

Animal Welfare (Zoos) Code of Welfare

Summary of Public Submissions 2004

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Introduction

The NAWAC Zoos Code of Welfare was publicly notified in 2004 with submissions closing on 8 April.

Two types of submission were received:

- A standard letter expressing opposition to the use of captive animals for entertainment since zoos fail to provide for the needs of their animals; and
- Other submissions which expressed opposition or support for the Code, some of which suggested changes to specific parts of the Code.

This report summarizes the 25 submissions received to date.

Abbreviations

Act or AWA — Animal Welfare Act 1999

ARAZPA — Australasian Regional Association of Zoological Parks and Aquaria  
MS — Minimum Standard

NZVA — New Zealand Veterinary Association

RBP — Recommended Best Practice

SAFE — Save Animals From Exploitation

### Main points in the submissions

Most submissions were opposed to the use of animals in zoos, believing the Code to be inadequate. Supporting arguments included:

1. Zoos cannot adequately provide for the physical, health and behavioural needs of the animals resulting in compromises to their health and welfare.
2. Animals and species that are known to be unable to adapt to a captive environment should not be held by zoos since it is impossible to ensure that their physical, health and behavioural needs are met.
3. The functions of zoos were often raised. Firstly, the confinement of animals for human entertainment was considered unjustifiable and the use of exotic animals for this purpose should be phased out. Secondly, zoos have little, or educational value in teaching people about animals behaving in unnatural environments, reinforcing unacceptable attitudes to animals. Finally, while the conservation of wildlife, rare or endangered species was given some support, it was noted that this was minimal and effort and resources would be better focussed on wildlife and habitat preservation, and on preventing poaching and smuggling. It was also noted that the conservation function negates the need for zoos to confine non-endangered species.
4. The transfer of animals from a wild or free ranging environment to a captive one, the separation of social animals from their social groups and families, and the transfer of highly territorial animals from their home range into unfamiliar environments causes severe stress to animals. Such a transfer could constitute "ill-treatment" within the meaning of s29(a) of the Act. Many submissions suggested the Code should explicitly deny capturing animals from the wild for the purpose of being transferred to zoos, unless for the animal's benefit. Any form of transfer of animals from zoos to circuses, laboratories or animal traders must be prohibited.
5. There were many suggestions to the draft Code (appended) including those relating to the clarity of definitions used; the precision of terms such as "animal welfare" or "physical health and environmental needs"; the use of subjective or qualitative terminology within Minimum Standards; and Recommended Best Practices which address issues already dealt with under Minimum Standards thereby undermining the scope and application of several key standards.
6. The Code does not adequately address several issues including: over-population and over-breeding which can compromise welfare; routine tethering and pinioning which severely restrict the animal's ability to display normal patterns of behaviour; performing animals and the use of animals in public displays; animals should not be able to be hired out for entertainment or promotional events likely to

cause distress; euthanasia on non-human primates; and provisions relating to illness and disease primarily aimed at addressing and treating harm after it has occurred rather than at prevention.

7. Zoo operators should not have discretionary power to manage species. Unless the Code is capable of enforcement, it will be impossible to ensure compliance. The requirement for a natural environment should be regulated by a body constituted of veterinarians and animal welfare/animal rights organizations. The Code should be policed and enforced by independent inspectors who have no employment ties to the zoo industry.

As well as providing comments on specific parts of the Code, a number of submissions referred to the positive manner in which progress was being made. These included:

- The draft Code being an improvement in the way animals are to be protected under law, especially since their behavioural needs are being taken into account.
- Compared with other Codes of welfare, this Code was clearly written with the intention of implementing the standards in the Act more directly. This is evidenced by the scope of the standards that have been set and by the frequency with which the Code refers to or discusses specific provisions in the Act.
- Commending MAF and NAWAC on the quality of the Code believing it ensures zoo animal welfare will be adequately protected while at the same time allowing zoos and parks to continue to develop new and innovative exhibits.

