and exhibit Class 1 pests in a zoo (or similar) between tours. The impact would depend on the characteristics of the exhibitor and how they chose to adjust their operations in response to the requirements. See Case study 4 for a discussion of the possible impact on the circuses that currently hold licences to exhibit Class 1 pests in Queensland.</p> <p>Circuses would pay more in fees than under Options 1 and 1A—see Case study 4.</p> <p>Magicians would pay more in fees than under Option 1 but less than under Option 1A—see Case study 5.</p>

(continued)

Table 19 (continued)

Sector	Benefits	Costs
Community	Regulation of the industry would be more comprehensive and more consistent. The community may be able to see animal exhibitions not previously allowed in Queensland. Regulation of risks to public safety and animal welfare may improve (e.g. by implementing animal welfare standards for exotic animal exhibitions).	It could be anticipated that the fees payable by the community to visit exhibited animals facilities would increase in some way to match the increase in licensing fees. However, the effect may not be as significant as under Option 1A—the largest fee increases would generally be borne by those exhibitors with the greatest capacity to pay.

### Summary of costs and benefits

Tables 20 and 21 summarise the costs and benefits of Options 1A, 2A and 3 compared to Option 1. Note that the issues do not all have the same importance and the costs and benefits have not been weighted to enable an overall assessment of options against each other.

Table 20 Summary of costs of Options 1A, 2A and 3 compared to Option 1

Sector	Issue	Position relative to Option 1		
		Option 1A	Option 2A	Option 3
Government	Administration and enforcement costs	Same	Less	Same
Business	Administration and compliance costs	More	Less	More
	Barriers to entering industry and moving between sectors	Same	Much less	Less
	Restrictions on species kept	Same	Much less	Less
Community	Taxpayer contribution to oversight of industry	Less	Same	Much less
	Cost of visits to animal exhibitions	More	Less	More
	Risk of animal welfare, biosecurity and public safety incidents	Same	Much more	Less

Table 21 Summary of benefits of Options 1A, 2A and 3 compared to Option 1

Sector	Issue	Position relative to Option 1		
		Option 1A	Option 2A	Option 3
Government	Comprehensive and consistent regulation	Same	Less	More
	Powers to take action where risks not being managed	Same	Less	More
	Cost recovery	More	Less	More
Business	Protection of industry reputation for animal welfare, biosecurity and animal welfare	Same	Less	More
Community	Availability of animal exhibitions	Same	Much more	More



## 5. Consultation

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A public consultation process was conducted upon the release of the 2008 discussion paper *Exhibited animals*. Overall, respondents supported a single piece of legislation for exhibited animals.

In March 2011 Biosecurity Queensland discussed the key principles proposed to underpin the legislation with the RSPCA, Animals Australia and a university academic with interests in animal welfare and ethics. These stakeholders were supportive of the key principles.

Biosecurity Queensland invited licensed exhibitors (other than magic acts) to attend workshops in April 2011 (Brisbane, the Gold Coast, the Sunshine Coast, Gladstone, Rockhampton and Cairns) and again in November and December 2012 (Brisbane and Cairns). The workshops tested industry support for key principles proposed to underpin the legislation including the scope of the legislation, the general obligation and standards (although specific standards were not discussed) and the proposed fee structure for licensing applications and site visits (although the proposed amount of the fees had not been decided and was not discussed). Industry attendees at both the 2011 and 2012 workshops indicated general support for the key features of the proposed exhibited animals legislation, including the proposed fee structure. Some attendees, particularly in North Queensland, were concerned that increased cost recovery could lead to higher fees. Because departmental officers were unable to discuss specific fees during the workshops, attendees were advised that they would have an opportunity to have their say on the proposed fees when a consultation RIS for the proposed legislation was released for public comment.

This consultation RIS will be available for public comment for at least 56 days. During this period the options will be discussed in a webinar. All interested parties from any location will be able to participate in the webinar.

## 6. Preferred option

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Option 3—the development of modern, risk-based legislation—is the government’s preferred option.

The quantifiable costs under Options 1A and 3 are higher than under Option 1 and do not exist under Option 2A. However, although the benefits of Option 3 cannot be meaningfully quantified, they are much more significant than all other costs and benefits and align with the government’s policy objectives.

Option 3 would reasonably enable animal exhibition in Queensland. It would simplify licensing requirements and would allow a greater range of species to be exhibited, providing the risks could be minimised.

The new legislation would be a cohesive framework with modern regulatory tools for ensuring the risks to animal welfare, biosecurity and public safety are minimised. It would be comprehensive and consistent. It would also address identified deficiencies in the current legislation, including multiple licensing schemes and gaps in coverage of some risks.

The new legislation would meet all of the government’s policy objectives in relation to fees. It would recover the full cost of services and ensure fees are more equitable and better reflect the resources required to authorise and monitor exhibitors of different scale and complexity. It would also provide for the recognition of industry quality-assurance schemes that dealt with the requirements under the legislation, reducing unnecessary red tape and encouraging industry self-reliance.

Although Option 1 would generally address risks to animal welfare, biosecurity and public safety consistent with the policy objective, the existing gaps in coverage of some risks would remain. This option would not simplify how exhibition of animals is authorised, nor provide a cohesive, comprehensive and consistent framework to consolidate and streamline how risks to animal welfare, biosecurity and public safety are addressed. It would not allow a greater range of species to be exhibited in Queensland if the relevant risks could be minimised. It would not meet any of the policy objectives in relation to fees.

Option 1A would impose a great cost on the industry by imposing a 45% fee increase. The impacts of this option are otherwise generally the same as those for Option 1. By increasing licensing fees, Option 1A would meet one of the government’s policy objectives in relation to fees by recovering the full cost of services, but it would amplify inequities in the current fee structure.

Option 2A would simplify how exhibition of animals is authorised and allow a greater range of species to be exhibited in Queensland. However, this option would be unlikely to meet community expectations for how animal welfare, biosecurity and public safety risks should be managed. Therefore, it would not meet the overarching policy objective of government intervention.

## 7. Consistency with other policies and regulation

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### Competition Principles Agreement

The proposed legislation is generally consistent with Clause 5 of the Competition Principles Agreement.

It would not reduce competition in the industry for entities that satisfy community expectations about public safety, managing biosecurity risk and the treatment of animals. Regulations in the proposed legislation would be rules-based, would apply equally to all industry entities and would not favour any specific segment. Licence conditions could only be imposed administratively if they were reasonable and necessary to achieve the purpose of the new legislation. If any entities in the industry tried to gain a competitive advantage by reducing costs via noncompliance, their site visit costs (and consequently their competitive position within the industry) could be affected.

While the new fee model may result in relatively large percentage fee increases for some exhibitors, no other intra-industry impact is expected. The proposed fee increases are generally not significant enough to compromise business viability and so would leave the industry's competitive position within the economy effectively unchanged.

### Fundamental legislative principles

Under the proposed legislation, breaches of fundamental legislative principles would generally be avoided. However, it is anticipated that the proposed legislation would lead to several unavoidable breaches of fundamental legislative principles typical of legislation of this type (e.g. that provide for delegated decision-making and inspectorial powers). These breaches are justified in the circumstances and will be limited in effect by ensuring that, to the greatest extent possible:

- decisions under the proposed legislation are subject to appropriate procedural requirements and review rights
- the matters for which licence conditions can be imposed are clearly defined
- inspectorial powers are based on precedent provisions developed by the Office of the Queensland Parliamentary Counsel that include appropriate safeguards
- regulation-making powers are clearly defined and limited to appropriate matters
- prescribed persons are protected from civil liability under the legislation only if acting honestly and without negligence.

### Financial accountability

Section 18 of the Financial and Performance Management Standard 2009 (under the *Financial Accountability Act 2009*) provides that when setting charges for services, the full cost of providing the services must be considered. The proposed licence fees and site visit fees under Option 3 reflect the cost to the government of licensing exhibitors and undertaking site visits throughout the state.

## 8. Implementation, evaluation and compliance strategy

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On commencement of the legislation, exhibitors would continue to exhibit under their existing wildlife exhibitor licence, wildlife demonstrator licence or declared pest permit as if it was an exhibition licence.

Before an exhibitor's licence or permit expires, the chief executive would invite the exhibitor to apply for an exhibition licence under the new legislation. This exhibition licence would have the same expiry date as their current licence or permit. The application would be assessed under the new legislation, but there would be no cost to apply.

Also, Queensland-based circuses would be exempt from the minimum fixed exhibition requirements for up to 5 years to allow them to arrange fixed exhibitions between tours. Transitional arrangements for circuses would be discussed with those exhibitors during the development of drafting instructions for the legislation.

Monitoring of compliance by unlicensed exhibitors would generally be reactive to complaints received from the public. Biosecurity Queensland would initially take an educational approach to informing exhibitors who do not require a licence (particularly those not involved in large commercial enterprises) about their obligations under the new legislation and the requirement to comply with standards. Except for gross breaches of obligations, enforcement action would be deferred until an exhibitor had been given reasonable opportunity to comply with the standards. Alternatively, these minor exhibitors could take their animals off display until they were able to comply with the standards.

