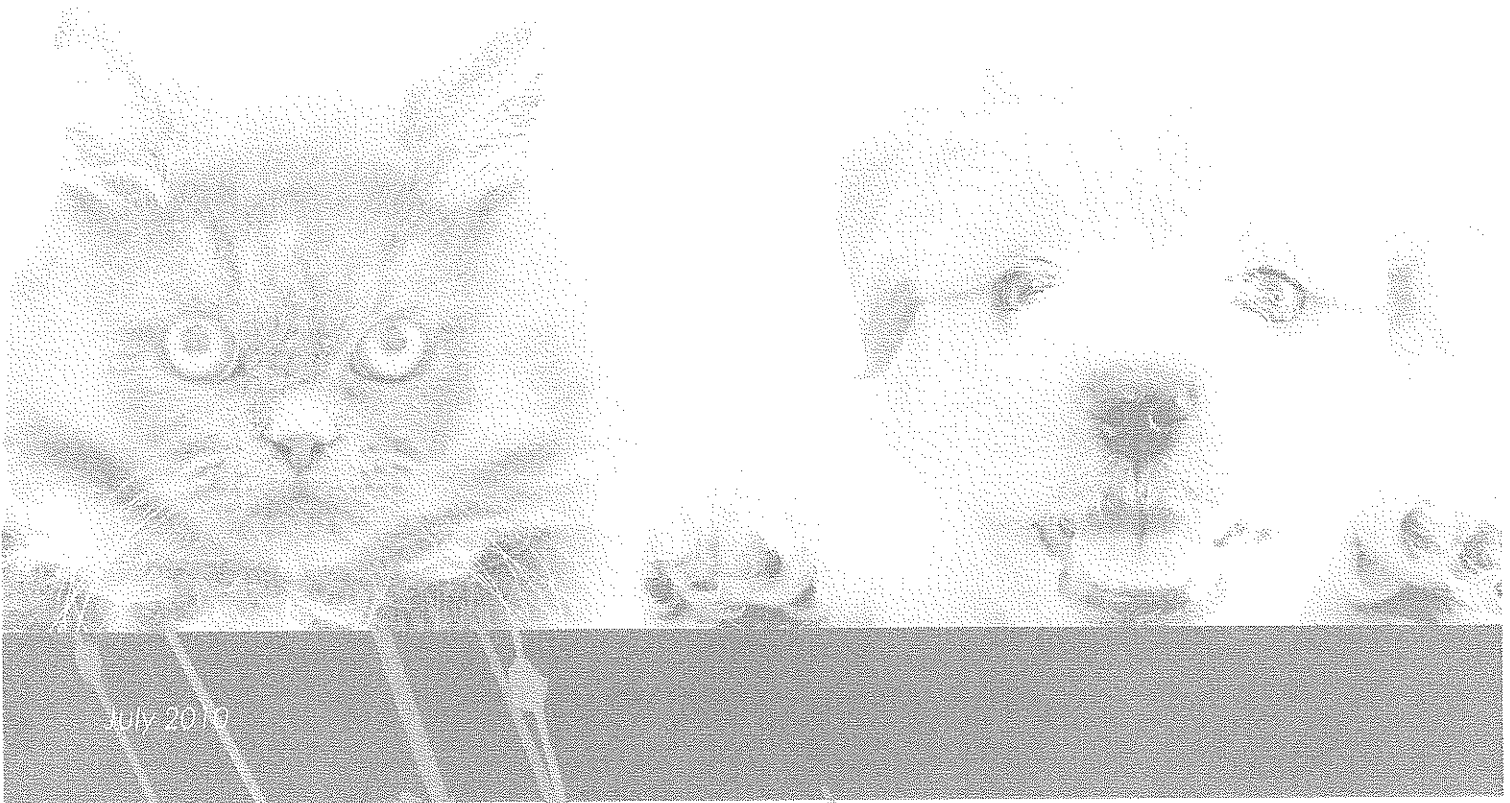


Submission for the review of the South Australian Code of Practice for the Care and Management of Animals in the pet trade



July 2019

Department of
Environment and
Natural Resources



Government
of South Australia

**SUBMISSION
FOR THE
REVIEW OF THE
SOUTH AUSTRALIAN CODE OF PRACTICE
FOR
THE CARE AND MANAGEMENT OF ANIMALS
IN THE PET TRADE**

You can make your submission on line, via email or by post.

