
**LAKE WYANGAN & CATCHMENT MANAGEMENT COMMITTEE
TO BE HELD IN COUNCIL CHAMBERS ON
THURSDAY, 11 APRIL 2024 AT 5:00 PM**

- 1 Apologies
- 2 Confirmation of Minutes
- 3 Business Arising
- 4 Declarations of Interest
- 5 Items of Business
- CL01 p6 Audit of Exhibited Animals at Lake Wyangan Picnic Area
- 6 General Business
- 7 Next Meeting

DISTRIBUTION LIST

Councillor Doug Curran (Chair), Chris Sutton (Councillor - Alternate), Frank Battistel (Community Representative), Peter Borella (Community Representative), Paul Eldridge (Community Representative), Carmel La Rocca (Community Representative), John McFadzean (Community Representative), Thomas Mackerras (Community Representative), Ema Munro (Community Representative), Jade Salvestro (Community Representative), Kelvin Williams (Community Representative), Franco Pistillo (Representative for Member for Murray)

General Manager, Brett Stonestreet; Director Sustainable Development, Bruce Gibbs; Director Utilities, Graham Gordon; Urban Strategic Design & Major Projects Manager, Peter Badenhurst and Minute Secretary, Hannah Hall

Quorum = 3

If you are unable to attend this meeting please notify the Minute Secretary prior to commencement of the meeting by email or by telephoning Council on 1300 176 077.

This Committee meeting may be attended remotely and recorded by audio or audio-visual means for administrative purposes. No other recording is permitted.

Acknowledgement of Country

Griffith City Council acknowledges the Wiradjuri people as the traditional owners and custodians of the land and waters, and their deep knowledge embedded within the Aboriginal community.

Council further pays respect to the local Wiradjuri Elders, past, present and those emerging, for whom we acknowledge have responsibilities for the continuation of cultural, spiritual and educational practices of the local Wiradjuri people.

**LAKE WYANGAN & CATCHMENT MANAGEMENT COMMITTEE
HELD IN COUNCIL CHAMBERS ON
THURSDAY, 15 FEBRUARY 2024 COMMENCING AT 5:00 PM**

PRESENT

Councillor Anne Napoli, Frank Battistel (Community Representative), Paul Eldridge Via Zoom (Community Representative), Carmel La Rocca (Community Representative), John McFadzean (Community Representative), Thomas Mackerras (Community Representative), Ema Munro (Community Representative), Jade Salvestro (Community Representative), Kelvin Williams (Community Representative), Neil Cranston (Community Representative) Franco Pistillo & Brian Roberts (Representatives for Member for Murray)

BY INVITATION

John Dunn & Dr Michael Askew (Waterzyme), Councillor Michael Henderson (Wagga Wagga City Council)

ABSENT

Paul Eldridge (Community Representative)

Quorum = 3

STAFF

General Manager, Brett Stonestreet, Director Utilities, Graham Gordon, Urban Strategic Design & Major Projects Manager, Peter Badenhorst, Director Sustainable Development, Bruce Gibbs Environment and Public Health Coordinator, Vanessa Johns and Minute Secretary, Hannah Hall

In the absence of the Mayor, Councillor Anne Napoli assumed the Chair.

1 APOLOGIES

RECOMMENDED on the motion of John McFadzean and Jade Salvestro that apologies be received from Mayor Doug Curran and Councillor Chris Sutton.

2 CONFIRMATION OF MINUTES

RECOMMENDED on the motion of Ema Munro and Thomas Mackerras that the minutes of the previous meeting held on 16 November 2023, having first been circulated amongst all members, be confirmed.

Franco Pistillo entered the meeting, the time being 5:04pm.

3 BUSINESS ARISING

Nil.

4 DECLARATIONS OF INTEREST

Pecuniary Interests

There were no pecuniary interests declared.

Significant Non-Pecuniary Interests

There were no significant non-pecuniary interests declared.

Less Than Significant Non-Pecuniary Interests

There were no significant non-pecuniary interests declared.

5 ITEMS OF BUSINESS

CL01 WATERZYME PRESENTATION BY WAGGA CITY COUNCIL AS REQUESTED BY THE MEMBER FOR MURRAY

John Dunn from Waterzyme introduced himself and Dr Michael Askew, and Councillor Michael Henderson from Wagga Wagga City Council (WWCC). Councillor Henderson gave an overview of WWCC's experience with Blue Green Algae in Lake Albert. WWCC has engaged Waterzyme on a trial basis to treat the Lake. Councillor Henderson said that during the two weeks of treatment, initial results are promising.