The proposed legislation would be reviewed within 10 years of its commencement. Performance indicators would be developed to evaluate the effectiveness of the legislation and may include the size of the exhibited animals industry, the number of compliance deficiencies identified and the recovery of regulatory costs. The size of the industry could be measured by the number of licences held. The number of compliance deficiencies identified could be measured by the number of follow-up site visits required. The recovery of costs could be measured by comparing licensing-related costs with licensing fee revenue and comparing monitoring-related costs with monitoring fee revenue.

## Appendix 1

# Background information about the exhibited animals industry in Queensland

Of the 135 exhibitors licensed to exhibit animals under Queensland legislation as of August 2012 (see Table 22):

- 46 were fixed exhibitors such as zoos and aquariums
- 44 were demonstrators who conducted mobile exhibitions of native animals
- 5 exhibited noxious fish for educational purposes
- 34 were performers who conducted magic acts
- 6 were circuses.

**Table 22** Licence holders in Queensland by category of animal, August 2012

Category	Native species only	Exotic species only	Noxious fish species only	Native and exotic species	Total
Demonstrators	44	0	5 <sup>45</sup>	0	49
Fixed exhibitors	29	3	0	14	46
Circus, film or television	0	6	0	0	6
Magic acts	0	34	0	0	34
<b>Total</b>	<b>73</b>	<b>43</b>	<b>5</b>	<b>14</b>	<b>135</b>

Source: Licensing data held by Biosecurity Queensland

There is no single peak body that represents the diverse range of entities licensed to exhibit animals in Queensland. Some larger exhibitors are represented by the Zoo and Aquarium Association, Australasia (formerly the Australasian Regional Association of Zoological Parks and Aquaria). In 2009, the Zoo and Aquarium Association, Australasia, estimated that 5.2 million people visit its members in Queensland every year. The *World zoo and aquarium conservation strategy*, developed by the World Association of Zoos and Aquariums (with which the Zoo and Aquarium Association, Australasia, is associated), defines the roles of zoos as contributing to conservation, research and education, and as being places of recreation for the community.

Most Queensland-licensed exhibitors are based in Queensland (see Table 23); however, a small number (4 demonstrators and 4 circuses) are based interstate and visit Queensland for short periods.

<sup>45</sup> An entity conducting an educational display of noxious fish at a fixed location is considered a demonstrator for the purposes of this table if there is no minimum requirement to be open to the public.



**Table 23** Location of licence holders (excluding magic acts and those who demonstrate noxious fish only), August 2012

Region	Fixed exhibitors	Demonstrators	Circus, film and television	Total
Brisbane	2	9	1	12
Gold Coast	7	11	0	18
Sunshine Coast	3	6	0	9
Wide Bay	5	3	0	8
Central Queensland	5	1	0	6
Townsville	3	2	0	5
Cairns and Tablelands	17	3	0	20
Far North Queensland	2	0	0	2
South West Queensland	2	4	1	7
Central West Queensland	0	0	0	0
North West Queensland	0	1	0	1
Interstate	0	4	4	8
<b>Total</b>	<b>46</b>	<b>44</b>	<b>6</b>	<b>96</b>

Source: Licensing data held by Biosecurity Queensland

The total annual expenditure by the exhibited animals industry in Queensland is broadly estimated to be \$100 million<sup>46</sup>, and the number of paid employees in the industry in Queensland is estimated to be 1000.<sup>47</sup> The industry's supply-chain links are also minor in the context of the total Queensland economy in both financial and employment terms but may be important regionally (e.g. Australia Zoo attracting visitors to the Sunshine Coast hinterland).

An IBISWorld industry report estimates that in 2012–13 around 6.8 million people will visit a zoo or aquarium<sup>48</sup> and that domestic visitors will account for 73% of total industry revenue. A 2009 report commissioned by the Australasian Regional Association of Zoological Parks and Aquaria estimated that international tourists make about 3.3 million visits to Australian zoos each year.<sup>49</sup> There is a direct net benefit to the Queensland economy when tourists stay longer in Queensland to visit an animal exhibition. The report estimated that the annual Australia-wide net benefit from international tourist visits to zoos is \$58 million (in addition to the payments for admission to zoos).

<sup>46</sup> A 2009 report (Aegis Consulting Australia & Applied Economics 2009, *Report on the economic and social contribution of the zoological industry in Australia*, Australasian Regional Association of Zoological Parks and Aquaria, Sydney) estimated that total annual expenditure by zoos in Australia is about \$424 million per year—annual operating expenditure of about \$358 million and capital expenditure of about \$66 million. Using relative employment figures for zookeepers in each state and allowing for the additional contribution of demonstrators and other exhibitors not surveyed in this study, Biosecurity Queensland estimates that the total annual expenditure of the exhibited animals industry in Queensland would be about \$100 million.

<sup>47</sup> Using data from the 2006 household census, the Australian Bureau of Statistics reported 211 Queenslanders out of a total of 871 people Australia-wide reported working as a 'zookeeper', but this would not include those in management, administration, retail sales and other work. It would also not include those involved in other segments of the industry in Queensland. The widely varying data on employment is discussed in the 2009 industry report (see note 47), which concluded that zoos employ a total of about 5300 people nationwide (3700 full time and 1600 part time). Using relative employment figures for zookeepers in each state, Biosecurity Queensland estimates that there are about 1000 paid employees in the industry in Queensland.

<sup>48</sup> IBISWorld 2012, *Zoological and botanical gardens in Australia*, Industry report P9231. This figure does not include visits to mobile exhibitions such as wildlife demonstrators and circuses.

<sup>49</sup> Aegis Consulting Australia & Applied Economics 2009, *Report on the economic and social contribution of the zoological industry in Australia*, Australasian Regional Association of Zoological Parks and Aquaria, Sydney.

The industry makes a more significant indirect contribution to the economy that cannot be quantified. The opportunity to experience iconic wildlife contributes to Queensland's image as a tourist destination, both domestically and internationally. Encounters with Australian native animals constitute an essential part of the overseas tourist experience. A 2006 report examined the place that wildlife experiences had within the entire suite of visitor experiences during visits to Tropical North Queensland. The report found that 76% of visitors were interested or very interested in experiencing native wildlife, particularly iconic Australian animals (such as koalas, kangaroos, platypuses and crocodiles), and of these more than half preferred to see the animals in a controlled environment (such as a zoo or a wildlife park) rather than take a tour in the wild.<sup>50</sup>

Animal exhibitions are culturally important. For Australians, visiting zoos is the second most popular form of cultural entertainment (behind the movies).<sup>51</sup> This is despite the cost of zoo visits (admission, transport etc.), strongly indicating the value that consumers place on zoos.

The education, conservation and research activities undertaken by exhibitors provide non-economic benefits to the wider community. Some exhibitors are involved in animal rescue and rehabilitation; for example, the Australian Wildlife Hospital is associated with Australia Zoo, the Currumbin Wildlife Hospital is associated with the Currumbin Wildlife Sanctuary, and a marine rescue team is based at Sea World. Other exhibitors undertake captive breeding of endangered animals, including both native animals (e.g. tinkerfrogs, Tasmanian devils and bilbies) and exotic animals (e.g. Sumatran tigers and cotton-top tamarins). Some also support and promote fundraising for in-situ conservation as well as research that assists efforts to care for animals in captivity and to conserve them in the wild. Education about animals, biodiversity and the importance of conservation efforts is often part of recreational family visits to see an exhibition. Demonstrators may educate the public through visits to social events or via arranged visits. An excursion to a zoo or wildlife sanctuary may be part of a school curriculum. Some non-profit exhibitors (most of those currently licensed to exhibit for an 'educational purpose') exist only to help raise community awareness about a pest and to assist in its management.

Many animal exhibitions also provide entertainment. Circuses and magic acts are the most obvious examples, as they are primarily for entertainment; however, entertainment is also often part of a visit to a large wildlife park or zoo.

A range of other social benefits flow from animal exhibition. For example, there are many volunteers in the industry who, although unpaid, derive social benefits from this experience. They also receive skills training that can help them obtain paid employment.

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<sup>50</sup> Prideaux, B 2006, *Wildlife tourism in TNQ: an overview of visitor preferences for wildlife experiences*, Fact sheet, James Cook University.

<sup>51</sup> Aegis Consulting Australia & Applied Economics 2009, *Report on the economic and social contribution of the zoological industry in Australia*, Australasian Regional Association of Zoological Parks and Aquaria, Sydney.

## Appendix 2

# Regulatory approaches in other jurisdictions

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## New South Wales

The *Exhibited Animals Protection Act 1986* (EAP Act) is the principal piece of exhibited animals legislation in New South Wales. With some exceptions, the EAP Act applies to all fixed and mobile displays of native, exotic and domestic animals.