On line: at
<http://www.environment.sa.gov.au/animalwelfare/legislation/index.html>

Via email: DENRAnimalWelfare@sa.gov.au

By post: Animal Welfare Unit,
Department of Environment and Natural Resources
GPO Box 1047
ADELAIDE SA 5001

Your name: **Joana Fuller**

Are you responding as a representative of an organisation? Yes No

If yes, please name the organisation **The Law Society of South Australia -
Animal Law Committee ("ALC")**

What is your position in the organisation? **Chairman**

Please complete this submission form and return it to the Animal Welfare Unit
before **Monday 13 September 2010.**

Thank you for your contribution

PART 1 – INTRODUCTION

Section 1 - Definition

Recommendation

That the definition in section 1 of the Code be expanded to include:

- **Persons or organisations that procure and trade in companion animals even if not for financial gain;**
- **Persons or organisations that trade from public places (e.g. markets, car parks, fetes etc); and**
- **Shelters that re-home animals**

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

The ALC supports the expansion of the definition in section 1 of the Code in the manner recommended.

The ALC further recommends that: -

- Any potential ambiguity as to the scope of section 1 and its intended application to all persons who deal with animals in the pet trade could be removed by the use of terminology: “procure and/or trade or breed and/or trade” and the insertion of the words “or breed and/or trade from private premises” after (e.g. markets, car, parks, fetes etc);
- The term organisations should be further defined to include any incorporated association, unincorporated association, company or entity.¹

Rationale for further recommendations: -

- These further amendments will ensure that the provisions of the Code will cover puppies bred by breeders or in puppy farms and those persons who breed and/or trade animals from private premises.
- Ensuring that the Code applies to persons who trade from private premises provides a wider protection to animals procured and/or traded and has the added benefit of providing an incentive to individuals to desex their animals in order to avoid the obligation to comply with the provisions of the Code.
- The purpose of the Code is to protect the welfare of animals in the pet trade and it is the view of the ALC that this protection should not be limited to those animals offered for sale or sold. The protection offered and the minimum standards set by the Code should extend to all animals used for breeding purposes (for example, in the case of dogs, this would include the bitches and stud dogs) as they fall within the definition of animals in the pet trade. It is the view of the ALC that the Code should be modified to cover animals used for breeding purposes.

¹ It is to be noted that the recommended expansion in the category of person/entity to which the Code applies will need to be reflected in item 1 of Schedule 2 of the *Animal Welfare Regulation 2000* (SA).

Section 2 - Objects

Recommendation

That section 2 of the Code should be broadened to encompass the procurement and sale of companion animals whether or not this is undertaken in dedicated premises such as pet shops, and whether or not the procurement or sale is for profit or reward.

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

Section 2 should be modified to reflect the ALC's recommendations and comments for section 1. It is clear that the list of animals in section 2 is an inclusive definition but the ALC considers that rabbits should be explicitly named as companion animals.

It is recommended that the new section 2 should be expressed in the following terms:

- a) *This Code of Practice sets standards for the care and management of animals by those persons and organisations who own, operate, work, maintain or volunteer in or on premises:*
 - i. *designated for the purposes of selling companion animals as a business for profit and reward;*
 - ii. *designated for the purposes of selling companion animals even if not for financial gain; or*
 - iii. *which house animals used for breeding purposes (for example puppy farms).*
- b) *This Code of Practice applies to the general welfare of those animals:*
 - i. *sold through wholesale or retail trade, and includes dogs, cats, goats, guinea pigs, rats, mice, birds, reptiles and rabbits or any other companion animals; or*
 - ii. *used for breeding purposes (for example bitches and stud dogs).*
- c) *This Code has been developed to cater for the welfare of the following animals:*
 - i. *those held in the short term prior to sale. It is recommended that animals are not kept in a confined area for more than 21 days;*
 - ii. *those otherwise held prior to sale, in the case of shelter animals, those animals may be held for a long duration prior to sale;*
 - iii. *those used for breeding purposes (for example bitches and stud dogs).*

Section 3 – Basic requirements

Recommendation

That section 3 of the Code remains unchanged.

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

The ALC recommends a more extensive and detailed definition of basic requirements and recommends that the following subsections be inserted:

- (h) appropriate bedding for the relevant species (for example padded bedding for dogs and cats, hay for guinea pigs, rabbits etc) which must be clean and frequently changed (no less than once a week but must be changed immediately if bedding becomes soiled²).*
- (i) species specific enrichment tools, for example toys, chews, treats, gnawing blocks and the provision of stimuli that promote appropriate behavior and mental activities resulting in improved animal health and activity;³*
- (j) space for the animal to withdraw, where appropriate to a quiet, dark and well ventilated area within their enclosure to allow it to take sleep breaks⁴;*
- (k) if the animals are kept outside, appropriate shelter to protect the animal from rain, sun, wind and any other weather conditions; and*
- (l) nest boxes or appropriate bedding for breeding females.⁵*

The ALC recommends that section 3(d) be amended to provide:

- (d) “space to stand, move around, stretch, rest, play and exhibit natural behaviours of the relevant species and must at least meet the minimum cage size set out in Appendix 1”.⁶*

PART 2 - HOUSING FACILITIES

Section 4. Cage Design

Recommendation

That section 4 of the Code remains unchanged.

