

Australian Capital Territory

# Animal Welfare (Sale of Animals in the ACT other than Stock and Commercial Scale Poultry) Mandatory Code of Practice 2021

Disallowable instrument DI2021-192

made under the

**Animal Welfare Act 1992, Section 23 (Mandatory code of practice)**

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## 1 Name of instrument

This instrument is the *Animal Welfare (Sale of Animals in the ACT other than Stock and Commercial Scale Poultry) Mandatory Code of Practice 2021*.

## 2 Commencement

This instrument commences on 1 August 2021.

## 3 Approval

I approve the Code of Practice for the Sale of Animals in the ACT other than Stock and Commercial Scale Poultry, attached to this instrument, as a mandatory code of practice under the *Animal Welfare Act 1992*.

## 4 Revocation

This instrument revokes the:

- *Animal Welfare (Animals in Pet Shops) Code of Practice Approval 1993* DI1993-139, and
- *Animal Welfare (Mandatory Code of Practice) Approval 2013 (No 1)* DI2013-223.

Chris Steel MLA  
Minister for Transport and City Services

13 July 2021

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## Introduction

### Name of Code

This Code is the *Code of Practice for the Sale of Animals in the ACT other than Stock and Commercial Scale Poultry 2021*.

### Purpose of Code

This Code sets out both mandatory standards and additional information to guide the care and management of animals sold in the Australian Capital Territory (ACT), including companion animals, produce animals and food animals, but excluding stock animals and commercial scale poultry.

The mandatory standards set out in this Code that apply to pet shops also act as conditions for pet business licences held by pet shops, where the condition is applicable to the particular business.

The keeping and sale of all animals, including native and introduced wildlife, must comply with relevant ACT legislation.

### Scope of Code

#### General

This Code applies to the care and management of all animals for sale in the ACT, which includes companion animals, produce animals and food animals for sale through all avenues of exchange, including restaurants and private sales. This Code does not apply to stock animals such as sheep, cattle, goats or pigs or to poultry in commercial scale operations, as sale of livestock is covered by separate codes of practice.

Under the terms of this Code, sale means the sale or supply of animals for reward or otherwise. This Code covers sales occurring in or through, but is not limited to, private backyards, fetes, markets, schools, newspapers and internet sales, as well as commercial sellers such as pet shops, commercial breeders and rehoming organisations such as the ACT's domestic animal shelter and the RSPCA ACT.

This Code sets out requirements governing sale processes, such as the information that must be supplied by the seller to the buyer, the records that must be kept, and some limitations on who an animal may be sold to.

#### Pet shops licensing

Under section 24I of the *Animal Welfare Act 1992* (the Act), all ACT pet shops must adhere to all mandatory standards in this Code as conditions of a pet business licence issued under section 24G of the Act, where the condition is applicable to the nature of the particular business and the kinds of animal/s sold by the business.

It is an offence for a pet shop to not comply with the applicable mandatory standards in this Code. A pet shop which is found not to comply with a mandatory standard that applies to the business may be given a direction to correct the non-compliance within a stated timeframe. If the pet business still fails to comply, the licence may be suspended or revoked, and the business may face financial penalties.

The additional information accompanying the mandatory standards is not included as conditions of a pet business licence. The additional information provides guidance on the minimum animal welfare standards that should be met by pet shops in the ACT, although are not mandatory under the Act.

If an authorised animal welfare inspector or the Animal Welfare Authority requires a particular pet business licence to include additional information from this Code as a licence condition, this can be outlined on the licence itself.

### **Structure of Code**

All mandatory standards are compiled from page 6 of this Code. These mandatory standards are also listed under their relevant sections, along with additional information to be used as further guidance on the responsibilities of sellers of animals. Mandatory standards are minimum standards set out for the appropriate care and management of animals for sale. Standards listed as additional information are not mandatory.

Mandatory elements of this Code are identified by their inclusion as bolded numbered provisions, each of which is preceded by the heading ‘Mandatory standards under section 23 of the Act’.

Non-compliance with any relevant mandatory standards can constitute an offence under the Act.

### **Relation to other Codes**

A number of Codes of Practice for animal welfare have been made over time by the ACT Government. Some of these relate to the welfare issues associated with particular species or kinds of animals (such as the Code of Practice on Poultry (Non-commercial) and the Code of Practice on Cats in the ACT). Other Codes relate to issues that cut across many different kinds of animals, such as those on Animals Used on Film Sets and this Code. Taken together, the Codes create a matrix of animal welfare provisions that provide guidance on most of the acute animal welfare issues in the ACT. The Codes are subject to reviews and updates as industries, technologies, attitudes and best practice animal welfare evolves.

### **Compliance with Code**

This Code is made under section 23 of the Act, which allows the Minister to approve a code of practice, part or all of which has mandatory force. Failing to comply with the mandatory elements of this Code is an offence. It is also an offence to fail to follow a direction to comply with this Code. Sections 24A, 24B, 24C and 24D of the Act outline these offences and their penalties.

Compliance with this Code is included in the conditions for pet business licences issued to pet shops. Compliance with this Code is referred to in section 24I of the Act.

### **Legislative and related requirements**

The sale of all animals must comply with the Act and, where applicable, the *Domestic Animals Act 2000*, the *Nature Conservation Act 1980* and the *Animal Diseases Act 2005*. In the following, reference is made to particular provisions in these Acts relevant to the buying and selling of animals.

A person selling an animal is responsible for monitoring animals offered for sale and otherwise ensuring welfare is maintained to the standards required by the Act and the appropriate code of practice, where one has been made.

Under the *Nature Conservation Act 1980*, suppliers and receivers of certain native and introduced species of animals must ensure that appropriate permits are obtained for keeping, selling or receiving such animals or for import or export from the ACT.

In addition to any mandatory requirements specified under this Code, the seller of an animal should ensure that, where required under the *Domestic Animals Act 2000*, the animal is appropriately registered, microchipped, desexed and/or vaccinated prior to sale.