Suggested changes to specific parts of the draft Code

Section	Comment	
1.4 Scope	Should non-human hominoids be given special consideration? Details of more specific standards of care are available and the submitter would be ve ha to draft a com rehensive non-human hominid section.	16
1.9 Glossary	Definition of a zoo is broad in that it includes animals held for conservation and educational purposes rather than specifically for exhibition or entertainment. This definition also encompasses aviaries and private collections of animals for conservation or educational purposes, and these need to be included along with animal parks and aquariums. The words ""and will usually hold . and native s ecies add nothin and should be deleted.	22
	Definition of aquarium excludes fish tanks on private premises, or where the display is not part of a core business. This exclusion could be applied to other animals e.g. birds in aviaries. Suggest the term "private" is replaced by "residential" (NB some zoos are privately run). Alternatively remove the exemption in relation to aquariums but define "public exhibition" in relation to zoos more clearl .	22
	Definition of Operator here and in relation to MS 1. Either define "animal exhibit" or replace with "zoo operator	22
2		
3.2	The animal exhibit operator	
MS 1 The anima] exhibito erator	1b implies that an animal that would not adapt to any zoo — and would therefore require euthanasia in many cases? May be difficult to enforce.	9
	1b and RBP address the same issue and should be treated similarly, if a species or an individual cannot cope they should not be held, RBP should be a MS>	22
	1c The term "animal welfare" is too broad. Suggest: The operator must not allow an animal to be used or exhibited in a way that would expose the animal to risk of injury, or is likely to cause si nificant distress, or otherwise com romises the animal's welfare.	22
	In order to display normal patterns of behaviour, an animal must have the opportunity to explore its home range therefore add MS  The operator must not keep animals confined in a space that is less than their home range in natural conditions. This range must be established through relevant scientific studies by reputable animal behaviour specialists. Where there is disagreement between such specialists, the animal shall be iven the benefit of the doubt, and the larger area shall be chosen.	2
3.3	Provision for animal welfare	

MS 2 Provision for animal	Agree, providing new MS Id (natural range) accepted.	2
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	The term "alternative provisions" is loose and non-directive, Need to state the kind of provisions that are acceptable e.g. moving the animal or species to a more appropriate enclosure; further development and improvement of the enclosure or facilities; implementation of novel or additional environmental enrichments; re-organization of group size and social structures; or provision of areas that would allow the animal to obtain privacy or to get away from the public and/or others in the enclosure. Also establish what responses are inappropriate such as prolonged isolation and euthanasia. Zoos intervene, should be obliged to act as soon as it is evident that an animal is in distress that is likely to either worsen over time or be of an ongoing nature if they are not to rather than only intervene when the distress is chronic.	22
3.4	Inspections	
MS 3 Inspections		2
	Not inspecting vulnerable animals may adversely affect their welfare and zoos should have facilities to observe vulnerable animals without impacting on their welfare. A minimum daily check must be made on all animals, unless situations prevail which necessitate more frequent checks, because of a likely impact on the welfare of the animals.	9
3.5	Acquisition and disposal of animals	
	Sale or gifting of animals to hunting lodges, unaccredited zoos, or zoos of poor reputation is a concern	1
New MS	Acquisition and disposal of animals (zoo to zoo and wild to captivity) can cause significant distress through separation of animals from their social groups and families; separation from environment (especially territorial animals); and subjecting them to a wide range of novel and frightening situations. Therefore suggest MS: The movement or transfer of (a) wild or free-ranging animals into a captive zoo environment; (b) highly territorial animals from their natural home range or established territory into a novel environment; (c) highly social animals out of their familial or social groups, is prohibited except in exceptional circumstances or where such movement or transfer can be shown to be in the best interests of the species, the individual animal or larger social group to which that animal belongs. Where such a transaction takes place steps must be taken to mitigate the harm and minimise the likely distress caused as far as possible. In order to minimise likely distress every attempt should be made to move, transfer or acquire highly social animals in routine ways.	22
3.6	Staffing and staff training	
MS 4 Staff training	Agree,	2
3.7	Cleaning and hygiene	
MS 5 Hygiene		2

3.8	Management of animal reproduction	
	Oppose selective breeding and gene pooling programmes since they subject future generations of animals to deprivation and inbreeding	
New MS	Unplanned breeding can compromise welfare through overpopulation and crowding and euthanasia of healthy animals. Therefore suggest: Animals must not be bred except on a planned basis; Euthanasia must not be routinely used as a method of population control;	22
	Animals whose physical, health and behavioural needs cannot be met in a zoo environment, must not be bred for the purpose of exhibition	
4	F.öödiänd,water?	
MS 5a and RBP	MS and associated RBP overlap — "facilities must be kept clean" and ". dead animals and foreign bodies should be removed" add the RBP to the MS and remove reference to comfort as its not a licable for a higher standard	
MS 6 Food and water		2
MS 6a and RBP	MS and associated RBP overlap and conflict — understanding an animal's dietary needs is a prerequisite for providing food sufficient to provide for health and welfare while RBP implies that this is not absolutely necessary	22
MS 6g and RBP	MS and associated RBP should be combined into a MS which deals with food quality and hygiene, and require food to be free of foreign bodies and prohibit its preparation and storage in areas where there is animal waste and rubbish	22
RBP	Live prey should not be given to captive animals unless there is no other way in which the nutritional and behavioural needs of captive animals can be met	2
5		
5.1	Physical and social environments	
Introduction	The maintenance of pasture (areas of vegetation) for hoof-stock some zoo situations is not practical, therefore amend to read: Grazing and browsing animals need to have access to diverse "areas of vegetation"	6
	All birds need a water mist spray where there is no access to rain or water for bathing — not just raptors	9
MS 7 Physical environments	Agree, providing new MS 1d (natural range) accepted	2
	MS should set minimum enclosure sizes and dimensions according to species or types of animals that take into account the animals physical, health and behavioural needs OR Explain what the specific physical, health and behavioural needs are in terms of space, enclosure size and physical environment requiring that these requirements be met. To be based on natural home range or territory, natural activity levels, normal daily activities, and the area required to allow coherent groups and social structures to form. The standard should require enclosures to be of a sufficient size to ensure these needs are catered for.	22