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

The ALC recommends that: -

² Animal Welfare Code of Practice: Animals in Pet Shops (NSW) s12.1.9.

³ Ibid s3.2.3.

⁴ Ibid s5.1.1.5.

⁵ Ibid s13.1.1.

⁶ To avoid subjective interpretations, the ALC suggests that minimum cage sizes (species specific) should be included in the Code. A set of suggested minimum cage sizes has been set out in Appendix 1. This Appendix mirrors Appendix 1 of the Code of Practice for the Operation of Pet Shops (Victoria).

- Section 4(a) should be amended to read “*Housing for all animals must be designed and maintained to minimize the risk of injury, disease, escape and theft*”.⁷
- Section 4(c) should provide: -
 - (c) *The surrounds of all cages must be cleaned regularly to minimize dirt, animal litter and faeces and the surrounds of all cages must be cleaned at least twice daily (morning and evening).*
- New subsections (d), (e), (f), (g) and (h) be inserted to provide: -
 - (d) *housing must have clean bedding, enrichment tools and space for the animal to withdraw.*⁸
 - (e) *enclosures which hold animals that may be easily stressed should be located away from areas of high traffic.*⁹
 - (f) *where practicable, cages housing animals should not be displayed in the shop windows or shop fronts of pet shops.*¹⁰
 - (g) *different species must not be housed in the same animal enclosure, except for compatible species.*¹¹
 - (h) *all animal enclosures must be securely fastened outside trading hours.*¹²

Section 5. Cage Sizes

Recommendation

That section 5(a) of the Code be expanded to also include a requirement that animals have room to exhibit natural behaviours such as play.

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

- In respect of section 5(a) the ALC supports this recommendation but is of the view that the proposed amendment is ambiguous and open to subjective interpretation. Opinions regarding the amount of room required to play or exhibit natural behaviours may differ. To avoid any doubt, the ALC suggests that the minimum cage sizes (species specific) set

⁷ Ibid s5.1.2.3.

⁸ See recommendations in relation to section 3.

⁹ Queensland Code of Practice for Pet Shops s6.1 (b).

¹⁰ The purpose of this subsection is to reduce impulse purchases.

¹¹ Section 7.1.1.3 of the Animal Welfare Code of Practice: Animals in Pet Shops (NSW)

¹² Animal Welfare Code of Practice: Animals in Pet Shops (NSW) s5.3.1.2.

out in Appendix 1 of these submissions should be incorporated into the Code.¹³

- Section 5(c) requires revision to ensure that it caters more appropriately for adult dogs as they require more exercise room and time. The ALC recommends that section 5(c) be amended to read:

(c) notwithstanding the above:

- *puppies must be exercised according to breed and age, but for a minimum of ten minutes at least three times daily. Puppies must not be walked or exposed to public areas where they are at risk of parvovirus or other contagious diseases until two weeks after they have received their third vaccination;*
 - *adult dogs must be exercised according to breed and age but for a minimum of twenty minutes at least twice daily; and*
 - *in this section, exercise can be in the form of allowing the animal access to an exercise area large enough for it to run freely or by walking them on a lead.¹⁴ Any exercise yard must be supervised by a competent person who is able to effectively control the animals and care must be taken to avoid mixing of incompatible dogs, fighting or the transmission of infectious disease.¹⁵ Dogs must not be walked in unsecured areas unless they are on a lead at all times, are under the supervision of a competent person and no more than four compatible, suitably aged dogs are being walked by the one person.¹⁶ Dogs must not be exercised outdoors during the hours of 12pm to 4pm when the outside temperature is above 30 degrees Celsius.*
- The ALC recommends that the time in section 5(d) be changed to 12 hours.¹⁷

Section 6. Temperature

Recommendation

That section 6 of the Code remains unchanged.

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

- The ALC considers that the same temperature requirements (not less than 15 degrees but no higher than 30 degrees) should be imposed upon those who house, keep, trade or display animals outdoors at public and private premises (for example markets, shelter, breeders and puppy farms).
- Accordingly, section 6 should be amended to provide that: -

Where the temperature exceeds 30 degrees Celsius or is lower than 15 degrees Celsius, animals must not be displayed or traded outdoors at public or private premises. Where animals are kept and/or housed outdoors, occupiers, owners of the premises, managers, staff and volunteers must ensure that the animals have necessary items to prevent them

¹³ Code of Practice for the Operation of Pet Shops (Vic) Appendix 1.

¹⁴ Animal Welfare Code of Practice: Animals in Pet Shops (NSW) s12.1.7.