Additionally, under section 12 of the *Domestic Animals Act 2000*, it is required that a person who sells a dog to another person (including as a gift or private rehoming) informs the Registrar of Domestic Animal Services of the name and address of the new keeper. It is also an offence to sell a cat that is not desexed and is over three months of age or a dog that is not desexed and over six months of age without a permit under section 74A.

The provisions of this Code are in addition to, and do not take the place of, the above legislative obligations.

Codes of Practice under the Act set out, in general, what is considered current best practice for the aspects of animal welfare covered by each Code. Animal welfare offences in Part 2 of the Act (with a small number of exceptions not relevant to this Code) do not apply if the conduct is in accordance with an approved Code of Practice.

Section 23 of the Act allows the Minister to approve a Code of Practice part or all of which has mandatory force. Failure to comply with a mandatory Code of Practice (or mandatory element in a Code), or to follow a direction to comply with a Code or element, is made an offence by sections 24A, 24B and 24C of the Act.

Mandatory elements of this Code are identified by their inclusion as bolded numbered provisions, each of which is preceded by the heading 'Mandatory standards under section 23 of the Act'.

## Definitions for this Code

*Animal*: has the same meaning as provided in the Act.

*Buyer*: includes a person who accepts an animal with or without the payment of any money or the exchange of any service.

*Companion animal*: means any animal not being offered for sale as a produce animal or a food animal.

*Commercial scale poultry*: means any poultry sold or offered for sale as part of an operation involving more than 1,000 poultry in total.

*Commercial seller*: means any person who sells animals as, or as part of, an ongoing business, where 'business' has the same meaning as in the *Income Tax Assessment Act 1997* (Cth).<sup>1</sup>

*Financial gain*: means any monetary or material gain that exceeds the recovery of costs reasonably incurred in caring for an animal up to the time of sale.

*Food animal*: means any animal, other than a stock animal or commercial scale poultry, that is being offered for sale for the purpose of slaughter for consumption.

*Pet business licence*: is a licence issued under section 24G of the Act. A licensed pet business must meet the licence conditions set out by the Animal Welfare Authority and by the mandatory standards set out in the relevant code of practice. Pet shops must be licensed, and the mandatory standards set out in this Code are conditions of the licence.

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<sup>1</sup> The *Income Tax Assessment Act 1997* (Cth) defines 'business' as including any profession, trade, employment, vocation or calling, but excludes occupation as an employee. Case law has established a number of indicators of what constitutes a business, none of which is determinative by itself, including a profit-making intent, the scale of activities, adoption of a commercial approach, having an organised and systematic approach, and maintaining sustained and frequent activity.

*Pet shop:* is a fixed location pet retail business in the ACT that operates for profit and acquires from rescue organisations or buys animals to house temporarily for the purpose of selling as pets to customers. The scope of this Code for pet shops applies to the welfare of dogs, cats, rabbits, guinea pigs, rats, mice, birds, fish, and any other animal intended to be sold by a pet shop.

*Pet shop manager:* means a person who holds responsibility over the general management of and decision making for a pet shop, either a nominated manager, supervisor, or business owner, depending on the staffing structure of the business.

*Pet shop staff:* includes the proprietor, manager, supervisors, employees, volunteers, and work experience employees of a pet shop business.

*Produce animal:* means any animal that is being offered for sale for the purpose of supplying a product, other than a companion animal, stock animal or commercial scale poultry.

*Rehoming:* means any process of finding a new permanent home for an animal for reasons other than just financial gain, which is included in the meaning of 'sale'.

*Sale:* includes the giving away of an animal for no financial gain but does not include the return of an animal to its owner after it has been lost or impounded.

*Seller:* includes a person who offers an animal for sale for no financial gain, for free, as a gift or as a prize.

*Stock animal:* means cattle, sheep, goats, or pigs.

For further information please contact:

**Animal Welfare Authority**  
**GPO Box 158**  
**CANBERRA ACT 2601**

Enquiries relating to this Code can also be made through Access Canberra on 13 22 81 or via the online feedback form located at [accesscanberra.act.gov.au](http://accesscanberra.act.gov.au)

## **Mandatory standards in this Code**

This section lists all mandatory standards contained in this Code. Provisions are numbered according to the section of this Code in which they occur.

**1.1 In any sale for financial gain, the seller must provide to the buyer at no charge:**

- a) **basic information in writing on the care of the animal or an internet URL where authoritative information on the care of the animal is available;**
- b) **any available health records relating to the animal; and**
- c) **copies of the legislative provisions relating to the animal, including relevant codes of practice, or advice on where such information can be found.**

**1.2 No animal may be sold to a person under 16 years of age.**

**1.3 Sales of animals by persons under 16 years of age must be done under adult supervision. The supervising adult is the seller for the purpose of this Code.**

**1.4 Advertisements of cats or dogs for sale must include the microchip number of the cat or dog and an identifier for the seller (either an ABN, a rehoming identifier under a state or territory, or name) under section 72K of the *Domestic Animals Act 2000*. Breeders must include their breeder licence number.**

**1.5 Anyone selling an animal for financial gain must keep a record of the acquisition, veterinary history and sale of the animal. Records must be held for five years after sale.**

**1.6 Cats older than three months of age and dogs older than six months of age must be desexed prior to sale under section 82 of the *Domestic Animals Act 2000*.**

**2.1 Commercial sellers, including all staff, must ensure:**

- **provision of sufficient quantities of appropriate feed and water to maintain good health for the animals held;**
- **provision of accommodation and equipment which suits the physical and behavioural requirements of the animals held;**
- **provision of sufficient space for animals to stand, move around freely, stretch fully, rest, swim or exercise, at all times, depending on the species;**
- **maintenance of hygiene of the premises and health of the animals held; and**
- **provision of protection for animals from adverse natural or artificial environmental conditions, other animals and interference from humans.**