The EAP Act requires separate authorities for fixed and mobile displays of animals. Additional authorities are required to exhibit animals at a mobile display (such as a circus) and to exhibit any listed animals (which pose higher risks to animal welfare, public safety and/or biosecurity). Under the EAP Act, authority holders are required to provide education to the public concerning the conservation of animals. Specific conditions can also be imposed on an authority at the chief executive's discretion. Payment of a bond may be required for the exhibition of Cetacea (e.g. dolphins and whales).

The EAP Act imposes mandatory minimum standards for animal welfare and public safety on all authority holders. Some standards apply generally, others to particular exhibition activities or specific taxonomic groups. The EAP Act provides several exemptions from licensing requirements, such as where an animal is displayed under an authority deriving from another Act. However, where identical animals are exhibited on the same premises under different authorities, any authority issued under the EAP Act in relation to the premises applies to all of the animals.

An authority under the EAP Act avoids the need for an authority under some other Acts that indirectly regulate exhibited animals (e.g. the *Non-Indigenous Animals Act 1987* and the *National Parks and Wildlife Act 1974*). Authorities under some other Acts, such as an approval to keep a pest under the *Rural Lands Protection Act 1998*, are still required for some animal exhibitions. Animal exhibitors are also subject to the requirements and duty of care imposed by the *Prevention of Cruelty to Animals Act 1979*.

New South Wales exhibitors generally need a licence for a fixed animal display establishment or an approval for a mobile display (including a circus). Lower licence issue fees are paid if the exhibitor has no more than 30 animals (of any species). Exhibitors must obtain a permit if they wish to exhibit certain species. There is an initial permit application lodgement fee of \$23 for each species, but renewal lodgement and permit issue fees are not charged if the exhibitor holds a licence or approval.

The *Zoological Parks Board Act 1973* establishes a statutory board responsible for the operation of several zoos including Taronga Zoo (Sydney) and Taronga Western Plains Zoo (Dubbo). The zoos operated under this Act are subject to the same licensing requirements and standards as privately owned zoos.

Current fees payable under New South Wales legislation are described in Table 24. This follows a 15% fee increase in 2010 that the relevant RIS indicated was intended to 'go further towards recovering government's administrative costs'.<sup>52</sup>

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<sup>52</sup> Industry and Investment NSW 2010, *Exhibited Animals Protection Regulation 2010: Regulatory Impact Statement*, p. 9.



**Table 24** Fees payable under New South Wales legislation by a fixed exhibitor, demonstrator or circus

Type of application	Fees
Initial licence/approval (pro-rata issue fees to end of June)	Licence/approval application lodgement fee \$230 + permit application lodgement fee \$23 per species for certain animals + issue fee \$1035 (\$285 for minor exhibitor) = \$1265 (\$515 for minor exhibitor) + \$23 per species for certain animals
Annual renewal (July–June)	Renewal application lodgement fee \$115 + issue fee \$1035 (\$285 for minor exhibitor) = \$1150 (\$400 for minor exhibitor) per year
Approval of alteration or extension	Application lodgement fee = \$46
Transfer	Transfer application lodgement fee \$230 + issue fee \$1035 (\$285 for minor exhibitor) = \$1265 (\$515 for minor exhibitor)
Licence variation	Application lodgement fee = \$23

Source: Exhibited Animals Protection Regulation 2010 (NSW)

## Victoria

Several Acts directly and indirectly regulate exhibited animals in Victoria.

The *Wildlife Act 1975* (WL Act) creates a system of licensing for exhibiting prescribed wildlife and requires separate licences for fixed and mobile displays of wildlife. A narrower range of wildlife (generally limited to native wildlife) can be kept under a licence for mobile display than under a licence for fixed display. Wildlife can only be exhibited under a licence to promote conservation or for use in film and television, and must be exhibited to the public a minimum number of times.

The *Catchment and Land Protection Act 1994* (CLP Act) prohibits the keeping of an animal prescribed as a pest unless authorised under the Act. The CLP also provides for permits to import, keep, sell or release declared pest animals for specific purposes.

Licence holders are subject to general and licence-specific conditions, including public safety requirements. All persons keeping wildlife under the WL Act must meet housing and transport requirements for the security of the animal.

The *Zoological Parks and Gardens Act 1995* establishes a statutory board, the Zoological Parks and Gardens Board, that is responsible for managing several zoos: Melbourne Zoo, Healesville Sanctuary and Werribee Open Range Zoo. The board's functions include conservation and management, and promotion of research and knowledge of the zoos. The Act does not prescribe any standards for the keeping or exhibition of animals. The board is exempt from provisions of the WL Act and the CLP Act regulating dealings with native wildlife or pest animals.

The *Prevention of Cruelty to Animals Act 1986* (PCA Act) is the principal piece of animal welfare legislation in Victoria. Although it generally does not apply to activities authorised under the WL Act, the PCA Act prescribes a voluntary code of practice for the display and exhibition of exotic and native animals.

Fees for exhibition of native animals in Victoria under the WL Act are set by reference to fee units, with the value of a fee unit for a financial year set by the Treasurer. The current fees are given in Table 25. To recognise the contribution to the public good provided by the educational services of exhibitors of native wildlife, these fees include a 25% discount on the fees that would be payable to recover costs of administrative and compliance activities.

**Table 25** Fees payable under Victorian legislation by a fixed exhibitor or demonstrator of native animals

Type of application	Fee units	Fees (\$12.53 per fee unit)
Commercial wildlife (wildlife displayer) licence	65	\$658.60 per year
Commercial wildlife (wildlife demonstrator) licence	30	\$478.90 per year
Licence variation	2	\$25.06

Source: Wildlife Regulations 2013

Fees payable for exhibiting pest animals are set by policy under the *Conservation, Forests and Lands Act 1987*. The current fees are given in Table 26.

**Table 26** Fees payable under Victorian legislation for a pest animal permit

Type of permit	Annual fees
Pest animal approved collections (zoo)	\$650
Pest animal approved collections (animal exhibition)	\$300

## Tasmania

The Wildlife (Exhibited Animals) Regulations 2010, under the *Nature Conservation Act 2002*, regulate exhibited animals in Tasmania.

A wildlife exhibition licence may be granted to allow a fixed exhibitor to keep and exhibit their animals. The 2012–13 application/renewal fee of \$72 (50 fee units for a 12-month licence) would not achieve cost recovery. Exhibitors require a wildlife display permit to exhibit off-site (20 fee units or \$28.80 in 2012–13).

Demonstrators in Tasmania who hold a herpetology permit (which allows the collecting and private keeping of most Tasmanian reptiles and amphibians) must apply for a wildlife display permit to exhibit these animals.

A travelling wildlife exhibition permit may be granted for circuses, but none have been granted in recent years.

## Other Australian jurisdictions

Several Acts regulate the risks associated with animal exhibitions in other Australian states and territories. These pieces of legislation predominantly deal with wildlife conservation, animal welfare, pest management and animal disease.

In Western Australia (as in New South Wales and Victoria, as outlined above), legislation provides for state ownership and operation of several zoological parks.

## United Kingdom

Several Acts directly and indirectly regulate animal exhibitions in the United Kingdom.

The *Performing Animals (Regulation) Act 1925* (PA Act) incorporates considerations of animal welfare. It creates a system of registration for all people training or exhibiting animals to address relevant risks.

The *Animal Welfare Act 2006* (AW Act) also incorporates considerations of animal welfare. It imposes several duties of care on several classes of people, including a duty to prevent unnecessary suffering and a duty to ensure animal welfare. Codes of practice provide guidance as to whether a duty has been breached. The AW Act also creates a licensing system to address animal welfare risks of prescribed animals. Any person with a licence under the AW Act does not need to register under the PA Act.

The *Zoo Licensing Act 1981* incorporates considerations of animal welfare and public safety. It creates a licensing scheme that applies to any fixed exhibitions of wild animals. The licensing scheme does not apply to mobile exhibitions, such as circuses. Licence holders must implement conservation measures such as promoting conservation awareness and education, and undertaking research, breeding or reintroduction activities.

The *Dangerous Wild Animals Act 1976* creates a licensing system for prescribed animals. Although primarily concerned with public safety, it incorporates some animal welfare and biosecurity considerations. There is no requirement for a wild animal to be exhibited.

The *Animal Health Act 1981* incorporates considerations of biosecurity. It provides wide scope for the minister to make orders to prevent or control the spread of disease (e.g. prohibiting or regulating the exhibition of animals).

# **EXHIBITED ANIMALS LEGISLATION – CONSULTATION - REGULATORY IMPACT STATEMENT**

## **Proposed Council response to consultation draft RIS**

**Meeting Date: 4 February 2014**

**Attachment No: 2**

Submission from Rockhampton Regional Council

Exhibited animals legislation—Consultation Regulatory Impact Statement

Having considered the consultation draft Regulatory Impact Statement (RIS) for Exhibited Animal Legislation the Rockhampton Regional Council, operators of the Rockhampton Zoo, supports the preferred option (Option 3) discussed in the RIS.

