

Australian Capital Territory

Animal Welfare (Animals Used on Film Sets) Code of Practice 2010*

Disallowable instrument DI2010–84

made under the

Animal Welfare Act 1992, section 22 (Codes of practice)

1 Name of instrument

This instrument is the Animal Welfare (Animals Used on Film Sets) Code of Practice 2010.

2 Commencement

This instrument commences the day after notification.

3 Approval of code of practice

The document entitled the “Code of Practice for the Welfare of Animals Used on Film Sets 2010” attached to this instrument is approved as a code of practice.

Jon Stanhope MLA
Minister for Territory and Municipal Services

17 May 2010

*Name amended under Legislation Act, s 60

**CODE OF PRACTICE FOR THE WELFARE OF ANIMALS
USED ON FILM SETS**

	Page
1. Introduction	1
2. Definitions	1
3. General Provisions	2
4. On-set Provisions	3
4.1 Scenes Involving Risk	3
4.2 Special Effects	4
4.3 Hazardous Conditions	4
4.4 Conditions Likely to Cause Distress	4
4.5 Condition of Animals to be Used	5
5. Off-set Provisions	5
6. Housing	5
7. Use of Medication	6
8. Personnel On and Off Set	7
9. Responsibilities of Producers	7
10. Responsibilities of Animal Trainers, Animal Handlers and Veterinary Surgeons	8
11. Reporting Responsibilities	9

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1. Introduction

This Code of Practice for the Australian Capital Territory (ACT) has been prepared by the ACT Animal Welfare Advisory Committee (AWAC) to outline the welfare needs of animals used in film production within the ACT. Its purpose is to provide general guidelines on the minimum standards of management and care appropriate to their use. This Code applies in the production of films for cinema, television, recreational or educational purposes, including features, documentaries, serials, videos and advertising commercials.

A person or company using animals for film production has a legal liability under the *Animal Welfare Act 1992* to ensure that each animal receives appropriate and adequate food, water, shelter and exercise. It is also a requirement of the *Nature Conservation Act 1980* that anyone intending to capture a native animal for any purpose must apply for a licence under Section 545 (1) of that Act. Substantial penalties including imprisonment apply to anyone found guilty of breaching these requirements.

Persons intending to use animals in any aspect of film production should be familiar with the relevant Codes of Practice, gazetted under the *Animal Welfare Act 1992*, which give minimum care and welfare guidelines and requirements for the species concerned.

This Code aims not only to prevent cruelty but also to ensure best practice in the treatment of animals on film sets.

This Code recognises the wide range of situations where different types of animals would be used on film sets. This Code also covers the filming of wildlife in natural habitats. In filming situations, animals may be required to perform tasks, which are complex, to perform with other animals, people or special effects, or to perform in a range of other situations that could potentially cause distress, sickness or injury to performing animals. This Code seeks to ensure that welfare needs are met in all such situations.

This Code contains "Definitions", "General Provisions" "On-set Provisions", "Off-set Provisions", "Responsibilities of Producers" and "Responsibilities of Animal Trainers, Animal Handlers and Veterinary Surgeons".

2. Definitions

For the purposes of this Code:

“animal handler” means a person who, under the supervision of an animal trainer, is qualified to handle, and is engaged to handle, any of the animals which are to be used on a film set.

“animal trainer” includes a stock attendant and means a person who has experience and is competent in the management and training of the types of animals to be used on a film set.

“Authority” means the person appointed under Section 6 of the *Animal Welfare Act 1992* to be the Animal Welfare Authority.

“film” includes video, digital imaging and photographs.

“film set” (or “set”) means a place where filming occurs and includes a place or places where training and rehearsal in preparation for filming is undertaken.

“producer” means the person who represents a film company in organising the production of a film and the employment of all people.

“veterinary surgeon” means a registered veterinary surgeon who has experience in the management, care and treatment of the types of animals to be used and in any veterinary procedure to which the animals might be subjected.

3. General Provisions

All personnel (including producers, directors, animal trainers and handlers and veterinary surgeons) engaged in film production involving animals, or where animals occur in the filming location, have a primary duty to safeguard the welfare of these animals. This duty transcends the requirements of the script and the film production.

In addition, the resulting film should not in any way give the impression that it is acceptable for animals to be abused or allowed to suffer. This includes allowing animals to:

- be placed in danger;
- be injured, stressed, abused or killed;
- live in unhygienic or overcrowded conditions;
- be allowed to breed in an uncontrolled manner; or
- be subjected to any other scenario that devalues animal life and the animal’s right to be treated humanely.

Except where animals are filmed in pre-existing conditions for scientific, educational or news purposes, only animals that are fit and healthy should be used.

Training methods and equipment used should be based around positive reinforcement strategies and at no time should an animal be subjected to training that is likely to cause pain, distress or discomfort.

Animals should not be killed to satisfy the requirements of the production, nor should animals be killed after production ceases, or where the animal is obtained but not used, unless the animals were previously intended for slaughter. Where possible, post production options for placement of animals should be utilised.