**2.2 At any time when open for business, at least one staff member on duty must be experienced and knowledgeable in the care of the species of animals kept. In this provision, 'staff member' includes the proprietor.**

**2.3 At a minimum, basic firefighting equipment such as an extinguisher and fire blanket must be accessible to staff. Staff must be trained in using the equipment and in the procedure for emergency evacuation of animals from the premises. Where the person responsible for implementing an emergency, evacuation does not reside on the premises, a contact number must be prominently displayed.**

**2.4 Commercial sellers must collate and maintain records detailing for all animals in their care:**

- **any veterinary treatment given;**
- **any illness, death or disposal;**
- **any native animal species traded; and**
- **for pet shops, the supplier's full name and contact details for each animal, including the breeding licence number if sourced from a breeder. Failure to keep records of animal**

**suppliers is an offence under section 24P of the Act. Pet shops are also required under section 24Q of the Act to share these records within seven days of the records being requested by the Animal Welfare Authority.**

**2.5 Commercial sellers must have a nominated veterinarian who can be called upon in an emergency or for advice. The seller must be able to demonstrate that an informal or formal arrangement for veterinary care with the nominated veterinarian is established and veterinary care must be sought promptly as and when required.**

**2.6 All vaccinations must be up to date prior to sale and a veterinary certificate must be presented to the buyer. Along with other relevant veterinary records.**

**2.7 Puppies and kittens must not be separated from their mothers prior to eight weeks of age. Puppies and kittens must be microchipped with the commercial seller's name and contact details in addition to the buyer's to allow for tracking and rehoming later on if needed.**

**2.8 For pet shops, standard operating procedures or equivalent instruction manuals must be established according to the species sold by the business and made available to all staff. These must detail procedures for each species such as provision of food and water, environmental needs, managing sensitivities related to a particular species, space restrictions to prevent overcrowding, behavioural needs, cleaning procedures and security requirements.**

**2.9 Where an animal (other than an aquatic animal) is returned to a commercial seller within seven days of purchase, for any reason except as a result of injury to the animal while under the care of the buyer, the seller must take back the animal. For dogs, cats and larger animals, a written guarantee to that effect must be provided to the buyer at the time of sale.**

**2.10 Managers of markets at which live animals are sold must ensure that each seller of live animals is provided with a copy of this Code.**

**2.11 Managers of markets must keep a record of all sellers of live animals at their markets, including the names and contact details of the principals and an ABN if one is held.**

**3.1 Accommodation, environment and equipment must:**

- a) meet the physical and behavioural needs of the animals held, including giving consideration to the age, size and social needs of the animal;**
- b) ensure the animals are secure and not subject to stress, pain or injury;**
- c) be kept in a clean, hygienic state sufficient to maintain the animal's good health;**
- d) protect animals, as necessary, from adverse natural or artificial environmental conditions, including protection from direct sunlight and extreme heat or cold;**
- e) protect animals from interference from humans and other animals, including ensuring that incompatible species are housed separately; and**
- f) provide sufficient space for animals to move around freely, exercise and rest, as appropriate for the species and age.**

**3.2 Animals must not be restrained by the leg for the purpose of hindering or restricting movement, or any other purpose.**

**3.3 No animal may be offered for sale until old enough to feed independently, with the exception of birds sold as eggs for hand-rearing to expert purchasers (where that is permitted by legislation).**

**3.4 No animal known to be or suspected of being injured or diseased may be offered for sale unless the seller informs the buyer of the condition of the animal and the general course of action for treating the condition.**

**3.5 The comfort and health of animals held for sale must be monitored daily. Where there are any signs that an animal is unwell, veterinary or other expert advice must be sought and treatment implemented as advised.**



**3.6 Temperature must be maintained to minimise stress to animals, with heating provided for animals, especially very young animals, as necessary.**

**3.7 All animals offered for sale must be provided by the seller with food and water of adequate quality and quantity for the species.**

**3.8 Where euthanasia is required, animals must be euthanised by a registered veterinarian. Euthanasia must not be resorted to unless alternative options have been investigated or attempted, such as offering the animal to rescue groups for unwanted animals and seeking veterinary treatment for illness.**

**4.1 Animals being transported must be provided with conditions that minimise any chance of stress, pain or injury. Section 15 of the Act makes it an offence to transport an animal by vehicle in a way that causes or is likely to cause the death of or unnecessary injury, pain or stress to the animal.**

**4.2 When being transported all animals must be confined in a container suitable for the requirements of the species or otherwise suitably restrained to prevent the animal moving outside of the vehicle or being injured during transit. Overcrowding multiple animals into one container must not occur if this is reasonably considered to increase likelihood of stress, pain or injury while being transported.**

**4.3 Vehicles used to transport animals must be climate controlled to prevent exposure to extreme cold or heat during transport.**

**4.4 Transport containers must be strong enough to withstand general handling, and stacking where that is likely to occur, and be constructed to provide reasonable ventilation, light and temperature regulation. Transport containers that are to be handled by a third party must indicate which way up the animal must be transported, and which parts of the container must not be blocked when containers are stacked because they provide light and ventilation.**

**4.5 Transport containers that are to be handled by a third party must be clearly labelled with the time and date of departure. The container must have a label both on the top and at least one of the four sides with the name, address, and phone contact number of both the consignor and consignee as well as a label reading LIVE ANIMALS.**

**7.1 Twenty-five per cent of the water in the aquaria must be replaced at least fortnightly or water maintained to a high quality through filtration or other technologies. Water chemistry must be checked at least weekly and appropriate measures taken to correct any imbalance.**

**7.2 Tanks must be sheltered from excessive amounts of direct sunlight. Lids must be fitted, or appropriate measures taken to prevent fish and crustaceans from escaping tanks.**

**7.3 Lights must be dimmed for at least eight hours a day. Filtration equipment must be working at all times.**

**7.4 All nets must be disinfected after use. Treatment of sick or injured animals must be by medications and other preparations appropriate for aquarium use. Antibiotics must only be used on veterinary advice and according to directions.**

**7.5 When fish are to be captured, soft wet nets must be used. Live fish must not be touched with dry hands or a dry cloth.**

**7.6 Containers or bags for transportation of fish must be watertight and used in such a way as to ensure maximum contact between air and the water surface.**

**7.7. If fish are to be in plastic bags for more than one hour, including during transportation, the air in the bag must be pure oxygen. Bags or containers must be transported in insulated containers if significant chilling or warming is possible.**

## 1. General sale processes

This section relates to the processes for all animal sales in the ACT other than stock and commercial scale poultry. This includes pet shops and other commercial sale of animals, rehoming organisations and private sales (including private gifting or rehoming of animals).

