

**QUEENSLAND CODE OF PRACTICE
for the**

**WELFARE of ANIMALS
in
FILM PRODUCTION**

under the

ANIMAL CARE AND PROTECTION ACT 2001

GENERAL DISCLAIMER

Information contained in this publication is provided as general advice only. For application to specific circumstances, professional advice should be sought.

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1. INTRODUCTION

- 1.1 The Queensland Government has a strong commitment to ensuring that animals in Queensland are afforded standards of animal welfare that achieve community acceptance, meet market requirements and incorporate sound scientific principles.
- 1.2 The care and use of animals for entertainment purposes impacts on public perceptions of animal welfare and the industries that use them.
- 1.3 Contemporary views on animal welfare are reflected in the way society treats animals. Practices that may once have been deemed to be acceptable are now being questioned and changed as a result of our improved knowledge about animals and to better match community attitudes and expectations.
- 1.4 The principal legislation in Queensland safeguarding the welfare of animals is the *Animal Care and Protection Act 2001* (the Act).
- 1.5 The Act aims to:
 - promote the responsible care and use of animals;
 - provide standards for the care and use of animals that-
 - (i) achieves a reasonable balance between the welfare of animals and the interests of persons whose livelihood is dependant on animals; and
 - (ii) allow for the effect of advancements in scientific knowledge about animal biology and changes in community expectations about practices involving animals;
 - protect animals from unjustifiable, unnecessary or unreasonable pain; and
 - ensure the use of animals for scientific purposes is accountable, open and responsible.
- 1.6 Section 17 of the Act provides that a person in charge of an animal owes that animal a duty of care and the person must not breach their duty of care to an animal. A person breaches the duty of care only if the person does not take reasonable steps to:
 - provide the animal's needs for the following in a way that is appropriate-
 - (i) food and water;
 - (ii) accommodation or living conditions for the animal;
 - (iii) to display normal patterns of behaviour;
 - (iv) the treatment of disease or injury; or
 - (v) ensure any handling of the animal by the person, or caused by the person, is appropriate.
- 1.7 In deciding what is appropriate, regard must be had to—
 - the species, environment and circumstances of the animal; and

- the steps a reasonable person in the circumstances of the person would reasonably be expected to have taken.
- 1.8 Section 18 of the Act prohibits a person being cruel to an animal. Without limiting what constitutes cruelty to an animal, a person is taken to be cruel to an animal if the person does any of the following to the animal—
- causes it pain that, in the circumstances, is unjustifiable, unnecessary or unreasonable;
 - beats it so as to cause the animal pain;
 - abuses, terrifies, torments or worries it;
 - overdrives, overrides or overworks it;
 - uses on the animal an electrical device prescribed under a regulation;
 - confines or transports it—
 - (i) without appropriate preparation, including, for example, appropriate food, rest, shelter or water; or
 - (ii) when it is unfit for the confinement or transport; or
 - (iii) in a way that is inappropriate for the animal's welfare (eg placing the animal, during the confinement or transport, with too few or too many other animals or with a species of animal with which it is incompatible or not providing the animal with appropriate spells; or
 - (iv) in an unsuitable container or vehicle;
 - kills it in a way that—
 - (i) is inhumane; or
 - (ii) causes it not to die quickly; or
 - (iii) causes it to die in unreasonable pain;
 - unjustifiably, unnecessarily or unreasonably—
 - (iv) injures or wounds it; or
 - (v) overcrowds or overloads it.
- 1.9 The *Animal Care and Protection Act 2001* also introduces the concept of a person-in-charge. A person in charge is broadly defined as a person who has control of an animal, regardless of whether the control is temporary, permanent or whether the person is or is not the legal owner of the animal(s). An individual may even be regarded as a person-in-charge if they employ or engage someone else to have custody of the animal, and the custody is within the scope of the employment.
- 1.10 If a person is the person in charge, then they owe a duty of care to that animal, as described in 1.6.

- 1.11 In Queensland, the *Nature Conservation Act 1992* governs the use of native animals. Generally, a person cannot take, keep or use a protected animal unless authorised. Appropriate permits or licences must be obtained from the Environmental Protection Agency if film production is to involve native animals.
- 1.12 In some instances, a permit may be required under the *Land Protection (Pest and Stock Route) Management Act 2002* to keep a declared pest animal for the purposes of film production. A list of declared pests that require permits are in Appendix B. The Department of Natural Resources, Mines and Water can be contacted for further information and permit applications.