The development of a new and cohesive legislative framework incorporating a risk based assessment regime for the exhibition of native and exotic animals which is supported by a simplified permit system is highly desirable.

The principles guiding these changes will also provide Council and its zoo staff with an appropriate degree of autonomy in the day-to-day management of the exhibits through streamlined administration processes and risk based licencing.

Rockhampton Regional Council (Rockhampton Zoo) looks forward to further collaboration with the department and through industry representative bodies such as the Zoo and Aquarium Association (Queensland Branch) to ensure that any legislative changes arising from the RIS contribute to the continued safe operation of our facility and the welfare of the exhibits.

**8.6 SPONSORSHIP OF 2014 MASTERS SWIMMING NATIONAL CHAMPIONSHIP**

<b>File No:</b>	<b>349</b>
<b>Attachments:</b>	<b>1. Event Program - 2014 Masters Swimming National Championship</b>
<b>Responsible Officer:</b>	<b>Margaret Barrett - Manager Parks Michael Rowe - General Manager Community Services</b>
<b>Author:</b>	<b>Vincent Morrice - Operations Manager Planning and Collections</b>

**SUMMARY**

*The Caribee Rocky Croc's will host the 2014 Masters Swimming National Championship in Rockhampton from 23-26 April 2014 at the WWII Memorial Pool Complex. Council has committed to providing financial support for the event and a resolution is sought to enable disbursement of the sponsorship.*

**OFFICER'S RECOMMENDATION**

THAT Council provide financial support to a maximum of \$9,000 for venue hire and ancillary costs directly associated with the conduct of the 2014 Masters Swimming National Championship in Rockhampton.

**BACKGROUND**

During 2012, with the support and encouragement of Council, the Caribee Rocky Croc's secured the rights to host the 2014 Masters Swimming National Championship in Rockhampton. The hosting bid submission for the event stated that ... "There would be an opportunity to apply for sponsorship to assist with balancing the cost to hold this event. Masters Swimming Australia would not be required to pay fees and charges associated with the event other than transport and accommodation." With the event rapidly approaching, Council needs to commit funding from the appropriate source in order to honour this commitment.

Council Officers met with the local organising committee in late November and the committee have stated that the only support which they require from RRC is the venue hire (including Lifeguards). Estimates below include provision for additional security patrols (of the Victoria Park precinct) and additional waste collection services as it is considered both are essential. The Contingency amount will only be used in the event that shower and toilet block currently under construction is not ready for use.

<b>BUDGET ESTIMATES:</b>	<b>\$ 8,216</b>
<i>2014 Masters Swimming National Championship</i>	
Lifeguards*	\$ 3,120
Venue Hire (4 days)*	\$ 2,496
Venue Security (additional patrols)	\$ 400
Waste Collection & Disposal (Additional)	\$ 200
<b>CONTINGENCIES:</b>	
Hire of Shower & Toilet Facilities (if required)	\$ 2,000
* as per quotation	

**PREVIOUS DECISIONS**

No previous resolutions about the level of support to be provided have been identified.

**BUDGET IMPLICATIONS**

General Manager Communities, Mr Michael Rowe, has indicated that sufficient funds are available in the Community Assistance Program budget to meet the request.

**CONCLUSION**

The 2014 Masters Swimming National Championship is a significant sporting event which will attract competitors from all around Australia. Council's support of the event is consistent with previous decisions and will assist in the promotion of the facilities at WWII Memorial Pool Complex and the region in general.

**SPONSORSHIP OF 2014 MASTERS  
SWIMMING NATIONAL  
CHAMPIONSHIP**

**Event Program - 2014 Masters  
Swimming National Championship**

**Meeting Date: 4 February 2014**

**Attachment No: 1**





# Rockhampton & the Capricorn Coast

The Capricorn Coast is an undiscovered paradise with stretching pristine coastline

Why not combine your trip to the **2014 National Championships** with a bit of R&R and stay for a holiday.

## Get Involved

**Registrations**  
*Tuesday 22 April*

**Meet & Greet**  
*Wednesday 23 April (after competition)*

**Happy Hour & Relay Medal Presentations**  
*after competition each day*

**Presentation Dinner**  
*Saturday 26 April*

**Recovery Session**  
*Sunday 27 April*

## Things to Do and See

Rockhampton Art Gallery, Gardens, Zoo  
Archer Park Rail Museum  
Rockhampton Heritage Village  
Mt Morgan, Capricorn Caves,  
Fishing, Bush Walking, National Parks  
and much, much more.

## Accommodation

Contact Capricorn Enterprise on  
(07) 4927 2055  
or go to  
[www.capricornholidays.com.au](http://www.capricornholidays.com.au)



**MASTERS SWIMMING**  
Australia

**2014 National Championships**

**Rockhampton, Queensland**  
**23-27 April 2014**





Masters Swimming Queensland and the Caribae Rocky Crocs, in partnership with the Rockhampton Regional Council, are delighted to host the 2014 National Championships.

The event will be held in the 10 lane, 50 metre pool in the redeveloped Southside Memorial Pool Complex, which also has a 25 metre warm up pool, a grandstand and new amenities.



**Wednesday 23 April**

1. 400m Individual Medley
2. 100m Freestyle
3. 50m Backstroke
4. 100m Breaststroke
5. 4 x 50m Mixed Freestyle Relay

**Friday 25 April (ANZAC DAY)**

11. 400m Freestyle
12. 50m Butterfly
13. 200m Breaststroke
14. 100m Backstroke
15. 4 x 50m Women's Medley Relay
16. 4 x 50 Men's Medley Relay

**Thursday 24 April**

6. 800m Freestyle
7. 50m Freestyle
8. 200m Backstroke
9. 200m Butterfly
10. 4 x 50 Mixed Medley Relay

**Saturday 26 April**

17. 200m Freestyle
18. 50m Breaststroke
19. 100m Butterfly
20. 200m Individual Medley
21. 4 x 50m Women's Freestyle Relay
22. 4 x 50m Men's Freestyle Relay
23. Challenge Relay

For further information on how to enter visit the Masters Swimming Australia website: [www.mastersswimming.org.au](http://www.mastersswimming.org.au)

Entries close 5pm,  
Friday 14 March 2014.

Enquiries:  
[administrator@mastersswimmingqld.org.au](mailto:administrator@mastersswimmingqld.org.au)

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## 9 STRATEGIC REPORTS

### 9.1 2014 QUEENSLAND ROWING MASTERS AND ROWING COURSE INSTALLATION

**File No:** 1464  
**Attachments:** Nil  
**Responsible Officer:** Margaret Barrett - Manager Parks  
Michael Rowe - General Manager Community Services  
**Author:** Sophia Czarkowski - Sports & Education Officer

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#### SUMMARY

*Rockhampton Fitzroy Rowing Club Inc. is hosting the Queensland 2014 Masters Rowing Championships on 12 and 13 April 2014 and is seeking an assurance from Council on the installation of the Rowing Course in the Fitzroy River.*

#### OFFICER'S RECOMMENDATION

THAT the 2014 Queensland Rowing Masters and Rowing Course Installation report be received.

#### BACKGROUND

Council Officers met with the Rockhampton Fitzroy Rowing Club Inc. on 25 September 2013 to discuss the hosting of the Queensland 2014 Masters Rowing Championships in Rockhampton on the 12 and 13 April 2014. The Club is seeking an assurance that installation of the Rowing Course will be completed by 1 April 2014. The disposition of the rowing course is guided by the Policy Statement articulated in RRC Policy No. POL.C3.3 Fitzroy River Rowing Course Install and Removal Policy *i.e.*:

*"Rockhampton Regional Council recognises the economic benefits and associated Council costs the Rowing Course may bring to the Region, but will minimise the risks to the Barrage and Rowing Course assets through a Course Install and Removal Approval Process that only considers the well being of these assets through risk mitigation methods that include, but not restricted to, reduced install periods and reduced installed layouts."*

The associated Fitzroy River Rowing Course Install and Removal Procedure vests the decision to install or remove the course with the General Manager Infrastructure.

Council Officers have indicated that whilst RRC will make every effort to have the course installed for use as requested, ultimately there can be no guarantee offered.

#### BUDGET IMPLICATIONS

A cost estimate of \$37,000 for installation of the rowing course was obtained from Coordinator Fleet Services. The Coordinator Fleet Services advised that a provision of seven (7) men and associated fleet has been scheduled.

Under Council's Schedule of Fees and Charges for 2013/14 the Rockhampton Fitzroy Rowing Club will be charged 10% of the installation costs for the course.

#### CONCLUSION

Council Officers will continue to work with Rockhampton Fitzroy Rowing Club Inc to ensure all processes for course installation are complete ready for installation prior to 1 April 2014, however, the installation is subject to the approval of Maritime Safety Queensland (MSQ) and FRW and is entirely dependent on prevailing flow conditions and the forecast at the time of installation.