### 1.1 In any sale for financial gain, the seller must provide to the buyer at no charge:

- d) **basic information in writing on the care of the animal or an internet URL where authoritative information on the care of the animal is available;**
- e) **any available health records relating to the animal; and**
- f) **copies of the legislative provisions relating to the animal, including relevant codes of practice, or advice on where such information can be found.**

### 1.2 No animal may be sold to a person under 16 years of age.

**1.3 Sales of animals by persons under 16 years of age must be done under adult supervision. The supervising adult is the seller for the purpose of this Code.**

**1.4 Advertisements of cats or dogs for sale must include the microchip number of the cat or dog and an identifier for the seller (either an ABN, a rehoming identifier under a state or territory, or name) under section 72K of the *Domestic Animals Act 2000*. Breeders must include their breeder licence number.**

**1.5 Anyone selling an animal for financial gain must keep a record of the acquisition, veterinary history and sale of the animal. Records must be held for five years after sale.**

**1.6 Cats older than three months of age and dogs older than six months of age must be desexed prior to sale under section 82 of the *Domestic Animals Act 2000*.**

Where applicable, the buyer of an animal should be given accurate information about:

- identification methods and requirements;
- registration requirements;
- management of reproduction including requirements for desexing;
- diet (including water requirements);
- housing;
- general health care;
- vaccination (where appropriate, including veterinarian certifications);
- parasite control; and
- grooming requirements.

In addition, the buyer should be made aware of the requirements for care and welfare of animals under any relevant approved code or codes of practice. Current codes of practice are available online at the ACT Legislation Register via the 'regulations and instruments' tab under the relevant act.

The seller of an animal should advise the buyer of any legislative requirements relevant to the keeping of the animal. If the seller is aware that the buyer is taking the animal out of the ACT, the seller should advise the buyer that other jurisdictions may have legislative requirements different from those in the ACT. All health records should be provided by the seller to a person purchasing an animal at the time of purchase.

Sellers of animals should do their best to ensure that the person to whom the sale is made will take responsibility for the animal. For that reason, sale should only take place to an adult (16 years or older); where a child accompanied by an adult responsible for that child makes the purchase, it is the adult that this Code deems to be the buyer.

Where a seller knows or suspects that a buyer is buying an animal for a cruel or unlawful purpose, the seller should not proceed with the sale.

Appropriate records should be kept by sellers of relevant matters including (note these records are included in the mandatory standards for commercial sellers in section 2):

- acquisition and disposal of animals, including contact details of suppliers, breeders and buyers, and those taking custody of an animal as part of a sale transaction;
- illness and mortality;
- veterinary history (including whether the animal is desexed); and
- trading of any native or introduced species of animal that requires a permit under the *Nature Conservation Act 1980*.

Where organisations or particular sellers are party to requirements for keeping records for longer periods (e.g. through a breeders' organisation) the records should be maintained for that longer period.

If a seller is left with an animal that they are having difficulty in selling, the following steps should be taken, preferably in the order presented:

- sell the animal at a discount (in the case of someone whose intention had been to sell for financial gain);
- give away an animal that they had intended to sell for financial gain; and
- ask other organisations such as the RSPCA, animal rehoming groups, foster organisations and groups of enthusiasts to find a home for the animal.

Killing the animal is obviously not in its best interests and should always be a last resort.<sup>2</sup>

### Rehoming animals

This Code is intended to cover all the circumstances under which transfers of ownership take place, regardless of whether there is financial gain to either party. However, in the interests of animal welfare, nothing in this Code should serve to prevent or discourage people from finding suitable homes for animals, whether these animals are:

- their own animals that they no longer want or cannot keep,
- the result of an animal breeding with or without the owner's intention; or
- animals that have been abandoned or are no longer wanted by some other party, for which a person is helping to find a home (for example someone who seeks owners for a litter of kittens found on the doorstep).

While people in this situation must meet the same minimum standards of housing and care as any other seller of animals, the requirements for providing information and record keeping may be unduly onerous or even impossible. These provisions therefore apply only to persons who are selling animals for financial gain.

People who are rehoming animals on a not for profit basis are nevertheless encouraged to ensure the person who is receiving the animal is aware of and willing to take on the care of the animal and

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<sup>2</sup> Even if it seems in the animal's welfare, an animal must not be released into the wild. In particular, the release of exotic fish and other potentially invasive animals into the wild is prohibited under ACT law. There are populations of imported exotic fish in some Australian streams that are competing with native fish and are believed to have become established because of such releases.

the costs, in terms of both time and money, to retain the contact details of the person with whom they leave the animal, and to pass to the new owners any relevant information they may hold about the animal, such as where and when they found the animal; or any information provided by a veterinarian if a veterinary consultation has taken place.

## **2. Commercial sellers, including pet shops**

These provisions in relation to commercial sellers are in addition to the other provisions of this Code.

Commercial sellers of animals, such as pet shops and commercial breeders, must meet additional requirements because of the scale and permanence of their operations. These provisions are in addition to the requirements of the rest of this Code. For pet shops, all mandatory standards in this section and in the rest of this Code form conditions for the pet shop licence, where applicable to the nature of the business. Commercial breeders are subject to relevant codes of practice and the conditions imposed on the breeding licence, if applicable to the type of animal being bred.