Mr Pistillo asked what the cost of the Waterzyme product is? Dr Agnew said that the cost would vary on a contractual basis. The range given was between \$30 - \$65 per litre.

Ms La Rocca asked Councillor Henderson if they have, or considered, draining Lake Albert. Councillor Henderson said that they have drained it in the past, but the Blue Green Algae remains in the sediment. The sediment is approximately half a meter deep, so the cost of removing is not cost effective to do so.

Ms Munro asked if the Waterzyme product affects plant life. Dr Askew said that it works well alongside plants.

Mr Stonestreet asked how the treatment has been affected by rainfall? Mr Dunn said that although the treatment was slowed by rainfall, the treatment is still showing promising results.

RECOMMENDED on the motion of Franco Pistillo and Tom Mackerras that the information be received.

CL02 WATER TREATMENT OF SOUTH LAKE

Mrs Johns advised that Council resolved by recommendation of the Lake Wyangan & Catchment Committee to run two trials on Lake Wyangan. Chemiplas was trialled last year and was shown to drastically reduce the Blue Green Algae. Unfortunately, all efforts were lost due to heavy rainfall resulting in the Lake flooding.

The second trial is for Diatomics, which is a biological product which outcompetes Blue Green Algae for micronutrients, ultimately stunting the Blue Green Algae. Council purchased the Diatomics product last year and are hoping to begin trialling it this year. Diatomics

requires Silica levels of 8-15mg/L to work. At the time of purchase, the silica levels in Lake Wyangan were 7.9mg/L. The most recent results show that the silica levels are at 2.2mg/L. Council is hoping that the silica levels will rise during the colder months.

Brian Roberts left the meeting, the time being 6:05pm.

It was suggested that Council work with other Councils who have the same issue and lobby the Government for grants to remediate the Lake. Mr Stonestreet advised the Committee that there are no grants available for this specific issue.

RECOMMENDED on the motion of Carmel La Rocca and John McFadzean that the information be received.

CL03 IN DRAIN SEDIMENT AND NUTRIENT TREATMENT - TOM MACKERRAS

Franco Pistillo left the meeting, the time being 6:26pm.

Franco Pistillo returned to the meeting, the time being 6:28pm.

Mr Mackerras gave a presentation on in-drain sediment and nutrient treatment.

RECOMMENDED on the motion of Thomas Mackerras and Ema Munro that the information be received.

Mr Cranston expressed the importance of maintaining Cultural sites that still exist. He said that a majority of the Aboriginal community want reconciliation and to be able to work together as a community to ensure that opportunities are created for the whole community. He suggested that Council call for a meeting with the Community Working Party Meeting to communicate the difficulties faced.

CL04 TREE DAY PLANTING - EMA MUNRO

Ms Munro advised the Committee that following the last Committee meeting her and Mr Gibbs met to select an area to which the tree planting would take place. Ms Munro asked for clarification on such area. Mr Gibbs asked that Ms Munro provide him with a list of plants that she would like to plant, and Council will make an assessment on these. Mr Pistillo suggested that if Ms Munro was wanting to plant in the water, then an assessment by a qualified engineer would be needed to ensure the suitability of plants.

RECOMMENDED on the motion of Franco Pistillo and Neil Cranston that the information be received.

6 OUTSTANDING ACTION REPORT

Animal Enclosures

Council have met with Department of Primary Industries who have carried out an inspection of the enclosures. A further report to the Committee will follow once Council received the report from DPI.

Fencing at Lake Wyangan

Mr Gibbs asked Mr Cranston for clarification on location of damaged fencing. Mr Cranston advised that it is between the two lakes, on the Eastern side of the North Lake from Boorga Road through to Campbell's Wetlands. People are accessing with vehicles and disturbing cultural grounds.

RECOMMENDED on the motion of Frank Battistel and Carmel LaRocca that the information be received.

7 GENERAL BUSINESS

7.1 Aerating the Lake Water

Mr Battistel suggested that Council investigate the cost and benefits of installing water jets to aerate water at Lake Wyangan.

