

Code of Practice for the welfare of animals in films and theatrical performances

The Code is attached to the Prevention of Cruelty to Animals Regulation 2012:

39 Use of animals in films and theatrical performances

(1) A person must not use an animal in connection with the production of a film or theatrical performance, or cause or permit an animal to be used in connection with the production of a film or theatrical performance, otherwise than in accordance with the relevant Code of Practice.

'relevant Code of Practice' means the document entitled Code of Practice for the Welfare of Animals in Films and Theatrical Performances that was approved on 3 February 1997 by the Animal Welfare Advisory Council and is published on the Department's website.

1. Introduction

1.1 This Code applies to all animals used in the production of films (including television), in theatrical performances, and in still photographs for advertising or promotion.

1.2 This Code aims to prevent cruelty to and ensure the safe, considerate, humane treatment of animals so used.

1.3 The Code recognises that animals used in films and theatrical performances will be required to perform tasks, which may be complex, with:

1.3.1 other animals of the same or different species

1.3.2 people

1.3.3 special effects.

Such tasks must be managed in a way which avoids distress, sickness, injury or abuse.

2. General principles

2.1 The staging of any act that intentionally endangers, kills, injures or abuses an animal is not permitted.

2.2 Ultimate responsibility for ensuring the welfare of the animals and compliance with this Code rests with the Producer or the Producer's authorised agent, whether such person is on the set or not.

- 2.3 Animals must only be trained, handled and managed by competent people, with due consideration for the welfare of the animals.
- 2.4 Film making and theatrical techniques must be considered for their impact on the welfare of animals.
- 2.5 Whatever the requirements of the script, all people responsible for the management of animals used on sets must consider the welfare of animals under their control.
- 2.6 Arrangements must be made for provision of veterinary attention for animals.
- 2.7 Only well-trained animals should be used in stunts or special effects.
- 2.8 Producers must ensure that the welfare of animals is always given priority over continuing of filming or performing.
- 2.9 No animal is to be killed for the purposes of film making or theatrical production.

3. Legal considerations

- 3.1 The Producer and his or her agent must be familiar with relevant parts of:
 - 3.1.1 the Prevention of Cruelty to Animals Act
 - 3.1.2 National Parks and Wildlife Act
 - 3.1.3 Occupational Health and Safety Act
 - 3.1.4 The Film Industry Safety Guidance Notes.
- 3.2 Officers appointed under the Prevention of Cruelty to Animals Act have legal authority to attend any set and must be allowed access at all times when animals are being used. Officers of the NSW National Parks and Wildlife Service have similar legal authority in relation to native fauna.

4. Planning for use of animals

- 4.1 Either the Royal Society For the Prevention of Cruelty to Animals NSW (RSPCA) or The NSW Animal Welfare League (AWL) must be notified in every case where animals will be involved. Before arrangements are made to obtain or use animals, the Producer or his/her authorised agent shall complete and forward the attached notification form and a copy of the relevant script scenes, where applicable, as the means for notifying RSPCA or the AWL.
- 4.2 Where animals do not need to be specifically obtained because animal involvement is minimal - for example paddock livestock in the background of a shot, or birds in an aviary in the background where the animals are unaffected by film lighting or other disturbance - the notification of the RSPCA or AWL alone is adequate. The RSPCA or AWL will in turn indicate if they are satisfied that no further action is required, or if they have concerns.
- 4.3 For more direct animal involvement, where animals will be specifically obtained, the Producer or his/her agent shall also consult with an experienced animal trainer and/or experienced handler to obtain early advice on:-
 - 4.3.1 the most suitable species or type of animal
 - 4.3.2 the number, sex and age of animals required
 - 4.3.3 the availability of the animal(s)