2. PURPOSE OF THE FILM CODE

- 2.1 The Code of Practice for the Use of Animals in Film, Video and Television (the Film Code) is a voluntary code adopted under the *Animal Care and Protection Act 2001*.
- 2.2 The purpose of the Film Code is to provide guidelines for the minimum standards of management and care of animals intentionally used in the production of film footage (eg. in the film, video and television industries).
- 2.3 This Film Code aims not only to prevent animal cruelty but also to ensure that the treatment of animals in environments such as film sets meet duty of care obligations under the *Animal Care and Protection Act 2001*.
- 2.4 Persons complying with this Film Code will be in a position to demonstrate that they have met their duty of care to an animal under the Act, and therefore have a prima facie defence against prosecution proceedings for breach of duty of care or of cruelty under the Act.
- 2.5 This Film Code recognises that a wide range of animals can be used in varying situations and locations for the purposes of filming. Animals may be required to perform complex tasks, interact with other animals and people in situations that may cause stress and injury. The Film Code aims to ensure that the welfare of the animal is considered and assured, before, during and after all phases of the filming process.

3. SCOPE

- 3.1 This Film Code applies to the use of animals in association with the production of film regardless of its intended use (eg. television, video, cinema, and multimedia).
- 3.2 This Code applies to all animals as defined under the Act;
An **animal** is any of the following—
- (a) a live member of a vertebrate animal taxon;
- Examples—*
- an amphibian
 - a bird
 - a fish
 - a mammal, other than a human being
 - a reptile.
- (b) a live pre-natal or pre-hatched creature as follows if it is in the last half of gestation or development—
- (i) a mammalian or reptilian foetus;
- (ii) an avian, mammalian or reptilian pre-hatched young;
- (c) a live marsupial young;
- (d) a live invertebrate creature of a species, or a stage of the life cycle of a species, from the class Cephalopoda or Malacostraca prescribed under a regulation for this paragraph.
- 3.3 To remove doubt, a human or human foetus is not an animal.
- 3.4 ‘Animal’ under the Code includes native, exotic or introduced species whether in a wild or domesticated state.
- 3.5 This Code intends to guide all persons who use and/or train animals for film, video or television, including unscripted ‘reality’ television programs. This extends to films produced for recreational or educational purposes including features, documentaries, videos and advertising commercials. It may also provide guidance for the use of animals in amateur film or home video production.
- 3.6 The principles of this Code can also be applied to the use of animals in photography.
- 3.7 This Code also provides guidance in regard to the transportation of animals in association with film production, and the holding of animals on film sets whether actively involved in the filming process or not. All animals should be afforded minimum standards of care and treatment, to satisfy the duty of care under the Act.

- 3.8 Persons intending to use animals for film production in Queensland should be familiar with all relevant codes of practice adopted by the *Animal Care and Protection Act 2001*. They provide guidelines on minimum accepted standards for the species concerned. (See Appendix A).
- 3.9 The minimum standard of care can also be informed by the Codes by the National Consultative Committee on Animal Welfare (NCCAW), such as the Queensland Code of Practice for the Welfare of Animals in Circuses
- 3.10 This Code does not apply to the filming of animals being used for scientific purposes, where an animal ethics committee has approved the use pursuant to s.91 of the *Animal Care and Protection Act 2001*.
- 3.11 These guidelines and responsibilities do not apply to persons where animals are not under their direct control, for example in documentary footage of animals in their natural environment.
- 3.12 This Code extends to the care and protection of those animals used in association with film production, such as 'companion animals' (mothers of young animals).

4. DEFINITIONS

“**Act**” means the *Animal Care and Protection Act 2001*

“**animal**” is as defined under s.11 of the Act.

“**animal handler**” means a person who is competent to handle animals which are to be used on the film set.

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

“**code of practice**” is a code of practice made under section 13(1) of the *Animal Care and Protection Act 2001*

“**competent person**” means a person with the skills necessary to accomplish the required tasks and who has specific knowledge of the species.

“**compound**” means a place where animals are housed off the film set. This can be of a permanent or temporary nature but satisfies the recommended minimum standards for the particular species.

“**duty of care**” for a person in charge of an animal, means the duty imposed on the person under section 17(1) of the *Animal Care and Protection Act 2001*.

“**film**” includes video, digital and still photography

“**film set**” means a place where filming occurs and includes a place or places where training and rehearsals in preparation for filming are undertaken. It may be in a studio or on location.