RECOMMENDED on the motion of Frank Battistel and Franco Pistillo that Council:

- (a) Obtain costings to investigate the cost and benefits of installing water jets to aerate the lake water.
- (b) Obtain costings for capital works.

7.2 Oz Fish Fishing Classic

Mr Armstrong thanked Council for their support over the last year with efforts in restocking the lake with native fish. Results have been fantastic. The OzFish Fishing Classic is being held on 16 March 2024. He noted that the Lake has recently gone into Red Alert in response to Blue Green Algae reports, and further information will be released regarding this as it becomes available. Mr Gibbs added that OzFish have applied to Council for a Community Grant for the Fishing Classic. Council will decide on the outcome of this application at the 27 February 2024 Council Meeting.

7.3 Lake Wyangan Foreshore Masterplan

Mr Gibbs and Mr Badenhorst advised that the project is progressing and that the projection completion date is set for June 2025.

7.4 Chemiplas Report

Mr Gibbs advised that he will distribute a Fact Sheet to the Committee that he has received from Chemiplas.

8 NEXT MEETING

The next meeting of the Lake Wyangan & Catchment Management Committee is to be held on Thursday, 16 May 2024 at 5:00pm.

There being no further business the meeting terminated at 7:25pm.

CLAUSE **CL01**

TITLE **Audit of Exhibited Animals at Lake Wyangan Picnic Area**

FROM **Phil King, Director Infrastructure and Operations**

TRIM REF **24/41470**

SUMMARY

On 15 February 2024 an audit of exhibited animals was completed by the NSW Department of Primary Industries at Lake Wyangan Picnic Area. The audit report was provided to Council staff on 20 March 2024. In summary the audit reports that Council's current facility is unacceptable for the exhibition of animals at the Lake Wyangan Picnic Area. The audit was also accompanied by a "Direction" to advise of the corrective actions required to comply with Council's responsibilities to exhibit animals to the public. Council is required to have the specified corrective actions in place by 1 May 2024, else the permit to exhibit animals at Lake Wyangan may be suspended or cancelled.

This report outlines each of the corrective actions, the correlating general standard/legislation and the resources required to comply with the direction. It will be shown that the resources required to comply with the direction exceeds the current allocation for the Lake Wyangan Picnic Area.

RECOMMENDATION

- (a) Rehome and relocate all animals that are currently on display at the Lake Wyangan Picnic Area, and**
- (b) Discontinue the permit for the exhibition of animals to the public.**

REPORT

The Audit has been attached, Attachment (a). The Audit identified 4 defects and corresponding corrective actions are detailed in the "Direction" Attachment (b).

The outcome of the audit is that the facility is unacceptable. There are 3 corrective actions required as detailed below. It should be noted that a minor correction to the animal list as Council is not currently displaying any sheep, pig, or donkey. This does not change the intent of the audit.

Currently there are:

1 Kangaroo, 1, Cockatoo, 2 Emu, 4 Goats, 11 Fallow Deer, 4 Ducks, 19 Chickens, 2 Indian Peafowl (Peacock).

The Kangaroo, Cockatoo and Emu are prescribed species within the NSW Exhibited Animals Protection Act 1986 and associated regulation.

Defect 1: Animals are not having their health checked every day.

Direction 1: Arrangements must be made for the health of each animal to be checked each day. *General Standard for Exhibiting Animals in NSW, Part 10, Clause 46.*

Part 10 - Health

Clause 46 – Daily health checks

1. Arrangements must be made:

- a) for the health of each animal to be checked each day; and
- b) for the person checking the health of the animals to provide the exhibitor of the animals with an appropriate report on any distressed, sick or injured animal.

Note. *The Prevention of Cruelty to Animals Act 1979 creates offences for persons who fail to provide adequate veterinary treatment.*

2. In particular, a report must be made in relation to an animal suffering from:

- a) obvious under-nourishment or weakness; or
- b) bare spots in fur or feather covering; or
- c) persistent diarrhoea; or
- d) unusual nasal discharge; or
- e) sores or open wounds; or
- f) broken bones or other physical injury.

3. If a report under subclause 1 is made in respect of an animal or poor physical health of an animal is otherwise detected, all reasonable steps must be taken to restore the animal to good physical health.