**9.2 COMMUNITY SERVICES CAPITAL WORKS MONTHLY REPORT FOR JANUARY 2014****File No:** 2199**Attachments:** 1. **Attachment 1 - Parks and Recreation - Community Services Capital Works January 2014****Responsible Officer:** Michael Rowe - General Manager Community Services**Author:** Andrew Collins - Special Projects Officer

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**SUMMARY**

*Project summary report for Capital Projects currently being delivered by Community Services Department on behalf of the Parks and Open Spaces section.*

**OFFICER'S RECOMMENDATION**

THAT the Community Services Capital Works monthly report for January 2014 for Parks and Recreation be 'received'.

**COMMENTARY**

The attached is an update of projects currently being delivered for Committees information. Full confidential Monthly Reports are produced by the Special Projects Officer for each project and are available on request.

**COMMUNITY SERVICES CAPITAL  
WORKS MONTHLY REPORT FOR  
JANUARY 2014**

**Attachment 1 - Parks and Recreation -  
Community Services Capital Works  
January 2014**

**Meeting Date: 4 February 2014**

**Attachment No: 1**

Project Title	2013/2014 Approved Budget	Total Committed Cost	Project Status	% Complete	Comment Period
Southside Memorial Pool Redevelopment	\$8,587,808	\$8,329,229	Work In Progress	35%	<ul style="list-style-type: none"> <li>o New 25m pool tiling nearing completion. (backfill around underway)</li> <li>o Work underway on hydraulic services to 25m pool</li> <li>o LTS pool shell completed</li> <li>o Amenities block –                             <ul style="list-style-type: none"> <li>o Underslab drainage completed</li> <li>o Floor slab poured</li> <li>o Block walls 60% complete</li> </ul> </li> <li>o Café / Entry building                             <ul style="list-style-type: none"> <li>o Platform complete</li> <li>o Underslab drainage complete</li> <li>o Footings poured</li> </ul> </li> <li>o Riverside pathway. CCTV and lamp posts relocated (CCTV re-commissioned)                             <ul style="list-style-type: none"> <li>o Pathway 60% complete should be re-opened end of month</li> </ul> </li> <li>o Redesign of Wet Play Area underway. Concept / Sketch plan expected end of month</li> <li>o The repairs to the dive tower platform and construction of the access structure does appear to be well over budget allocations. Costs for the various element now being reconciled and assessed.</li> </ul>
Zoo Redevelopment – New Animal Enclosures	\$624,800	\$408,832	Contract Awarded	0%	<ul style="list-style-type: none"> <li>o Contract has been awarded to Bell Thomasson Builders for the construction of two (2) Crocodile enclosures (1 Freshwater / 1 Saltwater)</li> <li>o Pre Start meeting Held on the 15 January 2014</li> <li>o Possession of site granted as from the 28 January 2014</li> <li>o 18 week construction program</li> <li>o Parks crews have commenced demolition works in the construction site area</li> </ul>

**9.3 DECEMBER CAPITAL PROGRESS REPORT FOR PARKS AND RECREATION - FACILITIES MANAGEMENT UNIT.**

**File No:** 1484

**Attachments:** 1. **Facilities Capital Progress Report for December**

**Responsible Officer:** Cheryl Haughton - Strategic Manager Community and Cultural Development  
Michael Rowe - General Manager Community Services

**Author:** Sharon Sommerville - Operations Manager Facilities

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**SUMMARY**

*The purpose of this report is to provide information to Councilors on the December 2013 progress of Parks and Recreation capital projects being undertaken by the Facilities Management Unit.*

**OFFICER'S RECOMMENDATION**

THAT the December Progress Report from the Facilities Management Unit in relation to Parks and Recreation capital projects be received.



**DECEMBER CAPITAL PROGRESS  
REPORT FOR PARKS AND  
RECREATION - FACILITIES  
MANAGEMENT UNIT.**

**Facilities Capital Progress Report for  
December**

**Meeting Date: 4 February 2014**

**Attachment No: 1**

Parks and Open Space Projects for 2013/14

Adopted Budget	Cost Centre	Project Title	YTD Actual	Committals	Total Committals	% Complete	Comment Period
\$50,000	0943056 [R]	Amenities Program Renew and Upgrade	\$ 31,826	\$ 5,372	\$ 37,198	80%	This includes Victoria Park toilet block and Kershaw Gardens upgrade to existing toilet blocks
\$40,000	0863914 [R]	Property Renewal Program - Spencer St	\$ 424	\$ 34,263	\$ 34,687	5%	ITQ awarded to contractor. Application to Ergon sent waiting for advise.
\$150,000	0985132 [R]	Hugo Lassen Femetery Rectification	\$ -	\$ -	\$ -		Not yet commenced
\$35,000	0867996 [R]	Memorial Gardens office and chapel	\$ 21,901	\$ 5,038	\$ 26,939	90%	All works are completed other than replacement of carpet in Anne Blacks office
\$60,000	1017172 [U]	Fisherman's Beach Toilet	\$ 2,355	\$ -	\$ 2,355	5%	With Design Unit to prepare design options for connection
\$29,000	1011395 [R]	Yeppoon Foreshore Lighting	\$ -	\$ -	\$ -		Scope of works completed and works handed to LSC project manager.
\$60,000	0971851 [R]	Zilizie Toilet Block	\$ -	\$ -	\$ -		Preparing document to be submitted to DERM for resource entitlement. Liaising with Council's Infrastructure Department for parking and access design, preparing water and sewer design, arranging soil test and survey of location.
<b>\$285,000</b>		<b>Total Capital Expenditure</b>	<b>\$ 56,507</b>	<b>\$ 44,672</b>	<b>\$ 101,179</b>		

**9.4 PARKS AND OPEN SPACE REPORT**

**File No:** 1464

**Attachments:**

1. Attachment A - Parks and Open Space Report
2. Attachment B - Australian White Ibis Management Report

**Responsible Officer:** Michael Rowe - General Manager Community Services

**Author:** Margaret Barrett - Manager Parks

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**SUMMARY**

*This report provides information on the activities and services of Parks and Open Space Unit report for the period October, November and December 2013.*

**OFFICER'S RECOMMENDATION**

That the report on the activities and services of Parks and Open Space Unit report for the period October, November and December 2013 be received.

**COMMENTARY**

The Parks and Open Space Unit is responsible for the following areas:

1. Park Recreation Services
  - Kershaw Gardens
  - The Rockhampton Zoo
  - Rockhampton Botanic Gardens
  - Cemeteries
  - Sport and Education
    - Sport and Education Services
    - Healthy Communities Initiative project
    - Swimming Pools
2. Park Operations
3. Capital projects

The attached report contains information on the activities and services of these areas for period October, November and December 2013.

# **PARKS AND OPEN SPACE REPORT**

## **Attachment A - Parks and Open Space Report**

**Meeting Date: 4 February 2014**

**Attachment No: 1**

## 1. Park Recreation Services

### 1.1 Kershaw Gardens

#### Kershaw Waterfall:

The Waterfall has had some issues with the power outages from October through to December. Rectification works, including electrical and mechanical components, have improved reliability; however no single component has been identified as the root cause.

#### Playground / Sandpits

Sand in both playground locations was replaced during October 2013 as part of the scheduled maintenance program. Works were completed with very little inconvenience to members of the public.



#### New Signage at Knight Street

In support of the Council's efforts to promote healthy, active communities new way-finding signage has been added to the Knight Street carpark. Through easy to follow, colour coded graphics the sign identifies formed trails and includes information on the length of named pathways.



### 1.2 Rockhampton Zoo:

In late November the community farewelled our much loved Chimpanzee *Ockie* (Octavius). Ockie, along with his companion Cassie, joined the Rockhampton Zoo family in 1986 from Natureland Zoo at Coolangatta. A brief Memorial Service held at the Zoo on Tuesday November 26<sup>th</sup> was well attended and the news of Ockie's death was widely reported in the mainstream media as well as generating many emotional comments on social media sites.

The cause of death has been identified as a Heart Aneurism.



Photo Source: [Rockhampton Morning Bulletin Website](#)

### 1.3 Rockhampton Botanic Gardens:

As part of the Ibis management program, egg and nest removals program continue fortnightly in conjunction with contracted service provider Ecosure, who manage the Damage Mitigation Permit on behalf of Council. A summary of the activities for September and October is attached (Attachment B).

In late December the waterfall pump at the Japanese Gardens suffered a major failure and necessitated the removal of the pump and draining of the pond. Seasonal closures impacted the ability to have the pump assessed for repair. The pump has now been assessed and is beyond economical repair. A replacement unit has been sourced and is scheduled for installation during the last week in January.