¹⁵ Ibid s12.1.7b.

¹⁶ Ibid s12.1.7a.

¹⁷ The ALC considers that it is too long for an animal to be left unattended for 16 hours, especially in the case of young animals (puppies and kittens).

from excessive heat or cold, for example blankets, heating, fans, large ice cubes and plentiful supply of fresh cool water.

Section 7. Sale of Animals in High Temperatures

Recommendation

That section 7 of the Code be amended to:

Take into account extremes of cold as well as heat;

- **prohibit the offering for sale of animals at outdoor venues such as markets if the temperature exceeds 35 degrees Celsius;**
- **set a condition that requires shade to be provided for animals;**
- **ensure effective shelter is provided for those animals which may be exposed to rain, storms and other inclement weather events;**
- **require the immediate removal and treatment of any animal exhibiting signs of distress.**

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

The ALC supports the recommendation but considers that the title / heading of this section should be changed to “*Exchange of Animals in High Temperatures*” to reflect the non-financial trade of animals.¹⁸

To ensure consistency throughout the Code, section 7 should prohibit the sale of animals when the temperature exceeds 30 degrees Celsius or is lower than 15 degrees Celsius.

Section 8. Ventilation

Recommendation

That section 8 of the Code remains unchanged.

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

The ALC recommends inserting a further subsection (d) to provide: -

*(d) cages that are constructed of solid material that do not allow natural air movement must be artificially ventilated.*¹⁹

Section 9. Lighting

Recommendation

That section 9 of the Code remains unchanged.

Do you support this recommendation?

Strongly

Neutral,

Strongly

¹⁸ This reflects the recommendations in respect of sections 1 and 2 which extend this code to animals that are “traded” not for profit.

¹⁹ Ibid s5.2.1.6.

oppose Oppose unsure Support support

Your comments:

The ALC considers that section 9 should be expanded as follows:

- (c) *the duration and intensity of artificial lighting must be as close as possible to natural conditions and must allow for diurnal light cycles;*²⁰
- (d) *animals (species specific) should be given at least 30 minutes of daylight, this could be achieved if the animals were exercised outdoors. However animals must not be exposed to daylight during the hours of 12pm to 4pm when the outside temperature is greater than 30 degrees Celsius; and*
- (e) *animal enclosures must be protected from excessive light at night, even if it is generated from outside the premises. Any such light must be extinguished or dimmed or other light protection measures must be used.*²¹

PART 3 - EQUIPMENT

Section 10. Feeding and Watering Equipment

Recommendation

That section 10 of the Code remains unchanged.

Do you support this recommendation?

Strongly oppose Oppose Neutral, unsure Support Strongly support

Your comments:

Nil

Section 11. Disposal of Wastes

Recommendation

That section 11(b) of the Code be amended to allow for cleaning of cat litter as well as removal.

Do you support this recommendation?

Strongly oppose Oppose Neutral, unsure Support Strongly support

Your comments:

The ALC notes that not all cat litter used will have the “clumping” technology and therefore recommends that section 11(b) remain unchanged but a new section 11(c) be added to cater for this “new” technology in cat litter: -

- (c) *If “clumping” cat litter is used, the litter must be cleaned daily but must be replaced at least every 5 days.*

²⁰ Ibid s5.2.1.4.

²¹ Ibid s5.2.1.5.

Section 12. Animal Restraints

Recommendation

That section 12 of the Code remains unchanged.

Do you support this recommendation?

Strongly oppose	Oppose	Neutral, unsure	Support	Strongly support
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Your comments:

The ALC recommends that section 12 be amended to read: -

“Restraints must not cause distress, injury, or discomfort to any animal and must only be used when reasonably required and the restraint used must be appropriate for the species and age of the animal.”

Section 13. Emergency Equipment

Recommendation

That section 13 (a) of the Code specifically apply only to indoor housing.

Do you support this recommendation?

Strongly oppose	Oppose	Neutral, unsure	Support	Strongly support
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Your comments:

The ALC considers that section 13(a) should be amended as follows:

(a) Appropriate working fire-fighting equipment must be installed in animal holding areas and owners of the premises, all staff and volunteers must be trained and practiced in the use of emergency equipment and in emergency procedures.

PART 4 – STAFF

Section 14. Training

Recommendation

That section 14 of the Code remain unchanged.

Do you support this recommendation?

Strongly oppose	Oppose	Neutral, unsure	Support	Strongly support
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Your comments:

The ALC considers that section 14 should be amended to ensure liability cannot be avoided by delegation of authority. By way of example, there may not be an identifiable manager of a puppy farm although there will invariably be an owner of the premises. Accordingly, section 14 should state *“The Manager and/or owner of the premises shall ensure that”*.