Note. *This will ordinarily require consultation with a veterinary practitioner.*

4. An exhibitor must provide as many enclosures as are necessary to ensure compliance with subclause 3.

Resource: Currently Council staff do not attend the Lake Wyangan Picnic Area on weekends and public holidays. In order to comply with this direction a staff member is required to visit the facility at least once every day. It would cost approximately \$250 each weekend for a staff member to attend the site for 3hrs including on costs. Annually this is \$13,000. There are 11 dedicated public Holidays each year at \$125 each which would result in an annual cost of approximately \$1,375.

Defect 2: The facility does not have an outer property fence sufficient to discourage unauthorised entry into the establishment. Preventative measures used by the facility in the past are no longer in place.

Direction 2: The facility must have an outer fence sufficient to discourage unauthorised entry to the establishment. *General Standard for Exhibiting Animals in NSW, Part 5, Clause 21.*

Clause 21 – Outer property fence

A fixed establishment and an off-display establishment must have an outer fence sufficient to discourage unauthorised entry to the establishment.

Resource: Currently the Lake Wyangan picnic area is left open to the public 24/7. In order to comply with this direction Council would be required to do three things, the first upgrade and modify the pens to provide an outer fence. Secondly, upgrade the entry gate to discourage unauthorised entry to the Lake Wyangan Picnic Ground. Thirdly, close the gate each day including weekends and public holidays.

Currently, the deer enclosure has only one fence between the deer and the camping ground, there is no outer fence. Additionally, the animal pens on the north western end of the picnic area are directly adjacent to the road reserve. Finally, the current gate configuration would allow someone to walk into the picnic ground past the existing concrete bollards which only prevent vehicles from entering.

It is estimated that approximately 400m of fence would be required to provide an adequate outer fence. Including an upgrade to the gate, it is estimated that \$40,000 would be required to comply with Direction 2.

Closing the gate each afternoon requires staff to attend the site, after hours each evening. This task would be required to be completed on overtime, with a staff member returning to the facility, and ensuring that no one is locked inside the picnic ground prior to securing the gate. Staff have indicated that in the past this task might be completed mostly without incident, although on occasions some people are reluctant to leave when requested. The cost for staff wages including on-costs is approximately \$310 on weekdays. This would equate to \$16,120 annually. The weekend gate opening and closing costs would be included in Defect 1.

Defect 3: The facility does not have staff present at the facility on Saturdays, Sundays and public holidays. The facility cannot maintain the daily level of husbandry, care or comply with notification in relation to escape or theft.

Direction 3: Employ adequately trained and competent staff/volunteers to comply with the Regulation. (Exhibited Animal Protection Regulation 2021 Section 40).

40 Attendants and other staff

- (1) An exhibitor of animals must employ the number of adequately trained and competent staff necessary to maintain daily the level of animal husbandry required by this Regulation.
- (2) An exhibitor of animals must employ the number of qualified or experienced animal attendants necessary to maintain the level of care of the animals required by this Regulation.
- (3) An exhibitor of animals must make the necessary arrangements to ensure there will at all times be a person authorised to call for veterinary advice in relation to the animals.

Maximum penalty—10 penalty units

Resource: Currently two staff are provided at Lake Wyangan Picnic Area, although their duties extend to maintenance of other reserves and parks located in the villages of Nericon, Tharbogang and Lake Wyangan. The intent of this direction is to ensure that all staff are familiar with the level of animal husbandry required for the animals that are on display. It can be seen in attachment a "Defect: Staff unable to demonstrate knowledge of effective breeding control methods." Additional training is required to fulfill this obligation, Certificate III in Wildlife and Exhibited Animal Care can be completed at approximately \$8,000 per person.

Additional Total resource requirement is estimated to be \$86,495.

Staff wages and oncosts	\$30,495
Training	\$16,000
Infrastructure: Materials and Labour	\$40,000

It should be noted that \$30,495 would be required annually.

Other Financial Implications

If the animals were rehomed and relocated away from the Lake Wyangan Picnic Grounds, there would be less costs associated with operational maintenance associated with the animals and their pens.

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 6.1 Provide, renew and maintain a range of quality infrastructure, assets, services and facilities.

Non-Compliance with the responsibilities to exhibit animals to the public will put Council at risk for multiple possible breeches of legislation and not fulfill the strategic plan to provide a quality facility.