	7a Suggest should read: Where possible, animals must be housed in enclosures which provide at least the minimum space necessary to ensure maintenance of the physical health, psychological and behavioural needs of all the individuals in the exhibit, and where the physical environment closely resembles that of their natural habitat (e.g. living forest if animal is forest dwelling). [see notes under MSI 1 RBP below	10
	7b A permanent means of escape back into the enclosure could also be a point of entry into the moat unless a system is in place to revert this,	9
RBP	The associated RBP relating to physical environments undermines the MS and should be incorporated into it.	22

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	7f The RBPs regarding shelter, floor surfaces, and vegetation should be redrafted as MS 7f	22
MS 8 Social environments		2
	MS simply restates the Act and the detail is included in the RBP. MS should detail what specific physical, health and behavioural needs must be met by redrafting the RBP as the MS. (Note that the RBP is drawn from the pre-existing Code where it appears as a MS.	22
	8b suggest remove "visual"	9
	8b Reword to cover scent and sound affecting stress or alarm, thus: Species and individuals which ere behaviourally incompatible must not be held together, or be in visual or close proximity if this causes distress	22
REP	Any vegetation capable of harming animals should be amended to vegetation toxic to animals	9
5.2	Facilities, equipment and maintenance	
MS 9 Facilities and equipment		2
	Distinguish between structural and play ropes, the latter which can or even should be frayed.	9
5.3	Housing and controlled environments	
MS 10 Housing and controlled environments	Agree	2
	1 Od — should these variable be measured and if sot how often?	9
"RBP"	Not alt cages/display areas have holding or treatment rooms so some distress is inevitable	9
<b>6</b>	<b>Normal behaviour and stress</b>	
MS 11 Normal	Agree, providing new MS Id (natural range) accepted.	2

patterns of behaviour		
	1.1 The standards do not implement or detail the types of behaviours that must be provided for, instead there is a presumption that normal patterns of behaviour will be compromised. This is reflected in the standards that focus on providing for growth and development, need for exercise, and enrichment programmes. Instead the requirements to maintain normal social structures and group sizes, provide an environment that takes into account natural surroundings and activities, and cater for telos etc are contained within non-binding RBPs.	22
	1.1a — it is putting the programme into practice that will benefit the animals. Amend to: An appropriate behavioural and environmental enrichment programme must be developed and implemented for each species of animal held.	10
	1.1a Code gives no direction as to what is appropriate. One measure would require the programme to "provide sufficient stimulation so that displacement activity and stereotypic behaviour does not develop, if it already exists, that it does not worsen. Nor does	22