### **2.1 Commercial sellers, including all staff, must ensure:**

- **provision of sufficient quantities of appropriate feed and water to maintain good health for the animals held;**
- **provision of accommodation and equipment which suits the physical and behavioural requirements of the animals held;**
- **provision of sufficient space for animals to stand, move around freely, stretch fully, rest, swim or exercise, at all times, depending on the species;**
- **maintenance of hygiene of the premises and health of the animals held; and**
- **provision of protection for animals from adverse natural or artificial environmental conditions, other animals and interference from humans.**

**2.2 At any time when open for business, at least one staff member on duty must be experienced and knowledgeable in the care of the species of animals kept. In this provision, 'staff member' includes the proprietor.**

**2.3 At a minimum, basic firefighting equipment such as an extinguisher and fire blanket must be accessible to staff. Staff must be trained in using the equipment and in the procedure for emergency evacuation of animals from the premises. Where the person responsible for implementing an emergency evacuation does not reside on the premises, a contact number must be prominently displayed.**

**2.4 Commercial sellers must collate and maintain records detailing for all animals in their care:**

- **any veterinary treatment given;**
- **any illness, death or disposal;**
- **any native animal species traded; and**
- **for pet shops, the supplier's full name and contact details for each animal, including the breeding licence number if sourced from a breeder. Failure to keep records of animal suppliers is an offence under section 24P of the Act. Pet shops are also required under section 24Q of the Act to share these records within seven days of the records being requested by the Animal Welfare Authority.**

**2.5 Commercial sellers must have a nominated veterinarian who can be called upon in an emergency or for advice. The seller must be able to demonstrate that an informal or formal arrangement for veterinary care with the nominated veterinarian is established and veterinary care must be sought promptly as and when required.**

**2.6 All vaccinations must be up to date prior to sale and a veterinary certificate must be presented to the buyer. Along with other relevant veterinary records.**

**2.7 Puppies and kittens must not be separated from their mothers prior to eight weeks of age. Puppies and kittens must be microchipped with the commercial seller's name and contact details in addition to the buyer's to allow for tracking and rehoming later on if needed.**

**2.8 For pet shops, standard operating procedures or equivalent instruction manuals must be established according to the species sold by the business and made available to all staff. These must detail procedures for each species such as provision of food and water, environmental needs, managing sensitivities related to a particular species, space restrictions to prevent overcrowding, behavioural needs, cleaning procedures and security requirements.**

**2.9 Where an animal (other than an aquatic animal) is returned to a commercial seller within seven days of purchase, for any reason except as a result of injury to the animal while under the care of the buyer, the seller must take back the animal.<sup>3</sup> For dogs, cats and larger animals, a written guarantee to that effect must be provided to the buyer at the time of sale.**

**2.10 Managers of markets at which live animals are sold must ensure that each seller of live animals is provided with a copy of this Code.**

**2.11 Managers of markets must keep a record of all sellers of live animals at their markets, including the names and contact details of the principals and an ABN if one is held.**

#### Temporary market stalls

Non-permanent or part-time market stalls should not sell live animals to prevent unnecessary transportation, disruption, restrictive caging and exposure to harsh environmental conditions.

Where a commercial seller does use a non-permanent market stall to offer animals for sale, the same care requirements from this Code still apply, including adequate provision of food and water and enclosures that allow space for the animal to move about freely. Protection from environmental conditions is also required such as protection from direct sunlight, draughts, and extreme heat or cold. If the temperature of the stall is not able to be regulated at safe levels the animals should be removed from the market and taken to a suitable location.

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<sup>3</sup> The requirement that a commercial establishment must take an animal back if returned within seven days of purchase does not apply to fish and other aquatic animals, where problems of cross-infection may prevent the return of the animal to the tank, once sold. The buyer and the seller may wish to negotiate a partial or complete refund (which would not extend to accessories purchased at the same time).

#### Follow up care

Commercial sellers should establish a policy for follow up care of animals sold, such as follow up calls made by staff to the buyer one week following the sale to answer any questions the buyer may have and confirm the animal is still in good health.

Commercial sellers should establish a policy for return of animals by the buyer if within 14 days of sale the animal shows signs of having an illness that may have been present prior to sale.

For pet shops, a lifetime rehoming service should be offered for all animals sold by the business.

#### Record keeping

In addition to the mandatory standards for record keeping listed above, commercial sellers should collate and maintain records detailing the name and contact details of the purchaser of each animal to enable follow up checks to be made where needed and to assist in reporting suspected animal welfare abuses.

#### Pet shop manager and staff

The pet shop manager is responsible for the supervision of staff, whether they are working full-time or part-time and whether or not they are working for fee or reward.

The manager or equivalent position should ensure sufficient standard operating procedures are established in writing and made available to all staff. These must be thorough, provided to staff in training and kept up to date with best practice.

All staff should respect animals and exhibit the skills, knowledge and commitment required to care for them. Staff should be aware of their responsibilities and be competent to carry out their duties.

#### Veterinary care

Provision of prompt veterinary or other appropriate treatment in cases of disease or injury is essential, which includes a formal or informal arrangement or partnership with a veterinarian to ensure treatment can be provided on request without an appointment.

#### Emergency management

In addition to basic firefighting equipment requirements in the mandatory standards for this section, an Emergency Management Plan should be established to outline how staff should respond in an emergency, such as a natural disaster (fire, storm, flood, etc.). The Emergency Management Plan should provide contact details for relevant agencies that can assist in maintaining a healthy environment for the animals or evacuating the animals. Consideration should be given to:

- ensuring on-call officers after hours (e.g. the manager or a roster system);
- detailing any arrangements, formal or informal, with other businesses or organisations that can assist with housing or provision of supplies;
- a provider of back-up generators, such as for water filters, air conditioning or heating; and
- an evacuation plan, including location, transport arrangements and temporary housing.

### **3. Care of animals offered for sale**

These provisions in relation to the care of animals offered for sale are in addition to the other provisions of this Code.