The ALC considers that section 14(a) should be amended to read: -

(a) that at least one knowledgeable staff member or person with the recognised training, experience in handling and caring for all species kept on the premises²² be on the premises at all times.

The ALC considers that the obligations of section 14(b) should be clarified as follows:

(b) all employees and persons involved in the care and handling of animals must be fully instructed and competent in appropriate methods of safeguarding the welfare of animals including but not limited to: -

- the feeding and watering of animals;²³
- the protection of animals from distress or injury caused by other animals or interference by people;²⁴ and
- cleaning and ensuring proper hygiene in the facility where the animals are kept.²⁵

The ALC recommends a new Section 14(c) which provides: -

(c) that owners of the premises, all staff and volunteers must be aware of their responsibilities as defined within the powers of this Code, Animal Welfare Act 1958 (SA) and any other relevant legislation.

Section 15. The Manager

Recommendation

That section 15 of the Code remain unchanged.

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

The ALC recommends that section 15(a) provide:-

(a) "the Manager or if there is no Manager, the owner of the premises is responsible for the overall management and conduct of its operations, in particular the supervision of employees and volunteers."

The ALC recommends the insertion of two further subsections: -

(e) Ensuring that a copy of this Code and any operating procedures are kept at the facility/premises and provided to all staff and volunteers,²⁶

(f) The provision of appropriate housing and equipment.²⁷

PART 5 - ANIMAL HEALTH

²² Ibid s4.1.1.3

²³ Ibid s4.1.1.6.

²⁴ Ibid s4.1.1.6.

²⁵ Ibid s4.1.1.6.

²⁶ Ibid s4.2.1.1.

²⁷ Ibid s4.1.1.1.

Section 16. Feeding Procedures

Recommendation

That section 16 of the Code remains unchanged.

Do you support this recommendation?

Strongly
oppose

Oppose

Neutral,
unsure

Support

Strongly
support

Your comments:

The ALC recommends that section 16(a) be amended to include the following requirements:

- *spoilt food and contaminated water must be removed and replaced immediately;*²⁸
- *adult dogs must be fed at least daily;*
- *one feeding container should be provided for each dog, cat or puppy;*²⁹ and
- *kittens under 12 weeks of age may be fed three to a bowl.*³⁰

The ALC recommends that section 16(b) be amended to provide:

- *clean water must be available at all times at a temperature and quality that meets the animals' physiological needs;*³¹
- *water must be changed at least twice daily to prevent contamination; and*
- *where temperatures exceed 30 degrees Celsius, water ice blocks should be provided to each animal (if appropriate for the species).*

Section 16(c) should further provide that food and water bowls, containers and other similar utensils must be removed and cleaned immediately when noticed to be contaminated.³²

Section 17. Hygiene

Recommendation

That section 17 of the Code remains unchanged.

Do you support this recommendation?

Strongly
oppose

Oppose

Neutral,
unsure

Support

Strongly
support

Your comments:

The ALC recommends that section 17 be amended to provide: -

- (c) *food and water bowls, containers and other similar utensils must be cleaned at least daily.*³³
- (d) *dog and cat enclosures are to be cleaned and disinfected with hospital-grade disinfectant at least once a week.*³⁴

The ALC recommends that a new section 17(e) be inserted: -

²⁸ Ibid s9.2.4 and Queensland Code of Practice for Pet Shops s11.2 (h).

²⁹ Animal Welfare Code of Practice: Animals in Pet Shops (NSW) s12.2.1.

³⁰ Ibid.

³¹ Ibid s9.1.2.

³² Ibid 9.1.4.

³³ Ibid 9.1.3.

³⁴ Ibid s6.1.1.2.

(e) cleaning and disinfectant chemicals and materials should be used on the basis of their suitability, safety to the species and effectiveness, and only in accordance with the manufacturers' instructions.³⁵

Section 18. Introduction of New Animals

Recommendation

That section 18 of the Code remains unchanged.

Do you support this recommendation?

Strongly
oppose

Oppose

Neutral,
unsure

Support

Strongly
support

Your comments:

The ALC recommends a minor amendment to section 18 (a) as follows: -

(a) "Puppies and kittens should not be held in isolation where any practical alternative in accordance with the Code is available."

Section 19. Handling of Animals

Recommendation

That section 19 of the Code remains unchanged.

Do you support this recommendation?

Strongly
oppose

Oppose

Neutral,
unsure

Support

Strongly
support

Your comments: Nil

Section 20. Sick and Injured Animals

Recommendation

That section 20 of the Code apply to all vendors of companion animals consistent with the scope and objects of the Code and that subsection (a) be expanded to also prohibit the sale of animals showing clinical signs of ill-health.

Do you support this recommendation?