1.4 Cemeteries Monthly Report

Memorial Gardens & Regional Cemeteries Statistics

	Memorial Gardens		North Rockhampton		Yeppoon		Emu Park		Gracemere		Mt Morgan/ Joskeleigh	
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013
<b>OCTOBER</b>												
<b>Burials</b>	5	5	2	4	3	2	2		3	1		2/1
<i>Plots sold</i>	4	3			3	2	2		1	1		1/1
<i>Reopens</i>	1	2	2	3								1/
<i>Reserved Sites used</i>				1					2			
<b>Ashes interred</b>		4	3	1						1	1	
<i>Ashes plots sold</i>		3								1		
<i>Reopens</i>				1								
<i>Reserved Sites used</i>		1										
<b>Chapel/Other Services</b>		5										
<b>OCTOBER</b>	<b>2012</b>	<b>2013</b>										
<b>TOTAL ASHES INTERRED</b>	<b>3</b>	<b>6</b>										
<b>TOTAL BURIALS</b>	<b>15</b>	<b>15</b>										
<b>CREMATIONS ***</b>	<b>48</b>	<b>62</b>										

\*\*\* These figures compiled from TMB advertisements only.



	Memorial Gardens		North Rockhampton		Yeppoon		Emu Park		Gracemere		Mt Morgan/ Cawarral	
	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013
<b>NOVEMBER</b>												
<b>Burials</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	
<i>Plots sold</i>	<i>3</i>	<i>3</i>			<i>3</i>				<i>1</i>		<i>1</i>	<i>0/1</i>
<i>Reopens</i>	<i>1</i>	<i>2</i>	<i>1</i>	<i>4</i>				<i>1</i>		<i>1</i>		
<i>Reserved Sites used</i>	<i>1</i>	<i>1</i>		<i>1</i>	<i>1</i>					<i>1</i>		
<b>Ashes interred</b>	<b>3</b>	<b>3</b>		<b>2</b>								<b>2/2</b>
<i>Ashes plots sold</i>	<i>1</i>	<i>3</i>										<i>2/0</i>
<i>Reopens</i>				<i>2</i>								
<i>Reserved Sites used</i>	<i>2</i>											
<b>Chapel/Other Services</b>	<b>3</b>	<b>5</b>										
<b>NOVEMBER</b>	<b>2012</b>	<b>2013</b>										
TOTAL ASHES INTERRED	<b>5</b>	<b>9</b>										
TOTAL BURIALS	<b>12</b>	<b>15</b>										
CREMATIONS ***	<b>43</b>	<b>49</b>										

\*\*\* These figures compiled from TMB advertisements only.

	Memorial Gardens		North Rockhampton		Yeppoon		Emu Park		Gracemere		Mt Morgan	
<b>DECEMBER</b>	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013
<b>Burials</b>	4	9	3	2	6	1		1		3	5	
<i>Plots sold</i>	4	2			2			1		1	2	
<i>Reopens</i>		6	3	2	1	1					2	
<i>Reserved Sites used</i>		1			3					2	1	
<b>Ashes interred</b>	2	3	2	1	3				1	2	1	
<i>Ashes plots sold</i>		3			2				1	2	1	
<i>Reopens</i>				1								
<i>Reserved Sites used</i>												
<b>Chapel/Other Services</b>	2	4										
<b>DECEMBER</b>	<b>2012</b>	<b>2013</b>										
TOTAL ASHES INTERRED	10	6										
TOTAL BURIALS	18	16										
CREMATIONS ***	43	26										

\*\*\* These figures compiled from TMB advertisements only.

**Memorial Gardens and Administration**

Two seats have been placed at the entrance to the Chapel area and one under the Leichhardt tree. The seating at the Chapel area is already proving to be popular before, during and after services.



The mound of dead trees/debris sitting at the back of the Memorial Gardens has now been mulched. This finalises the clearing/cleaning of this area and will allow staff to keep the area fully maintained.

The major facelift to the Administration/Chapel is now complete. Window dressings have been replaced, floor coverings laid and all major painting carried out. Some minor touch ups are required and will be attended to at the first available opportunity.

Citron and Pomegranate Groves have had new signage installed. Signs, engraved out of Hebel block, have been erected on the wall outside Citron Grove and placed on a rock for Pomegranate Grove.



### **North Rockhampton Cemetery**

Council has recently received a couple complaints about sunken graves. These are being prioritised and attended to as time permits. The top up process is part of day to day operations.

Whilst the Rokforce crew were still at the North Rockhampton Cemetery, they had the opportunity to learn the basics in concreting as they assisted staff re-concrete several grave tops.

### **South Rockhampton Cemetery**

The Cemeteries Coordinator met on site with representatives of the Department of Environment and Heritage Protection to discuss several new requests from families to carry out restoration works on family graves. Whilst on site they completed an inspection of the recently completed works for the MacDonald family and the headstone the Naval Association requested to restore (William Lawson Gibb).

### **Gracemere Cemetery**

Gracemere cemetery grounds are being maintained as required.

### **Mount Morgan Cemetery**

New Row and Section indicator signage is progressively being installed to make identification much easier. Maintenance continues as required.



### **Yeppoon and Emu Park Cemeteries**

A proposal to extend the current cemetery in Yeppoon to accommodate burials on the slope above the existing area is underway. This area will need to be levelled considerably to allow safe setup, however may pose issues when digging as rocks will be closer to the surface.



The Yeppoon and Emu Park cemeteries are being maintained as per schedule.

## 1.5 Sport and Recreation

### 1.5.1 Sport and Education Services Monthly Report

ACTIVITY	RESULTS
2014 Sports and Health Expo - Annual event to promote participation in local sport and recreation activities	<ul style="list-style-type: none"> <li>• Venue booked for Sunday 23 February 2014</li> <li>• Confirmed CQ NRL Bid as Naming Rights Sponsor for the event</li> <li>• Confirmed major sponsors – Win Network, Hot FM, CQUniversity and FMStudios</li> <li>• Event sponsor – The Athlete's Foot</li> <li>• Merchandise sponsor – Subway</li> <li>• Tote bag sponsor – Get Logo'd</li> <li>• Amusement ride sponsor – Pimp My Party</li> <li>• Marketing budget allocated</li> <li>• Webpage developed on KickStartCQ website to promote event details</li> <li>• 47 site holders have registered and it is expected that another 15-20 registrations will be received</li> <li>• Officers are aiming to have 2,500 attendances at the expo</li> </ul>
Club Capacity - Increase club capacity and build sustainability	<ul style="list-style-type: none"> <li>• The KickStartCQ website is continually updated to include relevant information that clubs can use on a day-to-day basis</li> <li>• Updates include news articles, funding opportunities, a more functional directory, risk management, volunteer management, and marketing guidelines to name a few</li> <li>• The aim is to have a comprehensive website that clubs can access at any time to develop their governance and capacity</li> </ul>
Gracemere Tennis Courts - Provide opportunity for community use of tennis facility	Tennis posts have been installed and the project finalised. Keys can be collected from the Gracemere Pool providing access to the tennis court equipment.
Heart Foundation Walking – Breakfast Walk	<ul style="list-style-type: none"> <li>• The program is being well attended with the Christmas morning tea a great success on 20 November 2013</li> <li>• The next breakfast walk is scheduled for 19 February 2014</li> <li>• 109 registered walkers in the Rockhampton Region</li> </ul>
In Motion Signage - Wayfinding signage for Kershaw Gardens and Rigalsford Park	The In Motion signs have been installed at Rigalsford Park and Kershaw Gardens.

### 1.5.2 Healthy Communities Initiative project

Rockhampton Regional Council has received \$566,042 from the Commonwealth for the execution of the Healthy Communities Initiative. Rockhampton Regional Council has developed and is implementing the KickStartCQ – Cook It! Move It! Do It! Project (The Project) under the Healthy Communities Initiative.

The Healthy Communities Initiative aims to help reduce the prevalence of overweight and obesity within the target populations of participating communities by maximising the number of adults engaged in physical activity and healthy eating programs.

The initiative targets adults (over 18) who are not currently in the paid workforce or receiving a prescribed Centrelink benefit and are at risk of chronic disease.

#### Initiative Update:

- The final instalment of fitness equipment under the Healthy Communities Initiative was finalised with four pieces of equipment installed at the Botanic Gardens. The equipment will be integrated into the walking groups and outdoor fitness sessions available every Wednesday at the Gardens
- From 6 January through to 14 February 2014 KickStartCQ is hosting a referral competition to increase participation numbers in the Healthy Communities Initiative
- Pedometers have been supplied to the Library and will be available to community members for loan.
- The Healthy Communities Project Coordinator is currently progressing through the development of a Community Health and Wellbeing Guide which includes information on exercise, nutrition and wellbeing in our Region. CQ Medicare Local has agreed to provide some content for the publication.