ATTACHMENTS

- | | | |
|-----|---|----|
| (a) | Audit 146761 - Lake Wyangan Picnic Area ↓ | 10 |
| (b) | EAPA Direction Order - Lake Wyangan ↓ | 17 |



Department of Primary Industries

Audit

Print Date: 20-03-2024

Company details

Company name	Griffith City Council		
ABN	81 274 100 792	ACN	
Company Address	1 Benerembah Street GRIFFITH 2680		

Facility

Reference number	200436	Trading name	Lake Wyangan Picnic Area
Registration number		LFB Number	
Facility LGA	Griffith	Facility type	Fixed Premise
Facility Address	Lakes Road LAKE WYANGAN 2680		

Audit details

Outcome	Unacceptable	Audit Level	E
Audit score	74	No of Corrective Actions	4
License number	52531	Audit reference number	146761
License Permission	Exhibit animals at fixed establishment, Permit to exhibit Prescribed Species		
Animals	Domestic Sheep, Domestic Goat, Domestic Pig, Domestic Donkey, Domestic Chicken, Sulphur-crested Cockatoo, Emu, Domestic Duck, Domestic Goose, Indian Peafowl, Eastern Grey Kangaroo, Fallow Deer		
FTE		Update FTE Count	
Audit date	15-02-2024	Audit type	Compliance
Audit category	Facility	Audit status	Complete
Lead Auditor	Daryl Cooper	Duration (hours)	0.75

Notes

EAPA audit was scheduled for 1030 Thursday 15/3/2024.

In attendance were facility staff, Mark Knight, Tony Romeo Team Leader Parks & Gardens, Overseer Parks & Gardens Jemaile Irvine and GCC manager Phillip King.

The scope of the audit was focused on new legislative requirement introduced on 1/7/2023.

Item 1. Breeding plan. Outcome Minor: No detail in relation to purpose of breeding deer and plan to dictate breeding number or culling parameters.

Item 2. Emergency Management Plan. Outcome Major; The facility has no adequate entry/exit infrastructure to ensure the safety of the public or exhibited animals in the case of an emergency.

The facility has no adequate entry/exit infrastructure to ensure the safety of exhibited animals that may escape and leave the property or be injured/killed on the public road.

Item 3. Theft of animals. Outcome Major. The facility is unattended after hours. No staff are rostered on for weekends and public holidays. It would not be possible to notify the Department within the required time frame. The facility has no adequate entry/exit infrastructure to ensure that animals could not be stolen after business hours.

Item 4. Daily Inspection of Animal (Records) Outcome Major: GS Part 10 Clause 46 1,(a) & (b) Daily inspection of animals and feeding is not occurring on a daily basis due to staff not rostered on for weekends & Public Holidays


Results summary

Breeding	Minor
Emergency Mangement	Major
Relevant Offences	Acceptable
Animal Theft	Critical
Interstate Authority	N/A

Results	
Breeding	Minor
Audit Item	Compliant
Is a written breeding plan available for all exhibited animals that are bred? EAPA 28 (1)	Yes
Are animals bred as part of a Species Management Plan identified? EAPA 28 (1)	N/A
Are animals that are not part of a Species Management Plan have a justification and purpose of breeding documented? EAPA 28 (1)	N/A
Have animals been bred as part of a carefully managed program? GS 59.1.	N/A
Has there been any births of animals for species that do not have a breeding plan? EAPA 28 (1)	Yes
Can staff demonstrate knowledge of effective methods for controlling breeding of animals ? GS 5. 10 (a)	No
Findings Defect: Staff unable to demonstrate knowledge of effective breeding control methods. Staff must be able to demonstrate knowledge of effective breeding control methods	Timeframe 3 Months
Is the Authority holder complying with conditons relating to breeding plans? EAPA 28 (1)	Yes
Emergency Mangement	Major
Audit Item	Compliant
Is a written emergency mangement plan available? EAPA 28 (1)	Yes
Does the authority holder have an emergency management plan for each establishment on the authority? EAPA 28 (1)	N/A
Does the Emergency Management Plan for a mobile exhibitor include off-display establishment 'home base' and arrangements whilst on display? EAPA 28 (1)	N/A
Has the emergency management plan been reviewed anually? EAPA 28 (1)	Yes
Does the emergency management plan specify reasonable measures to prevent or minimise injury or death to humans? EAPA 28 (1)	Yes
Does the emergency management plan specify reasonable measures to prevent or minimise injury or death to animals? EAPA 28 (1)	Yes
Does the emergency management plan specify reasonable measures to prevent or minimise escape of animals? EAPA 28 (1)	Yes