Animals offered for sale have the same care requirements for nutrition, hygiene and veterinary care as in any other circumstances.

**3.1 Accommodation, environment and equipment must:**

- g) meet the physical and behavioural needs of the animals held, including giving consideration to the age, size and social needs of the animal;**
- h) ensure the animals are secure and not subject to stress, pain or injury;**
- i) be kept in a clean, hygienic state sufficient to maintain the animal's good health;**
- j) protect animals, as necessary, from adverse natural or artificial environmental conditions, including protection from direct sunlight and extreme heat or cold;**
- k) protect animals from interference from humans and other animals, including ensuring that incompatible species are housed separately; and**
- l) provide sufficient space for animals to move around freely, exercise and rest, as appropriate for the species and age.**

**3.2 Animals must not be restrained by the leg for the purpose of hindering or restricting movement, or any other purpose.**

**3.3 No animal may be offered for sale until old enough to feed independently, with the exception of birds sold as eggs for hand-rearing to expert purchasers (where that is permitted by legislation).**

**3.4 No animal known to be or suspected of being injured or diseased may be offered for sale unless the seller informs the buyer of the condition of the animal and the general course of action for treating the condition.**

**3.5 The comfort and health of animals held for sale must be monitored daily. Where there are any signs that an animal is unwell, veterinary or other expert advice must be sought and treatment implemented as advised.**

**3.6 Temperature must be maintained to minimise stress to animals, with heating provided for animals, especially very young animals, as necessary.**

**3.7 All animals offered for sale must be provided by the seller with food and water of adequate quality and quantity for the species.**

**3.8 Where euthanasia is required, animals must be euthanised by a registered veterinarian. Euthanasia must not be resorted to unless alternative options have been investigated or attempted, such as offering the animal to rescue groups for unwanted animals and seeking veterinary treatment for illness.**

Accommodation - general

As this code covers a wide range of species it is not practical to specify the type, size and other requirements for temporary accommodation of animals offered for sale. However, the accommodation should be suited to the type of animal being sold and should meet the requirements of the Act.

The duration of the period in which an animal is housed in temporary accommodation should be minimised.

Animals should not be restrained by the leg for the purpose of hindering or restricting movement.

### Enclosure construction

Animal enclosures should be designed and maintained to ensure that animals avoid injury, disease, theft, escape or interference by unauthorised persons or other animals.

The enclosures should be designed to allow for regular and thorough cleaning, and the maintenance and monitoring of animals, food and water within. Indoor enclosures and fully enclosed containers such as cages, crates, boxes and display cages require particular attention.

Except where the enclosure is being used for animals on a one-off basis and for no more than a few hours, wall and floor junctions should be sealed to prevent build-up of debris as well as to facilitate cleaning and disinfection, while all surfaces of the enclosures should be impervious, or painted with non-toxic paint.

The enclosure should be supplied with appropriate flooring and bedding and faecal matter should be removed regularly.

### Temperature

Certain species of animals will die if exposed, even for a short period of time, to extremes of temperature. Some animals can die from heat stress even when temperatures are not extreme. Appropriate caution is necessary, according to the species.

Extremes of temperature can occur in many situations, but particular care is needed with regard to vehicles. Leaving an animal unattended for any length of time in an enclosed vehicle, for example, exposes it to significant risk. While the risks are obviously higher in hot or sunny weather, temperatures inside a vehicle can rise quickly even in cool or cloudy weather, and some animals (e.g. dogs) have limited physiological capacity to cope once the temperature rises. Where animals are offered for sale from open vehicles with arrangements made to protect the animals from extremes of hot (and cold), the risks are significantly mitigated. Sellers should apply careful attention to the condition of the animals at all times.

Indoor animal enclosures should be placed out of draughts and should not be exposed to direct sunlight. Where animals are kept outside for sale there should be adequate protection from rain, draughts, direct sunlight and extremes of temperature. For example, birds should not be released into an external aviary during extreme weather conditions, including high temperatures.

The optimum temperature for most mammals is between 16°C and 24°C, but for other species expert advice should be sought.

### Safety

At any premises where animals are held for sale, the person in charge of the animal is responsible for ensuring they are aware of how to safely evacuate the animals in the event of an emergency.

An Emergency Management Plan should be in place for sellers to be prepared in managing the welfare of the animals in emergency situations.

### Security

All animal enclosures except aquaria should be able to be securely fastened.

Measures should be taken to prevent escape of animals and entry of pests, other animals and unauthorised persons. Premises where animals are held unsupervised (for example overnight) must be secure to prevent escape and to prevent interference from other animals and unauthorised people.



### Lighting

The light provided should be as close as possible, in duration and intensity, to natural conditions. Lighting must be sufficient to enable thorough inspection of animals when required. Care must be taken to ensure that lights do not generate excessive heat, unless this is the desired intention for the species e.g. specialised heat lamp for reptiles.

Faulty or flickering lights should be promptly replaced. At night, lights should be subdued or turned off, or animal enclosures protected by other means from exposure to excessive light.

### Noise

Loud or sudden noise, which may stress animals, should be kept to a minimum. If an animal becomes distressed by loud noises the seller should take all precautions to eliminate or reduce the source of the noise. If the source of the noise cannot be reduced, then the animal will need to be safely moved to a more suitable location free of such noise.

Animal enclosures should provide ample ventilation and be protected from fumes and vapours (e.g. car exhaust fumes, chemicals, ammonia build-up from urine).

### Hygiene

Animal enclosures, their surrounds and any enclosed equipment including bedding should be kept clean so that the comfort of animals can be maintained, and disease prevented. Enclosures other than aquaria should be disinfected thoroughly before introduction of replacement animals.

All animal enclosures other than aquaria should be cleaned at appropriate intervals, depending on the type and number of animals, so as to maintain the animals in a clean and healthy condition. Enclosures other than aquaria should be dry prior to reintroducing animals.