#### 2014 Program Suite:

An Invitation to Quote was released for delivery of programs for the Healthy Communities Initiative from 1 January 2014 through 30 June 2014, the following programs will be provided to participants:

- Aquafit will be hosted at the WWII Memorial Pool Complex by Lane 4 Aquatics
- MoveFit – strength and conditioning for older Australians will be hosted by:
  - Yeppoon Jungle Gym (formerly NPFitness)
  - CQUniversity Sports Centre
- Men's Only Strength and Conditioning Sessions will continue to be delivered by CrossFitCQ
- HeartMoves will be delivered by Mr Ian Jenkins
- Outdoor Gym Sessions will be delivered by the Healthy Communities Project Coordinator in Rockhampton and by the Jungle Gym for Yeppoon
- CQ TAFE will continue to provide cooking classes increasing from monthly classes to weekly classes
- The Stockland Rockhampton Walking Group, Stockland Striders, will continue to walk Monday to Friday from 7am to 8am.
- The CQUniversity Sports Centre partnership will continue with eligible participants able to access the sports centre for free
- Label reading workshops will continue to be held on a semi-regular basis. These sessions are hosted by CQ Medicare Local.



## Updates:

Program	As at 12 September 2013	As at 11 October 2013	As at 30 December 2013
<b>Stronger for Longer</b>	40 participants have completed the program  5 new participants have been referred in September and are yet to commence the program.	40 participants have completed the program  3 new participants have been referred in October and are yet to commence the program.	40 participants have completed the program. Stronger for Longer will not be offered in 2014.  Movefit will now service Stronger for Longer participants.
<b>Heart Moves</b>	62 participants are currently attending HeartMoves classes.  No new participants have enrolled in Heartmoves	62 participants are currently attending HeartMoves classes.  4 new participants have been enrolled in Heartmoves are yet to commence the program.	66 participants have participated in Heartmoves.
<b>Outdoor Gym Sessions</b>	78 participants.	80 participants.	81 participants. Due to heat/Christmas break attendance numbers dropped in Nov/Dec.
<b>CQ TAFE Cooking Classes</b>	115 participants.	122 participants.  The next sessions is scheduled for October 14 <sup>th</sup> 2013.	142 Participants.  We are waiting to finalise the first session for 2014
<b>Food Label Reading Workshops</b>	41 participants. Next session 23 September 2013	42 participants.  No new sessions have been scheduled.	42 participants.  Two new programs have been scheduled.
<b>Heart Foundation Walking</b>	78 participants	80 participants.	81 participants.
<b>CQUni Partnership</b>	118 participants are currently registered for the program.	124 participants are currently registered for the program.	124 participants are currently registered for the program.

Program	As at 12 September 2013	As at 11 October 2013	As at 30 December 2013
<b>Aquafit</b>	44 participants. The swimming sessions are being well received and are providing participants who have previously had trouble with higher impact activities get a good strength building workout.	No new participants have begun attending Aqua Fit sessions.	No new participants have begun attending Aqua Fit sessions.
<b>Men's Strength and Conditioning</b>	The numbers for this session is still quite low. Many participants are assuming it's for 'Young fit chaps' however this is not the case. We are currently encouraging older participants to become involved. We will be seeking some media attention for this class in the near future to help increase numbers.	10 participants. It is hoped that the launch of the session will encourage new participants.	13 participants. Attendance has been regular with most men attending both sessions each week.
<b>TOTAL REGISTERED PARTICIPANTS</b>	<b>468 Participants</b>	<b>492 Participants</b>	<b>505 Participants</b>

### 1.5.3 Swimming Pools Monthly Report

***Pool reports are to be provided by the pool managers/lessees by the second Wednesday of the following month. These figures are for the months of October through December 2013 only.***

Water Quality:

Council procures microbiological testing for public pools every three months with the last round of testing completed in November.

Through microbiological testing pseudomonas tested present at Mount Morgan Pool and Marlborough Pool. Pseudomonas is a bacterium which causes swimmer's itch. Neither pool had characteristics of the bacteria at a high enough level to warrant closure; however, both pools were treated immediately with sodium hypochlorite. The presence of pseudomonas resulted from storms increasing the amount of leaf debris in the water.

Additionally, Marlborough Pool tested positive for the presence of e. coli as a result of the testing being conducted with an hour of a heavy storm. The storm resulted in a decreased level of free and total chlorine and this combined with faecal matter washed from trees and surrounding areas led to the positive e. coli test. The pool was closed to the public at the time of testing and was treated with sodium hypochlorite.

Maintenance:

No reportable maintenance issues.

Incidents:

No reportable injuries or incidents.

COOEE BAY POOL:

October	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/ Student	Spectator	Adult 10 Visit	Concession/ Child 10 visit	Adult 20 Visit	Concession/ Child 20 Visit	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	580	323	0	157	286	0	626	69	0	0	0	0	0	0	0	0	0	0	1894	100	3049	645	7729
2012	473	253	NA	35	NA								502	NA	NA	1521	37	3384	NA	6205			
2011	523	430	NA	23	NA								483	NA	NA	2501	11	NA	NA	3971			

November	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/ Student	Spectator	Adult 10 Visit	Concession/ Child 10 visit	Adult 20 Visit	Concession/ Child 20 Visit	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	622	340	0	201	276	0	689	73	0	0	0	0	0	0	0	0	0	0	1867	100	3617	741	8526
2012	510	287	NA	57	NA								513	NA	NA	2330	52	3784	NA	7533			
2011	732	547	NA	11	NA								444	NA	NA	2201	52	3500	NA	7487			

December	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	808	401	0	268	161	0	696	81	0	0	0	0	0	0	0	0	0	0	303	100	1236	720	4774
2012	946	622	NA	47	NA							498	NA	NA	260	52	1516	NA	3941				
2011	602	541	NA	22	NA							500	NA	NA	268	0	887	NA	2542				

**EMU PARK POOL:**

October	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	254	372	15	59	3	49	0	0	61	0	0	0	0	0	6	0	0	1214	2	563	628	3226	
2012	82	177	NA	38	NA							152	NA	NA	952	0	798	NA	2199				
2011	105	170	NA	18	NA							29	NA	NA	940	0	88	NA	1350				

November	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	173	187	21	20	25	22	0	0	48	0	0	0	0	0	0	6	0	0	1671	0	550	602	3325
2012	152	227	NA	69	NA							192	NA	NA	1747	0	1162	NA	3549				
2011	189	271	NA	65	NA							59	NA	NA	1536	0	927	NA	3047				

December	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	334	476	31	49	21	39	0	0	47	0	0	0	0	0	10	0	0	522	0	282	371	2182	
2012	279	425	NA	76	NA							103	NA	NA	705	0	572	NA	2160				
2011	200	632	NA	53	NA							25	NA	NA	357	0	453	NA	1450				

**GRACEMERE POOL:**

October	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	504	847	38	122	6	0	0	0	3	0	0	0	0	0	0	0	0	0	51	10	100	0	1681
2012	Pool Closed																						
2011	289	431	NA	44	NA							2	NA	NA	NA	0	358	NA	1124				

November	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	378	622	54	37	0	0	0	0	0	0	0	0	0	0	0	0	0	58	21	422	0	1592	
2012	Pool Closed																						
2011	220	547	NA	156	NA							1	NA	NA	NA	0	473	NA	1397				



December	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL	
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries		
2013	614	935	35	90	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	187	0	1874	
2012	74	88	NA	0	NA							6	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	168
2011	313	569	NA	159	NA							0	NA	NA	NA	0	78	NA	1119					

**MARLBOROUGH POOL:**

October	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	31	75	0	22	0	0	0	0	0	0	0	0	0	0	0	0	0	116	0	95	0	339	
2012	5	34	NA	3	NA							0	NA	NA	70	0	0	NA	112				
2011	3	49	NA	44	NA							6	NA	NA	54	5	0	NA	123				

November	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/ Student	Spectator	Adult 10 Visit	Concession/ Child 10 visit	Adult 20 Visit	Concession/ Child 20 Visit	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	13	90	0	40	0	0	0	0	0	0	0	0	0	0	0	0	0	0	122	0	151	0	416
2012	17	59	NA	26	NA									0	NA	NA	52	0	0	NA	154		
2011	1	20	NA	4	NA									12	NA	NA	148	22	0	NA	207		

December	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/ Student	Spectator	Adult 10 Visit	Concession/ Child 10 visit	Adult 20 Visit	Concession/ Child 20 Visit	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	Not supplied																						
2012	17	64	NA	26	NA									0	NA	NA	52	0	0	NA	159		
2011	2	31	NA	0	NA									27	NA	NA	0	10	0	NA	70		

**MOUNT MORGAN POOL:**

October	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	102	216	0	4	0	0	0	0	10	0	2	0	0	0	0	0	0	0	17	0	0	0	351
2012	82	36	NA	12	NA									0	NA	NA	385	15	0	NA	530		
2011	105	149	NA	0	NA									20	NA	NA	728	0	0	NA	1002		