“**pain**” includes distress and mental suffering

“**person**” refers to an individual or a corporation as defined in the *Acts Interpretation Act 1954 (Qld)*

“**person in charge**” is defined under s.12 of the Act.

“**producer**” means the person who has overall responsibility for the production of the film. Producer may include the person in charge of a film production company.

“**safety officer**” means the person who has overall responsibility for workplace health and safety of people on the film set at all times.

“**stress**” occurs when the animal’s mechanisms for coping are over extended. Signs of stress may be anxiety, elevated heart and respiratory rates, aggression, aversion, frustration, boredom and displacement behaviours.

“squib” means a small firework burning with a hissing sound and usually with a final explosion.

“suffer” means to experience stress or pain

“veterinary surgeon” means a person registered as a veterinary surgeon under the Queensland *Veterinary Surgeons Act 1936* (Qld) and whose name remains upon the register of veterinary surgeons.

“veterinary science” means the science of veterinary surgery or veterinary medicine, and includes the following—

- (a) diagnosing diseases in, and injuries to, animals, including, for example, testing animals for diagnostic purposes;
- (b) giving advice based on a diagnosis under paragraph (a);
- (c) medical or surgical treatment of animals;
- (d) performing surgical operations on animals;
- (e) administering anaesthetics to animals;
- (f) signing or issuing certificates relating to the description, health, diagnosis or treatment of animals.

However, “veterinary science” does not include an act done for animal husbandry or animal dentistry prescribed under a regulation made under the *Veterinary Surgeons Act 1936* not to be veterinary science.

“welfare” of an animal is defined under the Act as issues about the health, safety or well being of the animal.

5. PRINCIPLES

There are a number of over arching “Key Principles” that apply to the keeping and use of animals for film production in Queensland under the Act.

Key principles

- 5.1 No animal must be endangered, degraded, abused, stalked, hunted, injured or be exposed to risk of stress at a level higher than is normal for that type of animal for the purposes of film production.
- 5.2 Cruel treatment of an animal to achieve film or script outcomes is unacceptable and may be contrary to the Act, and could expose the person responsible to prosecution for an offence of cruelty under the Act.
- 5.3 No animal must be treated cruelly to induce it to perform. Animals must not be overworked or caused to suffer pain for film production.
- 5.4 The animal welfare standards contemplated under the Act apply to all animals used in film production. Individuals responsible for the use of animals in film production have a duty to safeguard the animal’s welfare during the production process.

The following “Guiding Principles” more specifically apply to the use and scope of the Film Code

Guiding Principles

- 5.5 Persons responsible for the management of animals used for film production have a duty to consider the care and protection of the animals at all times. These obligations should take precedence over individual gain, commercial interests or the educational aspects of film production.
- 5.6 Film and video production techniques used should be assessed for their impact on the welfare of the animals concerned.
- 5.7 Animals should not be used, or continue to be used, against the advice of the owner, animal trainer or veterinary surgeon.
- 5.8 Footage that incites animal cruelty or depicts action contrary to the Act should be avoided, where it is not part of a documentary or news orientated production.
- 5.9 The killing of animals for film footage should be avoided. If the killing of animals cannot be avoided, such killing must be done in accordance with the Act. For instance, an animal must not be killed in a way that;
 - is inhumane;
 - causes it not to die quickly; or
 - causes it to die in unreasonable pain.

- 5.10 It is an offence under the Act to allow an animal to kill or injure another animal.
- 5.11 Where dead animals are required to be shown in film, alternatives such as animal actors or special effects should be considered.
- 5.12 Animals should only be used in film production if they are healthy and fit for the purpose of the work, unless the filming occurs for news, documentary, educational or scientific purposes. In the instance that the filming is conducted for scientific or educational purposes, it should be ensured that the subject of the filming has appropriate Animal Ethics Approval under the Act.
- 5.13 Native wildlife or declared pest animals should not be used where suitable domesticated or tame animals are available. Protected wildlife under the *Nature Conservation Act 1992* must not be taken from the wild for use in film production.
- 5.14 Where native wildlife animals are used all relevant government permits or licenses must be obtained. (eg. a license under the *Nature Conservation Act 1992* will be required if native wildlife are to be involved).
- 5.15 Where declared pest animals are used, a permit issued by the Department of Natural Resources, Mines and Water under the *Land Protection (Pest and Stock Route Management) Act 2002* is required.
- 5.16 Where declared pest animals are used for filming, appropriate advice should be sought from NR&M on whether these animals should be returned to the wild after use in film production.
- 5.17 Care must be taken to ensure animals are not stressed due to the unfamiliar surroundings and noise associated with filming. Animals displaying signs of stress should be removed to a familiar environment as soon as practicable.
- 5.18 The health of all animals should be carefully assessed by a veterinary surgeon prior to being brought onto the set. When planning for production, consideration should be given to the fact that an animal may require treatment for disease or a quarantine period prior to being used on the set.