Strongly
oppose

Oppose

Neutral,
unsure

Support

Strongly
support

Your comments:

The ALC recommends that:

- Section 20(a) be amended to read

"No animal known to be or suspected of, or which ought to be known or suspected of

³⁵ Queensland Code of Practice for Pet Shops s7.2 (d).

being sick, injured or diseased is to be sold."

- Section 20(b) be amended to read

"When signs of disease or injury are observed or suspected or ought to be observed or suspected by a reasonable person with experience in the care and handling of the species in question, prompt veterinary or other appropriate treatment (determined to be appropriate by a veterinarian) must be obtained to protect the health of the ill animal(s), the health of animals that were kept in the same or nearby enclosure and to prevent the spread of disease."

- Section 20(c) be amended to include the words *"and away from public viewing and contact until fully recovered"*³⁶ at the end of the section.
- Section 20(d) be amended as follows:

"All animals with an incurable disease or painful deformity must be humanely destroyed by a veterinarian³⁷ or a person who is authorised to do so as soon as possible after the condition is diagnosed. If the animal shows signs of extreme and continuous pain, then it must be humanely destroyed by a veterinarian or a person who is authorised to do so within 24 hours after the condition is diagnosed. However, if the painful deformity can be treated, then the animal must be treated as soon as possible."

Section 21. Parasite Control

Recommendation

That section 21 of the Code remains unchanged.

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments: Nil

Section 22. Disease Prevention

Recommendation

That section 22(a) of the Code be amended to require the vendor to provide advice on standard disease prevention techniques and that section 22 (b) provides that no dog or cat may be sold unless accompanied by a vaccination certificate, signed by a veterinarian and stating that the animal has received the following vaccinations (not being herbal vaccinations):

***Dogs* - parvovirus, canine hepatitis and distemper.**

***Cats* - feline enteritis, feline calicivirus and feline rhinotracheitis virus.**

In the case of adults, these vaccinations must have been given within the preceding twelve months and in the case of juveniles less than three months old, within the preceding six weeks.

Do you support this recommendation?

³⁶ Code of Practice for the Operation of Pet Shops (Vic) s2.2

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

The ALC supports the recommendation but recommends that section 22(b) be amended as follows: -

“No animal shall be sold unless accompanied by a current vaccination certificate and worming certificate.”

Section 23. Age of Animals

Recommendation

That the minimum age of sale be increased to 8 weeks.

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

The ALC recommends that a new subsection (d) be inserted which provides: -

(d) A juvenile must not be removed from its mother until attaining the recognised weaning age for that species.”³⁸

Section 24. Disposal of Dead Animals

Recommendation

That section 24 of the Code remains unchanged.

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

The ALC recommends that section 24 also include the following requirement:

“A veterinary opinion must be sought with all unexpected deaths of puppies and kittens.”³⁹

PART 6 – INSPECTION

Section 25. Management Responsibilities

Recommendation

That section 25 of the Code remains unchanged.

Do you support this recommendation?

³⁷ Animal Welfare Code of Practice: Animals in Pet Shops (NSW) s8.3.1.

³⁸ This would prevent a person from removing an animal from its mother before weaning age and keeping the animal until it is ready for sale.

³⁹ This will ensure that any outbreaks of diseases, genetic issues or other similar issues are detected, contained and/or prevented. It will also provide incentive for pet shops to ensure that only healthy animals are accepted thus reducing inbreeding or ‘bad’ breeding.

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

Consistent with its recommendations in section 14, the ALC considers that section 25 should be amended to cover the proposed expanded application of the Code (as set out in section 1) to ensure that there can be no avoidance of liability.

Accordingly, it is recommended that section 25(a) be amended as follows:

(a) It is the responsibility of the owner of the premises, Manager or competent employee deputed by the owner and/or Manager to inspect all animals held:

- *At frequent intervals;*
- *At least at the opening and closing of the premises;*
- *And to record all adverse observations where an animal is:*
 - *not eating;⁴⁰*
 - *not drinking;⁴¹*
 - *not defecating;⁴²*
 - *not urinating;⁴³*
 - *not behaving normally;⁴⁴*
 - *showing any obvious signs of illness or distress;⁴⁵*
 - *not able to move about freely;⁴⁶ or*
 - *not maintaining or gaining weight,⁴⁷*

To confirm the animal's well being and to take immediate and appropriate action in cases of sickness and injury"

It is recommended that subsection (b) be amended to provide: -

(b) Dogs and cats must be inspected, fed and exercised at least once each day. Puppies and kittens must be inspected, fed and exercised at least three times a day.⁴⁸

Further subsections should be inserted to provide: -

(d) The owner of the premises, all staff and volunteers must be familiar with the signs of common disease in the species kept.⁴⁹

⁴⁰ Ibid s8.1.1.1.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Queensland Code of Practice for Pet Shops s10.1 (b) (viii).

