

Australian Capital Territory

Animal Welfare (Sale of Animals in the ACT other than Stock and Commercial Scale Poultry) Mandatory Code of Practice 2021 (No 1)

Disallowable instrument DI2021–192

made under the

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

EXPLANATORY STATEMENT

Summary

The Animal Welfare (Sale of Animals in the ACT other than Stock and Commercial Scale Poultry) Mandatory Code of Practice 2021 (Code) sets out animal welfare standards for the sale of animals through private sales and business sales.

The Code builds on and strengthens the previous standards set out in the 2013 and 1993 animal welfare codes of practice for the sale of animals.

In the ACT, pet businesses (including pet shops) are required to be licensed under the *Animal Welfare Act 1992* (Act). Pet business licence conditions are based on the standards set out in the Code, where relevant to the business and in addition to any other conditions attached to the licence.

Mandatory Standards

The Code is a mandatory code of practice under section 23 of the Act. Mandatory standards are set out in bold, numbered and grouped together at the start of the Code to ensure these are understood and complied with.

These mandatory standards will also serve as licence conditions for pet business licences issued by the Animal Welfare Authority under section 24I of the Act, where the standards are relevant to the nature of the business.

Scope

The Code concerns general animal sales, including rehoming, markets and private sales, and pet shop businesses, including pet shop businesses that rehome animals as part of their services.

The standards extend to the various circumstances associated with selling animals, such as requirements around housing, provision of food and water, health and hygiene, behavioural needs and transport.

The majority of Canberra pet shops do not source cats or dogs from breeders and instead offer rehoming services. These businesses are still captured by the Code noting they exist for profit.

The Code does not extend to stock sales or commercial scale poultry or to dedicated non-profit rehoming organisations.

Pet Business Licensing

Pet shops in the ACT must be licensed under the Act to maintain best-practice animal welfare outcomes. The mandatory standards set out in the Code act as licence conditions for these businesses.

While the Code also captures general animal sales such as private sales and market stalls, the licensing framework does not apply to these sales. For the purpose of the licensing framework, ‘pet shop’ is defined as a fixed location retail businesses operating for profit that sources animals to house, generally for the purpose of selling as pets. This includes pet shop businesses that also rehome animals.

Under section 24I(2), it is a condition of a pet business licence that the business comply with the mandatory standards set out in a code of practice. The Animal Welfare Authority may also apply other conditions to a licence in addition to this.

Development of the Code

The Code was developed in consultation with a pet business licensing working group consisting of business and industry representatives.

Previous codes of practice relating to pet shops and the sale of animals are revoked by the Code. These are the Animal Welfare (Animals in Pet Shops) Code of Practice Approval 1993 and the Animal Welfare (Mandatory Code of Practice) Approval 2013 (Code of Practice for the Sale of Animals in the ACT (other than Stock and Commercial Scale Poultry)). These codes informed the development of the Code.

Transport Canberra and City Services (TCCS) will monitor the effectiveness of the mandatory standards in the Code to determine how these perform as pet business licence conditions.