- 4.3.4 the period of time likely to be needed for training and acclimatisation
- 4.3.5 any special requirements for the care, management and performance of animals
- 4.3.6 possible problems and the likelihood of their occurrence
- 4.3.7 estimated costs associated with animal care and use
- 4.3.8 means of minimising disturbance to animals normally living on or near the set, where appropriate.
- 4.4 Any substantive last minute or unavoidable changes to the script/animal action must be notified to the RSPCA or AWL.
- 4.5 When stunts are intended which could have a potentially harmful impact on animals, when any other significant risk or hazard can be identified, where large numbers of livestock are involved, or where required by the RSPCA or AWL after examination of the proposal in 4.1, the attendance and input of a consulting veterinarian, who is knowledgeable in the animal(s) being used, is required. (See also, Clause 8.1).
- 4.6 Further consultation by the Producer may be required with:
- 4.6.1 additional animal trainers and/or veterinary surgeons if several species of animals are to be used
- 4.6.2 experts in native fauna or exotic animals
- 4.6.3 the National Parks and Wildlife Service if native animals are to be used or if filming is likely to disturb native animals living in the vicinity of a set.
- 4.7 Where no veterinarian is in attendance for any animal involvement, the Producer or his/her authorised agent must arrange for a veterinarian to be available to attend animals within a reasonable period of being called.
- 4.8 The Producer or his/her agent shall ensure that all consultants are provided with:-
- 4.8.1 a copy of this Code of Practice
- 4.8.2 a copy of the Film Industry Safety Guidance Notes – Use of Animals
- 4.8.3 a written description of what is expected and required of the animal(s) to fulfil the script requirements
- 4.8.4 the location and description of the set(s)
- 4.8.5 details of likely environmental conditions.
- 4.9 Formal contractual arrangements should be made between the Producer or his/her agent, the animal trainers and handlers, and/or the animal owners for services provided, which specify the responsibilities accepted by the Producer for the animals and the responsibilities of the trainers, handlers, suppliers and owners, including agreement to abide by this Code. Such arrangements do not negate the requirements for care set down in this Code. (See also Clause 2.2).
- 4.10 A contracted animal trainer or handler shall provide written advice to the Producer which details:
- Trainer/handler contact numbers
 - veterinary contact and requirements
 - animal management, care and transport requirements
 - safety requirements from the trainer/handler department
 - safety requirements from other departments (e.g. art or location)

This advice will be made available by the Producer to all parties involved with the animals, prior to the day of filming or production involvement.

5. Management of animals

5.1 Animals shall be maintained and transported in a manner that provides proper and humane care and complies with all other relevant Codes of Practice.

5.2 Animals must receive food and water consistent with their needs. Emergency supplies should be arranged before they are needed if a shortage of food or water appears likely.

5.3 Proper shelter must be provided for all animals. Large animals and wildlife accustomed to the environment of outdoor sets may be kept on the set if arrangements are suitable. Animals kept under confined conditions should be exercised regularly in accordance with their needs.

5.4 Any animal that is not accustomed to the environmental conditions of a set should be held, as far as possible, under conditions with which it is familiar and in which it is not distressed, and must be familiarised with the set conditions prior to performing.

5.5 Animals must be controlled so they cannot attack or escape, particularly if they are highly aggressive, timid, venomous, in season or of large size.

5.6 Animals that are of different species or are otherwise incompatible should be housed separately to prevent aggression, fear and distress.

5.6.1 Where animals are considered compatible, suitable time must be allowed for social integration.

5.7 All facilities for animals must be kept clean and free of contaminated materials.

5.8 Equipment or gear (including harnesses or restraints) that is likely to cause distress, pain or injury must not be used on animals.

5.9 Each animal should be inspected at least once daily by an experienced and competent person. Where the health or welfare of an animal is in doubt, the Producer or authorised agent of the Producer should be notified immediately.

5.10 Any animal that becomes sick, distressed, injured or is in danger of injuring itself, other animals or people, shall be withdrawn immediately. Prompt veterinary examination and/or appropriate treatment should be sought for sick, distressed or injured animals.

5.11 The Producer must ensure that all personnel who will be working with animals are informed that patience is essential and that training or handling methods involving pain or distress to animals are not permitted.

5.12 Actors and animals should be familiarised with each other during training and rehearsals on the set.

5.13 Animal handlers and trainers must not be required to take responsibility for other tasks (e.g., lighting). Their attention must be directed towards the animals, which must not be left unattended to run loose on the set.