⁴⁸ Ibid s7.1.6.

⁴⁹ Animal Welfare Code of Practice: Animals in Pet Shops (NSW) s8.1.1.5.

- (e) Owners of the premises or Managers must ensure that all animals in the pet trade (which includes animals used for breeding, shelter animals and animals that are sold) in their care or are otherwise housed by them must receive a veterinary health check every 6 months.

PART 7 – TRANSPORT

Section 26. Containers

Recommendation

That section 26(a) of the Code should refer to animals being in a “suitable container” rather than “boxed”.

Do you support this recommendation?

Strongly
oppose

Oppose

Neutral,
unsure

Support

Strongly
support

Your comments:

The ALC supports this recommendation but recommends that section 26(a) be amended as follows: -

- (a) *All animals sold should be contained in a suitable container for the particular species. The container must be capable of protecting the animal from injury, other animals, extreme temperature and excessive stress. The vendor of the animal is responsible for providing the suitable container upon sale of the animal.*”⁵⁰

A new section 26(d) should be inserted which provides:

- (d) *“transport which causes distress to animals and should be kept to a minimum.”*⁵¹

Section 27. Provision of Food and Water

Recommendation

That section 27 of the Code remains unchanged.

Do you support this recommendation?

Strongly
oppose

Oppose

Neutral,
unsure

Support

Strongly
support

Your comments:

The ALC recommends that the definition of extended journey in s 27 should be amended as follows:

- (a) *Food and water must be provided for animals undertaking an extended journey. An extended journey:*
- *for an animal that is less than 20 weeks old, is a journey which exceeds 4 hours;*
 - *for all other animals, is a journey which exceeds 6 hours.*⁵²

⁵⁰ Ibid s11.1.2.

⁵¹ Queensland Code of Practice for Pet Shops s13.1.

⁵² 12 hours is too long for adult animals like dogs and cats to travel without food or water. It is important to take into account the real possibilities of delays and waiting time associated with journeys, as delays could easily turn a 12 hour journey into 18 hours.

Section 28. Collection of Transported Animals

Recommendation

That section 28 of the Code remains unchanged.

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

Situations arise where animals such as dogs are left on tarmacs and loading bays in extreme weather conditions for long periods of time. In order to avoid this occurring, it is recommended that a new subsection (d), (e) and (f) be inserted to provide: -

- (d) No animals may be transported when the temperature is below 15 degrees Celsius or above 28 degrees Celsius (to take into account the increase in temperature on the tarmac).*
- (e) All animals being transported must be provided with proper bedding, food and water in crates and newspaper alone is not sufficient.*
- (f) The consignee must provide sufficient and adequate identification to the consignor or the consignor's nominee, agent or representative prior to collection of the consigned animal.*

PART 8 - AFTER SALE CARE

Section 29. Printed Information

Recommendation

That the information provided should be expanded to include the following requirements:

- **any particular species requirements or characteristics, which may impact on its welfare and suitability in the intended home;**
- **any particular breed requirements or characteristics which may impact on its welfare and suitability in the intended home;**
- **any individual requirements or characteristics such as the reason that a previous owner is selling or has surrendered the animal;**
- **that the vendor must not misrepresent the breed of the animal and must not withhold any pertinent information; and**
- **that this information be provided to all purchasers.**

Do you support this recommendation?

**Strongly
oppose**

Oppose

**Neutral,
unsure**

Support

**Strongly
support**

Your comments:

The ALC recommends that a further subsection (g) be inserted to provide

- (g) vaccination and worming certificates.*

The ALC also recommends that the same provisions of section 12.3(b), (c), (d) and (e) of the Queensland Code of Practice for Pet Shops be included in section 29.

Other comments

In summary, the ALC supports the expansion of the application of the Code given that its objective is to set minimum standards for all animals in the pet trade, not just animals in pet shops.

The primary concern of the ALC is that the Code does not extend its cover to animals used for breeding purposes. Such animals are clearly animals in the pet trade and accordingly, they should be afforded the same protection given to other animals in the pet trade under the Code. The ALC considers that the living and health conditions of animals used for breeding should be maintained properly and humanely.

Accordingly, the ALC strongly recommends that standards for the care and wellbeing of these breeding animals be set codified. In addition to affording breeding animals the same watering, housing and hygiene requirements as other animals in the pet trade, it is recommended that there be specific requirements for breeding animals including but not limited to:

- a higher standard in relation to exercise requirements and cage sizes for animals used for breeding to ensure that their welfare is adequately and appropriately provided for;
- additional health checks, so that breeding animals (including stud dogs) are health checked by a veterinarian at least once every 6 months. In addition, bitches should ideally be checked when they are known to be pregnant and again at post partum;
- more frequent feeding requirements for pregnant bitches;
- limits on the number of occasions an animal may be impregnated. For example, a prohibition on breeding from a dog or cat until it has attained the age of two years and a requirement that a dog or cat can only be impregnated every second year with a maximum of 4 litters in a life time.