Is the Authority holder complying with conditons relating to Emergency Management Plans? EAPA 28 (1)		No
Findings		Timeframe
Defect: The emergency management plan does not comply with conditions on the authority.		3 Months
The emergency management plan must comply with all conditions on the authority.		
Relevant Offences		Acceptable
Audit Item		Compliant
Is a written relevant offence policy available for all people working with or caring for exhibited animals at the facility? EAPA 28 (1)		Yes
Have all people working with or caring for exhibited animals completed a declaration stating they have not been charged or convicted of a relevant offence? EAPA 28 (1)		Yes
Has anyone charged or convicted with a relevant offence been excluded from working with or caring for exhibited animals? EAPA 31A		N/A
Has anyone charged or convicted of a relevant offence notified the authority holder within 7 days? EAPA 28 (1)		N/A
Animal Theft		Critical
Audit Item		Compliant
Has the authority holder notified the Department of a know or suspected theft within 2 hours?EAPA 28 (1)		No
Findings		Timeframe
Defect: The authority holder has not notified the Department of the theft of an animal within 2 hours.		1 Month
The theft or suspected theft of an animal must be notified to the Department within 2 hours.		
Has the authority holder immediately notified the Department of the return of an animal? EAPA 28 (1)		N/A
Is the Authority holder complying with conditons relating to animal theft? EAPA 28 (1)		No
Findings		Timeframe
Defect: The Authority holder has not complied with conditions relating to animal theft.		3 Months
The Authority holder must comply with all conditions relating to animal theft.		

Interstate Authority	N/A
Audit Item	Compliant
Is the authority holder complying with requirements of an interstate mobile authority?	N/A

I am NOT of the opinion that the business is being operated in compliance with the regulations and in compliance with the relevant standards.	I have read and understood the above findings of this report and acknowledge that any issues of noncompliance with the requirements need to be rectified.
Officer/TPA name: Daryl Cooper (DPI)	Facility Representative: Jemaile Irvine
Signature: 	Signature: DC for J. I...



DIRECTION ORDER
Exhibited Animals Protection Act 1986

I, Daryl Cooper

am an Inspector appointed under Section 38 of the *Exhibited Animals Protection Act 1986* (the **Act**). In accordance with section 40(m) of the Act I hereby direct you, the following person, to take, within such time as is stated within this Direction Order, the specified action to correct non-compliance with the Act or the regulations or with the terms or conditions of a licence, approval or permit issued under the Act or the regulations:

Griffith City Council

Name of individual; corporation; body corporate; Trustee of Family Trust

1 Benerembah Street

Residential or business address

Griffith

Suburb

NSW

State

2680

Postcode

200436

Approval

Exhibit Animals at Fixed Premises

Permit

The Direction Order applies to the authority holder or persons conducting activities under the Act in relation to the following thing/s or place/s:

Animals exhibited at Lake Wyangan Picnic Area Lakes Road Lake Wyangan NSW 2680

In accordance with Section 40(m) of the Act you are directed to take, within such time as is stated, the following specified action to correct those matters in respect of which the non-compliance has occurred:

Defect; Animals are not having their health checked every day.

Direction; Arrangements must be made for the health of each animal to be checked each day.
(General Standard for Exhibiting Animals in NSW, Part 10, Clause 46)

Defect; The facility does not have an outer property fence sufficient to discourage unauthorised entry into the establishment. Preventative measures used by the facility in the past are no longer in place.

Direction; The facility must have an outer fence sufficient to discourage unauthorised entry to the establishment.



Department of
Primary Industries



Local Land
Services

(General Standard for Exhibiting Animals in NSW, Part 5, Clause 21)

Defect; The facility does not have staff present at the facility on Saturdays, Sundays and public holidays. The facility cannot maintain the daily level of husbandry, care or comply with notification in relation to escape or theft.

Direction; Employ adequately trained and competent staff/volunteers to comply with the Regulation.