6. Maintenance of sets

- 6.1 Sites for sets should be inspected before use each day by an experienced animal trainer or handler (or veterinary surgeon) to ensure that they are free of obstacles or hazards which may injure animals.
- 6.2 Animals, other than those intended for use in a film or theatrical performance, should not be present on sets during rehearsal, filming or performance.
- 6.3 The Producer must take all reasonable steps to prevent interference or disturbance by unauthorised persons to animals on the film set.
- 6.4 A catching net or other capture equipment should be provided around the set if deemed necessary by the consultant veterinary surgeon, animal trainer or handler.
- 6.5 Persons known to be under the influence of drugs or alcohol should not be permitted on any set during training, rehearsal, filming or performances while animals are working.
- 6.6 The producer or the producer's authorised agent shall be responsible for providing in sets:
- 6.6.1 means of conveying urgent messages
 - 6.6.2 facilities for holding, restraint and examination of animals
 - 6.6.3 means of moving and transporting sick or injured animals.

7. Special considerations

- 7.1 Glare, heat, noise or other factors likely to cause distress to animals should be avoided, since some animals, particularly wildlife, may be extremely sensitive to such stimuli. Exposure to these factors should be reduced to the shortest possible time.
- 7.2 Animals must be removed from a set or sufficiently protected when special effects likely to cause fright are used.
- 7.3 Fireworks or other special effects intended to frighten animals must not be used.
- 7.4 Animals at an advanced stage of pregnancy or very young animals may only be used with the approval of the consultant veterinary surgeon. Special arrangements must be made by the Producer for the care of these animals.

8. Veterinary care

- 8.1 When required (see Clause 4. 5) at least one experienced veterinary surgeon must be engaged as a consultant by the Producer or authorised agent of the producer.
- 8.2 The consultant veterinary surgeon shall advise on the health and welfare of all animals on the set:
- 8.2.1 during the period from the time the animals are assembled
 - 8.2.2 during training, rehearsal and filming or performance
 - 8.2.3 until their dispersal
 - 8.2.4 In those instances in which a consulting veterinary surgeon is not required, it is the responsibility of the consulting animal trainer or handler to advise the Producer on the health and welfare of animals and the need to call for veterinary assistance as required. (Veterinary assistance must be available - refer to Clause 4.7).

8.3 Any animal that becomes sick or is injured during this period must be treated or humanely destroyed by either the consultant veterinary surgeon or another experienced veterinary surgeon (see Clause 4.7). The final decision as to whether or not a sick or injured animal should be humanely destroyed rests with the veterinary surgeon, after consultation where practicable with the animal's owner.

8.4 The consulting veterinary surgeon, or the consulting animal trainer or handler, when no consulting veterinary surgeon has been engaged, shall have the authority to give instructions to the Producer or the authorised agent of the Producer regarding the use, care, treatment and welfare of animals on a set, including the authority to stop a scene if the welfare of animals is considered to be in danger.

8.5 The owner of an animal supplied for use in a film or theatrical performance may engage a veterinary surgeon privately to attend to his/her animal, but must give written consent to the administration of necessary treatment of his/her animal on a set by a veterinary surgeon engaged by the company, if the owner's own veterinary surgeon is not available.

8.6 Where an animal becomes sick or injured on a set, the Producer or the authorised agent of the Producer shall authorise and pay for any care and treatment deemed appropriate by the attending veterinary surgeon. Such authorisation and payment does not imply acceptance of liability.

8.7 Animals requiring veterinary treatment or humane destruction shall be dealt with promptly.

8.8 No drug may be administered to an animal on a set except by, or under the specific directions of, a veterinary surgeon.

8.9 Where animals are used in films or theatrical performances, the Producer or the authorised agent of the Producer shall ensure that, on veterinary advice, all reasonable steps have been or will be taken to prevent disease and injury. Such steps may include, but not be limited to:

8.9.1 isolation of animals

8.9.2 vaccination against infectious diseases

8.9.3 protection from extremes of weather

8.9.4 treatment of internal and external parasites

8.9.5 relevant training and acclimatisation of animals, including social integration.