There should be an agreement in writing with the supplier of the animals as to who bears responsibility for suitable placement of animals after their use is no longer required.

When the use of medication is under consideration, the health and welfare of the animal(s) is paramount.

Where animals are required to be depicted as dead, dummies or computer graphics should be used wherever possible. If actual animals must be used, carcasses should be obtained from other sources, or death simulated by veterinary administration of sedatives or anaesthetics.

If film production is undertaken contrary to the veterinary surgeon's advice regarding the use of animals, it is the veterinary surgeon's responsibility to report the matter to the Authority, or to an authorised animal welfare agency, such as the RSPCA, for further investigation.

Small production companies, private individuals, or amateur film makers bear the same responsibilities as major production companies.

4. On-set Provisions

4.1 Scenes Involving Risk

Scenes that are likely to pose a risk to the welfare of animals should be avoided. Such scenes may include, but not be limited to:

- fast movement of any type by animals;
- large numbers of animals;
- aggressive or dangerous animals;
- action scenes;
- the use of young animals;
- sets where there are obstacles to hinder movement, difficult terrain or ground surfaces;
- adverse weather or visibility; and
- large amounts of fire, smoke or any special effects including noise levels or types of noise that may frighten animals.

4.2 Special Effects

Only extremely well trained animals should be used in stunts or special effects sequences.

Special effects including fire and fireworks, which frighten animals, must not be used. Squibs, or fireworks which only emit a hissing noise ending with a slight explosion, should never be used close enough to animals to frighten them.

Action and breakaway props should be of safe materials such as sugar glass, balsa wood, rubber etc.

4.3 Hazardous Conditions

Film sets should be free of hazards, obstacles, or environmental conditions that may injure.

No animal should be led, ridden, draughted or driven over mains or electricity cables. No animal should be exposed to live electrical wires.

Horse falls must not be achieved by trip wires, leg ropes or pitfalls.

Sequences involving free running animals such as cattle and brumbies should be carefully planned and there should be sufficient experienced and skilful handlers to ensure the safety of all animals.

4.4 Conditions Likely to Cause Distress

Glare, heat, noises or other conditions likely to cause distress to animals, including wildlife, should be avoided. Minor exposure to these influences should be reduced to the shortest possible time by judicious scheduling and camera techniques. Tolerance of these influences depends on the species of animal, as well as pre-conditioning and training. Animals that become distressed or are likely to be distressed by even this minimum exposure should not be used.

Animals should be pre-conditioned to any unusual behaviour or experiences they are likely to encounter. For example, efforts should be made to familiarise them with the sounds of clapper boards, boom poles or other strange noises or lighting effects likely to occur during filming.

Where animals are distressed by the simulation of human verbal or physical violence, animals should not be exposed to scenes of this nature.

While animals are present on set, only essential people should be present around the camera or in the immediate action area of the set.

Animals not involved with the filming but located within the vicinity of the set, such as pets, domestic animals or wildlife, may endanger, or be endangered by, the animals required to be filmed. Where this danger occurs, the agency, or persons responsible for animals not being filmed, should, where appropriate, arrange for their removal. If removal of such animals is not appropriate (for example if they are residing in their normal abode), an alternative film set should be found.

4.5 Condition of Animals to be Used

A veterinary surgeon should examine all animals prior to use to ensure their good health and that they have received all appropriate inoculations and medication. Very young animals should only be used with the specific approval of a veterinary surgeon.

Where a scientific, educational or news footage production requires the filming of sick, diseased, sore, lame, injured or mistreated animals, then no additional stress or discomfort should be inflicted on these animals in the making of the film.

5. Off-set Provisions

Stress arising from all off-set causes, including restraint or being confined for long periods, should be avoided, especially for animals known to be prone to stress. Animals kept under confined conditions should be able to exercise, as appropriate to the species, each day.

At all times during film production, animals must be permitted their normal sleep/rest requirements, including normal periods of light and darkness.

Adequate precautions to ensure the general safety of animals, including safety from predators, and adequate emergency evacuation arrangements should be made.

6. Housing

The facilities for animals during pre-production and production should be consistent with maintaining the animals in good health and comfort.

Housing should be kept clean. Housing should also be safe, quiet and free of objects and materials likely to injure the animals. Care should be taken with the placement of feed and water containers. There should be no objects that restrict movement, such as fence posts and/or debris.

Animal housing should include adequate:

- space, shelter and ventilation;
- access to clean drinkable water; and
- access to food as required by species.

Animal housing should also provide adequate protection from:

- noise;
- bright lights;
- noxious smells; and
- other animals whose presence may be distressing.

Behavioural needs for companionship and privacy should be considered. Further information can be obtained from either the Code of Practice relevant to individual species or appropriate reference material.

7. Use of Medication

No person other than a veterinary surgeon present on the set should administer any substance, other than electrolytes and vitamins, to an animal unless authorisation from the veterinary surgeon has been received.