Such requirements will protect the welfare of the bitches and the puppies from the stress and damage caused by excessive breeding and continuous confinement. Puppy farming and the treatment of bitches, stud dogs and puppies on those farms must be addressed.

The ALC also recommends the insertion of new sections in the Code to cover:

- **Basic grooming requirements.**

As section 1 seeks to extend the application of the Code to shelter animals and animals used for breeding, it is important that bathing and grooming requirements be included. Basic grooming requirements (species specific) include the requirement that animals:

- have their fur clipped (if required for the species) every 6 months;
- be bathed every 3 weeks;
- be brushed every second day;
- be checked daily for grass seeds and matted fur and any grass seeds or matted fur should be removed by a veterinarian or experienced person immediately.

- **Unsold animals**

The Code should protect puppies and kittens that have not been sold and are no longer saleable as puppies and kittens.

- **Record keeping**

To ensure accountability and promotion of responsible animal management.

For example see sections 7.2.1.1 & 7.2.1.2 of the *Animal Welfare Code of Practice: Animals in Pet Shops (NSW)* and section 9.1 (a)-(e) of the *Queensland Code of Practice for Pet Shops*.

- **Special Requirements for different species:**

For example, see sections 12, 13, 14 and 15 of the *Animal Welfare Code of Practice: Animals in Pet Shops (NSW)*.

- **Matters relating to the Sale of animals:**

For example, see section 10.1 of the *Animal Welfare Code of Practice: Animals in Pet Shops (NSW)* and section 8.1 and 12.5 of the *Queensland Code of Practice for Pet Shops*.

Finally the ALC recommends that the Code include an “objects” section which explains the purpose and operation of the Code, the statutory source of the Code and reference to the applicable penalties for non compliance.

The ALC is grateful for the opportunity to review and comment upon the recommendations.

Appendix 1

Minimum cage and pen sizes

DOGS, CATS, RABBITS, GUINEA PIGS, MICE & SNAKES

Species	Minimum floor area (Sq. cm)	Minimum width (cm)	Minimum height (cm)	Maximum number of animals	Increased floor area for each additional animal (sq. cm)
Dogs					
Puppies (8-16 weeks)					
Less than 3 kg	6,000	60	50	4	1,500
Over 3 kg	6,000	60	50	2	3,000
Adults less than 40 cm in height	15,000	90	180	1	-
Adults 40-70 cm in height	24,000	90	180	1	-
Adults over 70 cm in height	35,000	90	180	1	-
Cats					
Kittens (8-12 Weeks)	6,000	60	50	4	1,500
Adults	6,000	60	50	1	-
Rabbits					
Young(5-12 weeks)	6,000	60	50	6	300
Adult	6,000	60	50	2	600
Guinea pigs					
	2,500	50	40	4	600
Mice					
	600	20	20	2	300
Snakes					
Up to 100 cm	2000	45	35	2	1000
100 cm to 250 cm	4500	50	50	2	-
250 cm to 400 cm	6000	50	50	2	-
Over 400 cm	10000	90	75	1	

NOTE.

Juvenile pythons (less than 40 cm) may be held singularly in holding units with a minimum floor area of 480 square cm. These units may be stored in one temperature controlled enclosure

Juvenile mice(less than 8 weeks) may be housed four to a pen.

Animals may only be kept in these cages for a maximum of four weeks.

LIZARDS, TORTOISES, FROGS

Species	Minimum floor area (Sq. cm)	Minimum width (cm)	Minimum height (cm)	Maximum number of animals	Increased floor area for each additional animal (sq. cm)
Lizards					

Geckoes, skinks legless lizards to 25cm snout to vent length	1800	30	20	3 Adults 10 juveniles	300
Monitors, dragons, skinks* to 30 cm total length	2100	40	40	3 Adults 10 juveniles	350
Monitors, dragons, skinks** to 50 cm total length	2500	40	40	2 Adults 5 Juveniles	600
Monitors, dragons, skinks*** to 90 cm total length	7000	90	60	1	3500
Monitors to 120 cm total length	10000	90	90	1	5000
Monitors to 200 cm total length	30000	150	120	1	15000
Tortoises			Minimum water depth		
Carapace- 0 - 10 cm	1800	30	20	3	300
Carapace- 10 - 20 cm	3,600	40	30	3	600
Carapace- over 20 cm	6000	40	30	3	1500
Frogs					
Large Tree Ground Frogs	and 2500	50	40	3	400
Small Tree Ground Frogs	and 1800	30	30	6	150