(Exhibited Animal Protection Regulation 2021 Section 40)

AND

Provide to the Secretary proof that adequate levels of resources, including staffing and funding resources, are available for the maintenance of all animals for exhibit in compliance with the Act, the EAP Regulations and the requirements of these Standards and all other relevant prescribed standards that apply to the particular animal or animals;

(General Standard Part 2 Clause 4 (d))

This is to be in effect by 01/05/2024.

Daryl Cooper

Authorised Officer's name

Compliance Officer

Role

Signature

20/03/2024

Date

In accordance with section 43(2)(b) of the Act, you are warned that a failure or refusal to comply with this direction is an offence under section 43(1) of the Act.

Further examination of the above matters may be undertaken and in the event of continued non-compliance with the direction, proceedings as provided by law may be commenced against you without further warning.

Further information regarding general standards for exhibiting animals in NSW is available online at the following link; <http://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/exhibit/prescribed-standards2/general>

Should you have any queries concerning the above matter please do not hesitate to contact <insert inspector name> on <Insert inspector number> or via email to <Insert inspector email>.



Department of Primary Industries

Exhibited Animals Protection Act 1986

30 Suspension and cancellation

- (1) The Secretary may, by notice in writing served on the holder of an authority, suspend the authority for a period of not more than 60 days specified in the notice or cancel the authority at any time:
 - (a) if the holder commits an offence against this Act, the [Prevention of Cruelty to Animals Act 1979](#), the [Animal Research Act 1985](#), the [National Parks and Wildlife Act 1974](#) or an instrument made under this Act or any of those Acts,
 - (b) if the holder fails to comply with any term or condition of the authority or of any other authority, being a term or condition applicable to the holder,
 - (c) in the case of a licence, if the holder fails to ensure that the licensed animal display establishment:
 - (i) conforms to, and
 - (ii) is conducted in accordance with, the prescribed standards,
 - (d) if the authority was issued pursuant to a false or misleading document, statement or representation,
 - (e) if for any other reason the Secretary is of the opinion that the holder is not a fit and proper person to hold the authority,
 - (f) if the holder requests the suspension or cancellation of the authority, as the case may be, or
 - (g) if the authority was issued in error.
- (2) Where an authority has been suspended, the Secretary shall return it to the former holder on the expiration of the period of suspension.
- (3) Before suspending or cancelling a licence under subsection (1) (c) (i), the Secretary shall cause a notice to be served on the licensee specifying the works to be carried out to bring the premises to the prescribed standard and stating that unless the work is done within the time specified in the notice the licence will be suspended or cancelled.
- (4) A licence shall not be suspended or cancelled under subsection (1) (c) (i) until the expiration of the time so specified.

40 Powers of inspectors

- (1) For the purposes of this Act, an inspector may:
 - (m) by order in writing, direct a person who has failed to comply with this Act or the regulations or with the terms or conditions of a licence, approval or permit issued under this Act or the regulations to take, within such time as is stated, specified action to correct those matters in respect of which the non-compliance has occurred

43 Offences relating to inspectors

- (1) A person shall not:
 - (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector, or a member authorised to accompany an inspector, in the exercise of the inspector's or member's functions under this Act,
 - (b) fail or refuse to comply with any direction given under this Act by an inspector,
 - (c) without reasonable excuse, fail or refuse to answer any question authorised under this Act to be put by an inspector or give a false or misleading answer to any such question,
 - (d) fail or refuse to render assistance or fail or refuse to furnish information required by or under this Act to be furnished or, in purporting so to furnish information, furnish information that is false or misleading in a material particular,
 - (e) fail or refuse without reasonable excuse, proof of which shall lie upon the person:
 - (i) to produce for examination at the request of an inspector any licence, approval or permit issued to the person under this Act or the regulations, or
 - (ii) to produce for examination at the request of an inspector any book, paper or record required to be kept or made by the person by or under this Act,
 or fail or refuse to allow an inspector to make a copy of or take an extract from any such licence, approval, permit, book, paper or record so produced,
 - (f) prevent, or attempt to prevent, a person from appearing before or being questioned by an inspector, or
 - (g) impersonate an inspector.

Maximum penalty: 20 penalty units
- (2) A person is not guilty of an offence against this Act because of a failure or refusal referred to in subsection (1) unless it is established that the inspector concerned—
 - (a) identified himself or herself as an inspector to the person, and
 - (b) warned the person that the failure or refusal, as the case may be, is an offence.