Sedatives or anaesthetics for animals should only be used if the training of animals, or the use of dummies or graphics, cannot achieve the same effects. Some animals such as reptiles, fish and amphibians should not be sedated.

Sedation or anaesthesia should not be cruel or frightening to the animal, or potentially dangerous to its health and well-being. Sedatives and anaesthetics should only be administered by a veterinary surgeon. Veterinary surgeons should not be subjected to pressure to administer sedatives or anaesthetics contrary to their professional judgement, or to administer heavier doses, or to sedate animals for longer than indicated by their professional judgement.

A veterinary surgeon should be present on the set until the animal recovers from any medication used. Adequate facilities should be available to the animal for the recovery period.

8. Personnel On and Off Set

In any film production in the ACT, animal trainers and veterinary surgeons should be employed to attend to performing animals on film sets. Wherever necessary, animal trainers may be assisted by animal handlers.

At least one veterinary surgeon should be present on a film set where there is any risk of injury or distress to animals. Veterinary surgeons should be on stand-by for scenes that do not appear to involve any such risks provided that they can attend within 20 minutes.

9. Responsibilities of Producers

The producer should consult with an animal trainer and a veterinary surgeon during both the planning and production stages. Advice should be sought on:

- the ability and availability of animals to perform; and
- procedures to be adopted to protect the health and welfare of animals being used.

The producer should provide animal trainers and veterinary surgeons with details of:

- the script;
- the location or types of film sets; and
- environmental conditions likely to be encountered.

Producers may need to consult with other experts as required. For example, native wildlife experts.

The producer should ensure that the animal's trainers and veterinary surgeon have access to direct contact with the director and stunt and special effects coordinators at all times.

The producer should ensure that all animals are provided with humane care. This means that the animals to be used are maintained, housed and transported under relevant Codes of Practice, the *Animal Welfare Act 1992* and this Code.

It may be necessary for the producer to ensure that there are additional veterinary surgeons present:

- when large numbers of animals are involved; or

- where animals are to be used on sets at different locations.

The producer will authorise all care and treatment deemed appropriate by the veterinary surgeon.

The producer should provide:

- facilities for the holding, restraining or examination of animals by the veterinary surgeon; and
- transport, or other arrangements for either the evacuation of sick or disabled animals or for the evacuation of all animals in case of emergency.

The producer should ensure that either adequate mechanical equipment and/or qualified staff are present to move animals for veterinary examination, and evacuation in case of emergency. Staff and equipment levels should be appropriate to the size and number of animals.

The producer should ensure that all employees, including actors, likely to have direct contact with the animals, have an appropriate understanding, training and experience with the species. Adequate pre-production time must be allowed for training and familiarising employees with the individual animals to be used.

The producer should be able to provide proof of acquisition of any carcasses acquired for use in scenes.

10. Responsibilities of Animal Trainers, Animal Handlers and Veterinary Surgeons

The animal trainer, animal handler and veterinary surgeon should liaise with each other regarding the care and management of animals during preparation, rehearsal and filming.

The animal trainer or veterinary surgeon should inspect each animal holding facility at each location where animals are held and each film set prior to each rehearsal or filming when animals are required to be present on the set, to ensure that conditions comply with section 4 of this Code

The animal trainer or animal handler should:

- ensure that animals under his/her care are adequately controlled to prevent attack, aggression or escape;
- make special arrangements for the care of young animals;
- inspect all animals on the set prior to and at the end of rehearsal or filming;
- be present on the set during these sessions; and

- remove all animals from the set, or provide sufficient protection for all animals, when special effects or other activities are likely to cause fright or distress.

In addition to the above, where a Code of Practice exists for an animal species being used, it should be strictly adhered to. All species must be correctly identified and provided with appropriate;

- food, water and exercise;
- rest (especially for animals that are not accustomed to conditions on the set);
- first aid; and
- veterinary attention when necessary.

The veterinary surgeon is responsible for:

- any medical treatment or humane destruction deemed necessary for any animal that is sick or injured;
- the provision and administration of all drugs and medical equipment necessary for treatment, or used in production; and
- the prevention of disease, or the spread of disease, amongst all animals used.

The veterinary surgeon, or the animal trainer if appropriate, should:

- give instructions regarding the use, care, treatment and welfare of animals;
- withdraw immediately from rehearsal or filming any animal which becomes sick, distressed, injured or in danger of injuring itself or others;
- examine animals after the completion of each scene and treat or arrange for treatment where necessary;
- return animals to normal conditions as soon as possible; and
- notify the producer in writing within 24 hours of any situation where the welfare of animals is at risk and give details of action taken.

Any veterinary surgeon, animal trainer or animal handler employed should not leave the film set unless another qualified person is present.

11. Reporting Responsibilities

The veterinary surgeon on a film set where there are scenes involving animals should report in writing to the producer, within seven days after the conclusion of filming, regarding compliance with this Code of Practice. Where a report indicates non-compliance with this Code of Practice or issues of concern regarding the welfare of animals, then a copy of this report should be provided to the Authority.