Cleaning and disinfecting agents should be chosen on the basis of their suitability, safety and effectiveness. They should be used strictly in accordance with the manufacturer's instructions, since too dilute of a solution may be ineffective and too concentrated a solution may be toxic to animals.

Efforts should be made to effectively control pests including fleas, flies, lice, mosquitoes and wild rodents. Since pest control agents may adversely affect some animals, advice should be sought before pest control activities are carried out. If using chemicals, these should only be used in accordance with the manufacturer's instructions.

Faeces, soiled bedding, food wastes and animal bodies should be disposed of promptly and hygienically, and in accordance with the requirements of the *Environment Protection Act 1997*. Waste products may be sealed in containers or plastic bags and deposited within a rubbish bin.

### Nutrition

All animals should be provided with appropriate food and water sufficient to maintain good health. Sellers should ensure that the food is fresh, free from contamination, mould, insecticides or other potentially toxic substances. Food should be stored in a manner which best prevents its deterioration.

Animals should be fed appropriately for their species and age requirements. Most young animals require feeding at least three times daily. Reptiles, amphibians and fish should be fed regularly as appropriate to their needs. Sick animals should be fed in accordance with veterinary advice.

Feed and water containers must be:

- a) accessible to animals;
- b) stable;
- c) non-toxic; and

d) easily cleaned.

Containers should be constructed and positioned to minimise the risk that they will be spilt, become contaminated with waste products or cause an animal to drown.

Food containers should be checked frequently to ensure that food of suitable quality and quantity is available. Spoiled food should be removed immediately.

### General health

Animals should be protected from disease, distress, pain and injury. All owners and persons responsible for selling animals should be familiar with the signs of diseases that are common in the species of animals held.

Each animal's health and comfort should be monitored on a daily basis. During the inspection it should be noted whether the animal is:

- a) eating normally;
- b) drinking normally;
- c) defecating and urinating normally;
- d) behaving normally;
- e) of normal appearance; and
- f) able to move about freely.

Animals should be given exercise or allowed enough space to exercise themselves, depending on the species and where relevant and appropriate. A dog, for example, must be allowed enough space to exercise itself (such as move about freely in a yard or large kennel) for at least two hours per day under the Act.

Animals should be vaccinated as appropriate for the species and the animal's age. Where vaccinations are required, the animal should be sold with proof of vaccination in the form of a veterinary certificate or record.

External and internal parasites should be controlled by appropriate measures. Animals should be groomed in a manner and at intervals appropriate for the species.

Animals showing signs of disease, injury or distress must be isolated immediately and veterinary advice should be promptly sought in order to protect the welfare of the individual animal and prevent the spread of disease.

No animal known to be or suspected of being injured or diseased is to be offered for sale unless the seller informs the buyer of the condition of the animal. In circumstances where the animal dies and the cause of death is not obvious, it is advisable to seek veterinary advice. Where recovery of a diseased or injured animal is unlikely, or treatment to restore health is not possible, practical or successful, the animal should be euthanised by a registered veterinarian.

### Young animals

Puppies and kittens should not be removed from their mother earlier than eight weeks of age. For both species supplementary feed should be provided for the young from the age of three to four weeks. For all other species refer to the appropriate code of practice. Where no code of practice exists, expert advice should be sought.

The mother should have access to additional feed and water to ensure the nutritional requirements of the mother and young are met. Young animals, including birds, should not be received by a buyer until they are able to feed themselves unaided. An exception may be made where birds are specifically sold to people with relevant experience with eggs or hatchlings for hand-rearing, where

permitted by legislation. In all other cases, sales should be limited to fully-feathered birds (including the downy chicks of domestic poultry).

## 4. Transport

This section relates to the welfare of animals during transport from seller to buyer as well as the transport of animals for the seller. Further regulations apply to the importation of animals from interstate. Responsibility rests with the seller until the buyer receives the animal, unless a third party carrier is involved, in which case the seller is responsible for ensuring the carrier understands welfare requirements and the carrier takes responsibility after receiving the animal from the seller up to passing the animal to the buyer.

**4.1 Animals being transported must be provided with conditions that minimise any chance of stress, pain or injury. Section 15 of the Act makes it an offence to transport an animal by vehicle in a way that causes or is likely to cause the death of or unnecessary injury, pain or stress to the animal.**

**4.2 When being transported all animals must be confined in a container suitable for the requirements of the species or otherwise suitably restrained to prevent the animal moving outside of the vehicle or being injured during transit. Overcrowding multiple animals into one container must not occur if this is reasonably considered to increase likelihood of stress, pain or injury while being transported.**

**4.3 Vehicles used to transport animals must be climate controlled to prevent exposure to extreme cold or heat during transport.**

**4.4 Transport containers must be strong enough to withstand general handling, and stacking where that is likely to occur, and be constructed to provide reasonable ventilation, light and temperature regulation. Transport containers that are to be handled by a third party must indicate which way up the animal must be transported, and which parts of the container must not be blocked when containers are stacked because they provide light and ventilation.**

**4.5 Transport containers that are to be handled by a third party must be clearly labelled with the time and date of departure. The container must have a label both on the top and at least one of the four sides with the name, address, and phone contact number of both the consignor and consignee as well as a label reading LIVE ANIMALS.**

As transporting animals causes stress, it should be kept to a minimum.

Food and water should be provided according to the appropriate code of practice for the species. Where no code of practice exists, it may be necessary to seek expert advice. The seller, buyer, and if relevant the carrier share responsibility for ensuring that a delivery of an animal is completed safely and in a timely fashion.

### Air

Transport by air should be in accordance with the *International Air Transportation Association Live Animal Regulations*.

## **5. Animals as prizes, promotional products or gifts**

These provisions in relation to animals as prizes, promotional products or gifts are in addition to the other provisions of this Code.