November	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	102	186	0	0	0	0	0	0	13	0	4	0	0	0	0	0	0	0	57	0	0	0	362
2012	203	312	NA	146	NA									0	NA	NA	1257	21	0	NA	1939		
2011	196	352	NA	0	NA									79	NA	NA	1106	0	0	NA	1733		

December	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL	
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries		
2013	134	264	0	34	0	0	0	0	22	0	25	0	0	0	0	0	0	0	0	0	0	0	479	
2012	127	207	NA	0	NA								6	NA	NA	0	0	0	0	0	0	0	NA	459
2011	143	290	NA	0	NA								36	NA	NA	0	0	0	0	0	0	0	NA	469

**WORLD WAR II MEMORIAL POOL:**

October	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/Student	Spectator	Adult 10 Visit	Concession/Child 10 visit	Adult 20 Visit	Concession/Child 20 Visit	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Adult	Concession/Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	1929	1192	0	112	425	43	75	65	356	3	136	0	0	0	454	27	119	70	26	169	0	0	5201
2012	1947	1131	NA	173	NA								1340	NA	NA	1305	280	0	NA	NA	0	NA	6176
2011	742	324	NA	32	NA								954	NA	NA	941	0	146	NA	NA	0	NA	3139

November	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/ Student	Spectator	Adult 10 Visit	Concession/ Child 10 visit	Adult 20 Visit	Concession/ Child 20 Visit	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	1350	633	0	78	617	74	95	39	380	10	25	0	0	0	534	26	116	50	17	372	0	0	4416
2012	1786	908	NA	148	NA									1519	NA	NA	435	213	0	NA	5108		
2011	1072	877	NA	483	NA									1157	NA	NA	1821	0	163	NA	5573		

December	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/ Student	Spectator	Adult 10 Visit	Concession/ Child 10 visit	Adult 20 Visit	Concession/ Child 20 Visit	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	1844	1378	0	136	514	79	48	58	256	13	72	0	0	0	437	11	89	38	0	129	0	0	5102
2012	1658	1104	NA	82	NA									1217	NA	NA	0	131	0	NA	4192		
2011	899	480	NA	69	NA									885	NA	NA	218	115	0	NA	2666		

**42<sup>ND</sup> BATTALION MEMORIAL POOL:**

October	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/ Student	Spectator	Adult 10 Visit	Concession/ Child 10 visit	Adult 20 Visit	Concession/ Child 20 Visit	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	1381	2150	0	331	3	0	0	0	22	0	38	0	0	0	0	0	0	0	1936	64	0	0	5925
2012	Pool Closed																						
2011	2570	5191	NA	645	NA							2	NA	NA	474	0	133	NA	9015				

November	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL
	Adult	Child	Concession/ Student	Spectator	Adult 10 Visit	Concession/ Child 10 visit	Adult 20 Visit	Concession/ Child 20 Visit	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries	
2013	960	1263	0	213	2	0	0	0	0	0	0	0	0	0	20	13	22	28	2088	74	0	0	4683
2012	Pool Closed																						
2011	3789	5442	NA	852	NA							3	NA	NA	394	0	196	NA	10676				

December	General Entry				Short Term Passes				Summer Passes			Winter Passes			Annual Passes				Programs and Activities				TOTAL	
	Adult	Child	Concession/ Student	Spectator	Adult 10 Visit	Concession/ Child 10 visit	Adult 20 Visit	Concession/ Child 20 Visit	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Adult	Concession/ Child	Family	Spectator	School entries	Program entries	Learn to Swim entries	Squad entries		
2013	1380	1913	0	225	4	0	0	0	29	18	6	0	0	0	0	0	0	0	114	19	0	0	3708	
2012	1217	1184	NA	174	NA								0	NA	NA	0	0	0	NA	0	0	0	NA	3275
2011	2623	4402	NA	695	NA								1	NA	NA	268	0	24	NA	8013				



**2. Parks Operations**

Maintenance and construction operations have been completed following the cyclic maintenance arrangements, with few issues or incidents.

**3. Capital Projects**

	<b>Comments/ Update</b>
<b>Landscape and Streetscape</b>	
Yeppen Roundabout Landscape Renewal	Arrangements with TMR on rectification works complete. Landscape design plan revised and submitted Feb 2014 P&R Committee for consideration and approval
Informal Parking Area - End of Thozet Rd	Project detail to be scoped and costed
<b>Park Playgrounds and amenities</b>	
Development of District Playground	Location – Cedric Archer Park, Gracemere. Concept under revision for further discussion.
Amenities Building Rigarfsford Park	Project completed and acquittal lodged for State grant funds
Upgrade to playground equipment	Program of works in current year completed
<b>Cemeteries</b>	
New Cemetery Information Management System	Item proposed through October 2013 budget revision
Pomegranate Grove Extension	
<b>Major Parks</b>	
Rockhampton Zoo redevelopment	Contract awarded for construction of replacement crocodile enclosure/ ponds. Works commence week beginning 27 January 2014.
Rockhampton Botanic Gardens - Paving	Scoping and investigation commenced.
Irrigation Upgrade - Kershaw Gardens	Uncertainty of delivery. Propose to reallocate funding to Rockhampton Zoo redevelopment in October 2013 budget revision.

# **PARKS AND OPEN SPACE REPORT**

## **Attachment B - Australian White Ibis Management Report**

**Meeting Date: 4 February 2014**

**Attachment No: 2**

# Australian White Ibis Management Program

SUMMARY REPORT – September and October 2013

Rockhampton Regional Council



The following information was collected during September and October 2013 as part of the Rockhampton Regional Council Australian White Ibis Management Program (Ecosure 2013<sup>1</sup>) and incorporates results of the:

- egg and nest removal program
- Rockhampton area foraging survey
- Rockhampton Botanic Gardens roost count
- landfill count.

## Results

The following tables (Tables 1 – 4) present the results of the Australian White Ibis Management Program implementation for September and October 2013.

Table 1 Egg and nest removals - Rockhampton Botanic Gardens

Month (2013)	Nests removed	Eggs
September	13	7
October	20	15
<b>Total</b>	<b>33</b>	<b>22</b>

<sup>1</sup> Ecosure (2013), RI02\_13 Ibis Management-RE Annual Report, Report to Rockhampton Regional Council, Publication Location – Rockhampton

Table 2 Egg and nest removals - Kershaw Gardens

Month (2013)	Nests removed	Eggs	Comments
September	1	0	First nests observed and removed from Kershaw gardens
October	2	0	
<b>Total</b>	<b>3</b>	<b>0</b>	

Table 3 Egg and nest removals, and egg oiling – Murray Lagoon Islands

Month (2013)	Nests	Eggs oiled	Eggs removed	Comments
September	243	174	0	
October	18	0	15	No active nests were located on the largest of the island. Nests were removed from the far island.
<b>Total</b>	<b>261</b>	<b>174</b>	<b>15</b>	

Table 4 Monitoring results – number of ibis observed

Component	September	October
Rockhampton foraging survey	171	45
Lakes Creek landfill count	1320	911
Rockhampton Botanical Gardens roost count	449	237
<b>Total</b>	<b>1940</b>	<b>1193</b>

## Comments

Variation in Australian white ibis (*Threskiornis molucca*) numbers observed at monitoring sites over September and October, were within or close to historical norms for this period. Historical data suggests that there will be a continued slow decrease in number of ibis for landfill sites as the wet season progresses. Furthermore, Ecosure would expect a slow increase in nest and egg numbers in coming months, commensurate with any increase in rainfall (Ecosure 2013<sup>2</sup>).

By October, there were no active nests on the large island to the south east of Murray Lagoons. Ecosure noticed evidence suggestive of nest predation, with no eggs present despite there having been large numbers observed on previous surveys. Moreover, there were six adults and 12 juvenile ibis found dead on the island. The carcasses were devoid of flesh; and predation appeared recent as the remains were fresh.

<sup>2</sup> Ecosure (2013), RI02\_13 Ibis Management-RE Annual Report, Report to Rockhampton Regional Council, Publication Location – Rockhampton

## Recommendations

Kershaw Gardens was actively managed for the first time for this management period in September. Ecosure expects as the months become wetter, the number of nests at these gardens will most likely increase. As such, egg and nest removal should continue at this new site.

In consultation with Rockhampton Regional Council it was agreed that as the birds nesting on the island toward the western side of Murray Lagoon are close to aircraft flight paths, in the interests of aviation safety, Ecosure will continue to monitor egg and nest number in the coming season.

## Revision History

Revision No.	Revision date	Details	Prepared by	Reviewed by	Approved by
00	10/12/13	Rockhampton Australian White Ibis Summary Report – September - October	Stewart Lee, Ecologist	Beth Kramer, Regional Manager	Phil Shaw, Managing Director

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Report compiled by Ecosure Pty Ltd

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RI02\_14 AWIMP-RE Summary report for September, October 2013

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**10 NOTICES OF MOTION**

Nil



## **11 URGENT BUSINESS/QUESTIONS**

*Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.*

**12 CLOSURE OF MEETING**