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	the MS require zoos to implement such programmes. Should be noted that the need for enrichment is an indicator of an impoverished environment — if the needs of the animal are being met, and the Act complied with, such a standard should not be necessary	
	1 Ic — too vague, large animals need access to large enclosures for the majority of the day. Amend to: Where appropriate to the species, all animals must be given access to an adequately-sized area which provides the opportunity to exercise freely for at least 6 hours per day, and which provides behavioural enrichment	10
	1 Id — wording allows routine and prolonged tethering if an animal is dangerous to the public. Amend to: Animals must not be routinely tethered except temporarily for safety or demonstration reasons, in emergencies, or to facilitate short-term management practices directly benefiting the animal. The tether must not cause physical or prolonged psychological harm and be a temporary measure only, until the animal can be returned to an environment that meets all other minimum requirements of this Code,	10
	1 Id MS allows animals to be tethered for long periods for demonstration purposes, if zoo failed to implement safety features, or if management practices required it. Suggest: Animals must not be tethered on a regular basis or for lengthy periods of time except where such tethering is necessary and is in the best interests of the animal for example to facilitate veterinary inspections or the treatment of illnesses and disease, or in emergency situations. Animals must be tethered on an occasional basis, for short periods of time provided that this does not cause the animal significant distress, expose them to risk of injury, or otherwise compromise their welfare. This MS should also include pinioning (see below)	22
	1 If The term "animal welfare" is too broad — redraft so the standard is enforceable. Suggest: Behavioural and environmental enrichment programmes must not expose the animal to risk of injury likely to cause significant distress, or otherwise compromise the animal's health or welfare.	22
RBP	Third bullet point should be a MS if the Code seriously requires zoo operators to provide an animal with environmental and behavioural enrichment. Suggest MS 7a should read: Where possible, animals must be housed in enclosures which provide at least the minimum space necessary to ensure maintenance of the physical health, psychological and behavioural needs of all the individuals in the exhibit, and where the physical environment closely resembles that of their natural habitat e.g. living forest if animal is forest dwelling	10
	Pinioning birds is inappropriate and comparable to tethering animals therefore should only be permitted when in the best interests of the bird (recovering from injury, must be prevented from flying for its own protection). MS 1 Id should be amended to include pinioning	22
MS 12 Fear and distress	Agree	2
	12d The following should be added to the Code as animals are used in performances and public displays with the risk of stress. Animal should not be forced to perform where this would cause them undue stress or negatively impact on their physical or	22

	mental health. Animals should also not be made to participate in or perform activities and tasks that are beyond their physical capabilities or which cause them distress	
<b>7</b>	<b>Animal health and disease</b>	

Introduction	Last bullet point: parasitism is not a symptom	9
	Suggest adding "regular faecal checks and regular daily observation with a checklist' to ways of diagnosing illness detecting abnormalities	9
MS 13 fitness and disease	Agree	2
	13a and associated RBP ("A veterinarian should be consulted are inappropriate and conflict. The conditions in the RBP, are incredibly serious yet it remains optional to consult a veterinarian. The RBP should be redrafted as a MS replacing "immediately" with "as soon as racticable"	22
RBP	The RBP "Preventative management programmes .." is important to protecting animats from injury and disease and as such should be redrafted as a MS: Where practicable animals must be protected from significant injury or disease, this includes providing for parasite control and vaccinating against common diseases where such measures are readily available. AND Enclosures holding infected animals must be sanitised before any healthy animals are retuned to them. Provision must also be made to minimise the spread of communicable pathogens where pathogens are likely to cause significant disease. In such situations rovision must be made for havin se arate facilities, feedin and waterin facilities for infected animals.	22
MS 14 Wild animal rehabilitation		2
	14b — suggested addition of 'When exhibited, these animals shall have access to areas out of public view"	9
	14c — suggested addition of " . or transfer diseases back into the wild"	9
MS 15 Transport 110		2

MS 16 Euthanasia	Zoo animals have interests, and people have obligations to sentient beings, therefore they should not be discarded when not needed. Therefore new MS: (e) euthanasia should only be used if it is in the best interest of the animal himself or herself (i.e. the animal must be in severe and continuous pain which cannot be alleviated in any other way), (f) only qualified veterinarians may administer euthanasia or make the decision to euthanase (g) any euthanasia operations must be recorded in a permanent record by the duty veterinarian, and such record must be available for examination by the public.	2
new section	10.2 Euthanasia of Non-human Hominids	16
Introduction	Non-human hominids should be respected as individuals and not euthanased unless it is truly in their best interest.	16
new MS 17	If a non-human hominid is to be killed, it must only be in self-defence or in the defence of others (including non-human hominids), or	16

Euthanasia of Non-human Hominids	it must be euthanasia which is truly in his/her best interests and not for the convenience of his/her care-givers.	
new RBP	Non-human hominids should not be killed.	16
11.2	Records and identification	
RBP	Code should explicitly recommend (or at least mention) ISIS (International Species Information System) software for their animal records as this is the global standard for animals records software. Therefore recommend the following addition to the text: The ARAZPA Guidelines on Animal Records Keeping (available from <a href="http://www.arazpa.org.au">www.arazpa.org.au</a> ) should be followed. ARAZPA recommends that zoos and wildlife parks use the animal record software available from the International Species Information System (see <a href="http://www.isis.org">www.isis.org</a> ).	6
	There is a need for a visible means of identification where it is impossible to get close enough to read a microchip	9
	Records are essential for compliance with the Code (therefore ensuring the Code is enforceable) thus the RBPs relating to record keeping should be redrafted as a MS	22
	Written recapture procedures and staff trained and familiar with them	
	Training and performing	