Because of the risk of unwanted animals being abandoned, neglected or otherwise harmed, the giving away of animals as prizes, promotional products, or unsolicited gifts of any kind is strongly discouraged. If, despite the above, an animal is to be given as a prize, promotional product or other unsolicited gift, the giver is responsible for meeting the mandatory standards set out below. The transaction falls within the definition of 'sell' and the other provisions of this Code continue to apply (e.g. the prohibition on selling to children).

**5.1 Anyone giving away an animal as a prize, promotional product or unsolicited gift must ensure that the person receiving the animal is aware of the costs in time and money of keeping the animal and is willing and able to keep the animal.**

**5.2 Any relevant information for the species, such as relevant codes of practice or care instructions or an internet URL to such information must be provided to the person receiving the animal.**

## **6. Animals sold for consumption**

These provisions in relation to animals sold for consumption are in addition to the other provisions of this Code.

Animals such as crustaceans, fish and chickens sold for consumption as food must be killed using the most humane techniques currently known and by a person skilled in these techniques.<sup>4</sup> This section deals only with how the animals are killed; the keeping of the animals up to the point where they are killed must be humane and in accordance with the other provisions of this Code. Some additional guidance is provided on keeping crustaceans, as there is currently no ACT code of practice relating to the care of crustaceans.

**6.1 Where an animal is killed prior to sale for consumption, the animal must be killed using the most humane techniques currently known and by a person skilled in these techniques.**

**6.2 Where an animal is sold alive for human consumption, the seller must provide advice to the buyer on the most humane methods of killing the animal.**

**6.3 Animals intended for consumption by other animals (e.g. mice as food for snakes) are not to be sold live and must be killed using the most humane techniques known prior to sale. A seller who has reason to suspect a buyer intends on feeding a live animal to another animal must not proceed with the sale.<sup>5</sup>**

The sellers of a crustacean, fish or other food animal intended for human consumption should either kill the animal using these techniques before passing the carcass to the buyer or advise the buyer of these techniques and of the requirement to use them in order to avoid breaching the Act.

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<sup>4</sup> The techniques that are currently considered most humane for killing poultry can be found in the *Animal Welfare (Welfare of Poultry: Non-Commercial) Code of Practice 2010*.

<sup>5</sup> Snakes bred in captivity do not need to feed on live animals as they can be trained to eat dead prey. This is in the best interest of animal welfare for both the prey animal and the feeding animal e.g. snakes can also suffer bites by live rats or mice and subsequent infections.

Crustaceans and fish offered for sale as food must be given proper care as follows:

- crustaceans for sale should not be bound to restrict the use of their legs, however, claws on crustaceans may be restricted to prevent injuries to others;
- crustaceans on sale for human consumption, unless free moving within a tank, should be placed in a slurry of ice and water (or equivalent refrigeration achieved by other means) to ensure that the animal remains in torpor; the ice/water slurry should be constantly monitored and topped up; and
- holding facilities should be appropriate for the species and the size of animal(s); stocking densities should be appropriate to the species, size and holding facility (including tanks for fish and crustaceans).

## **7. Fish and crustaceans**

These provisions in relation to fish and crustaceans are in addition to the other relevant provisions of this Code.

**7.1 Twenty-five per cent of the water in the aquaria must be replaced at least fortnightly or water maintained to a high quality through filtration or other technologies. Water chemistry must be checked at least weekly and appropriate measures taken to correct any imbalance.**

**7.2 Tanks must be sheltered from excessive amounts of direct sunlight. Lids must be fitted, or appropriate measures taken to prevent fish and crustaceans from escaping tanks.**

**7.3 Lights must be dimmed for at least eight hours a day. Filtration equipment must be working at all times.**

**7.4 All nets must be disinfected after use. Treatment of sick or injured animals must be by medications and other preparations appropriate for aquarium use. Antibiotics must only be used on veterinary advice and according to directions.**

**7.5 When fish are to be captured, soft wet nets must be used. Live fish must not be touched with dry hands or a dry cloth.**

**7.6 Containers or bags for transportation of fish must be watertight and used in such a way as to ensure maximum contact between air and the water surface.**

**7.7. If fish are to be in plastic bags for more than one hour, including during transportation, the air in the bag must be pure oxygen. Bags or containers must be transported in insulated containers if significant chilling or warming is possible.**

### Tanks

Tank size should be in accordance with individual animals and the needs of the species and stocking rates should take account of water quality factors.

The temperature of the water should be appropriate to the requirements of the species.

All electrical equipment such as lights and heater thermostats should be checked regularly for correct performance. Lights should not be left on for more than 16 hours. At least 8 hours of darkness should be provided in each 24-hour period.

Where possible, environmental enrichment devices should be used. The provision of aquaria plants, rocks and shelters will allow animals to retreat when stressed.

#### Feeding and health care

Fish and crustaceans must be fed as often as required by the species. A balanced diet should be provided with the inclusion of appropriate plants for herbivorous species. Care should be taken not to over or under feed fish. Excessive feeding pollutes the water and may lead to the death of fish if not corrected.

Animals showing signs of illness should be separated from others to prevent possible spread of illness and any attack on weaker animals by healthy ones. Special attention is required to prevent the possible spread of disease.

#### Capture and transport

Capturing fish for the purpose of sale should be done with soft wet nets. Under no circumstances should a live fish be touched with dry hands or a dry cloth. If a fish jumps or falls from a tank or net every care should be taken to capture the fish with wet hands or a wet net and return it to the tank.

When transporting live fish care needs to be taken to ensure that injury and stress are minimised. Transportation and translocation should also minimise significant or rapid changes in temperature.

### **Acknowledgements**

This Code has been based upon previous versions of the ACT's codes of practice relating to pet shops and the sale of animals, specifically the 'Code of Practice for the Care and Management of Animals in Pet Shops 1993' and the 'Code of Practice for the Sale of Animals in the ACT (Other than Stock and Commercial Scale Poultry) 2013', produced by the Animal Welfare Advisory Committee, and the Pet Industry Association of Australia's 'Standards and Guidelines for Best Practice Retail Stores 2016', and in consultation with ACT industry representatives.