9. Attendance by veterinary surgeons on sets

9.1 When, in accordance with Clause 4.5 of this Code, a consulting veterinary surgeon has been engaged, the veterinary surgeon must be present on a set at all times during training, rehearsal and filming or performances of scenes where the consultant veterinary surgeon considers there is a risk of distress or injury to animals, including but not limited to any scenes involving:

9.1.1 fast movement of any type by animals

9.1.2 large numbers of animals

9.1.3 animals at an advanced stage of pregnancy

9.1.4 very young or very old animals

9.1.5 obstacles to movement by animals

9.1.6 difficult terrain or ground surfaces

9.1.7 adverse weather

9.1.8 reduced visibility

9.1.9 large amounts of fire and/or smoke

9.1.10 special effects, especially those involving unusual noise or lighting, that may frighten animals.

9.2 For training, rehearsal and filming or performance of scenes which are considered by the consultant veterinary surgeon not to involve a risk of distress or injury to animals it is only necessary for the animal trainer or handler to be present on the set. However, an experienced veterinary surgeon must be available to attend animals within a reasonable period of being called.

9.3 Any veterinary surgeon who is employed on a full-time basis by the company shall ensure that suitable alternative arrangements are made if he or she intends to leave the set.

9.4 Arrangements must be made for animals to be returned to their normal conditions at the end of filming or at the closure of a theatrical production. The animals must be returned as quickly as possible once the production or filming ends.

10. Sedation and anaesthesia of animals

10.1 Because sedatives and anaesthetics are potentially dangerous, their use on a set for the purpose of performance enhancement is prohibited. Effects should be achieved by training or by the use of dummies. (This does not affect the right of veterinarians to use prescribed drugs for the treatment of animals). (See also Clause 8.8).

11. Training of animals

11.1 Animals used in films or theatrical performances, other than for minimal involvement (see Clause 4.2) should be trained, handled and cared for by experienced animal trainers, or competent animal handlers under the supervision of an experienced animal trainer.

11.2 Animal trainers ensure that animals under their care are properly cared for. Animal trainers or handlers should liaise with the consultant veterinary surgeon when engaged, or otherwise with an experienced veterinary surgeon regarding the care and management of animals, and about procedures for reporting any signs of disease or injury.

11.3 Animal trainers should only use animals that are fit and healthy. It may be necessary for animals to be conditioned so that they are fit to perform their tasks and accustomed to the environment of the set, or to use several identical animals to accomplish difficult scenes.

11.4 Animals that have been trained for the specific tasks required in the film or theatrical performance should be used wherever possible.

11.5 Only extremely well-trained animals should be used in stunts or special effects. For example, animals must be suitably trained for stunts such as horse falls, rather than using trip-wire.

12. Definitions

12.1 'animal' means any live member of a vertebrate species, including any fish, amphibian, reptile, bird or mammal other than a human being.

12.2 'company' means a film or theatre company, including an advertising company.

12.3 'consultant veterinary surgeon' means a veterinary surgeon registered in New South Wales engaged by the company, whether on a permanent, temporary, full-time or part-time basis as a consultant.

12.4 'experienced animal trainer' means an animal trainer who has prior professional experience both in the management, care and handling of the species of animal to be used and in any training methods that will be required.

12.5 'experienced animal handler' means an animal handler who has prior professional experience in the management, care and handling of the species to be used

12.6 'competent animal handler' means a person involved in and capable of the management, care and handling of the species of animal to be used, but not necessarily having prior professional experience in these practices.

12.7 'experienced veterinary surgeon' means a registered veterinary surgeon who has experience both in the management, care and treatment of the species of animal to be used and in any veterinary procedures to which the animals will be subjected.

12.8 'film' includes commercial, serial, television, video, feature, documentary and educational film.

12.9 'set' means a place where filming, photography or theatrical performances occur, or where training and rehearsal in preparation for filming, photography or theatrical performances is undertaken.

12.10 'theatrical performance' includes live productions of plays, operas and musicals but does not include circuses or other animal exhibits which are covered by the Exhibited Animals Protection Act, 1986.

12.11 'still photograph' includes photography for advertising or promotion.

As approved on 3 February 1997 by the Animal Welfare Advisory Council.