6. ANIMAL CARE

General Principles

- 6.1 Adequate and appropriate provision of the basic welfare needs of the animal must be supplied at all times. This includes:
- providing appropriate feed and water (for the age, nutritional state, species);
 - providing appropriate accommodation or living conditions, on and off set;
 - enabling the animal to display normal patterns of behaviour;
 - ensuring the animal is treated for any disease or injury;
 - ensuring that the animal is handled in an appropriate manner.
- 6.2 Failure to provide for the basic needs of an animal in line with 6.1 may be a breach of duty of care under the Act. A breach of duty of care is an offence, punishable by fine or imprisonment.
- 6.3 Only animals that are fit and healthy should be used for filming. Injured or sick animals must not be worked in a production. Any injured or sick animal must be withdrawn from further work and veterinary advice sought.
- 6.4 Animals should be inspected by the person in charge at least once a day to monitor their health and welfare. More frequent monitoring may be necessary if the animal is sick, stressed or there are other exceptional circumstances.
- 6.5 No animal should be deliberately put in a dangerous or stressful situation. Animals that have been trained to work in stressful situations should be used where possible.
- 6.6 Animals should not be handled or interacted with if, in the opinion of the animal trainer, it is not in the animal's best interest.
- 6.7 All animals should be provided with the opportunity to exercise during filming, to an extent that is appropriate to the species. Conversely, animals should be afforded adequate rest during and after film production.
- 6.8 Fresh water must be available at all times. Water troughs or bowls should be stable and large enough to hold sufficient quantity for the animals' needs. Troughs and bowls should be cleaned regularly and be positioned to ensure water is clean, cool and fresh at all times.
- 6.9 Care should be taken when using privately owned pet animals for film production as they may or may not be socialised and trained to interact safely with other animals. In the instance that they are on set, it should be ensured that they are healthy and not likely to cause distress amongst other animals.

- 6.10 Animals should not be forced to perform longer than they are able to do so without showing signs of stress or exhaustion. The provision of adequate rest periods is essential and the number of 'takes' should be minimised.
- 6.11 Normal requirements for sleep and rest should be provided including normal periods of light and darkness, familiar and appropriate surroundings and a secure area.
- 6.12 Adequate precautions should be made to ensure the safety of animals, including safety from predators and necessary emergency evacuation measures.

Enclosure

- 6.13 Where animals are to be held or enclosed, the minimum accepted cage or holding pen sizes as referenced in recognised codes of practice or other guidelines appropriate to the species should be used. Where no guidelines exist, advice should be sought from an expert in the care of the particular species.
- 6.14 Care should be taken to ensure that animals do not escape from the set or filming location. Adequate plans should be in place for the safe recapture of any escaped animal.
- 6.15 The escape of any wildlife or declared pest animal should be notified to the relevant authorities. The particulars of any escape of wildlife kept or used under a licence issued under the *Nature Conservation Act 1992* must be recorded in a record book required to be kept for that licence.

Transport

- 6.16 All animals must be transported safely, humanely and in accordance with any applicable laws or animal welfare codes of practice (such as the Land Transport of Cattle, Horses and Pig Codes)
- 6.17 Unless otherwise stated in an animal welfare code of practice, all animals should be transported between locations in the shortest possible time, in a manner suitable for the species and with any appropriate permits that may be required. They should not be left in vehicles and exposed to weather extremes (eg. high temperatures) unless adequate protection is afforded (eg. ventilation and shade).
- 6.18 After travelling all animals should have adequate time to rest in an area away from noise and disturbance and to become accustomed to their new location.

Veterinary Care

- 6.19 Persons other than a veterinary surgeon;
- registered in Queensland under the *Veterinary Surgeons Act 1936*;
 - acting under the *Mutual Recognition (Queensland) Act 1992*; or
 - acting under the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*
- are precluded from practising veterinary science or medicine in Queensland, pursuant to the *Veterinary Surgeons Act 1936*.
- 6.20 Film producers working in Queensland should seek advice from the Veterinary Surgeons Board as to the eligibility to practice status of interstate or overseas veterinary surgeons that might need to administer veterinary science or medicine in Queensland.
- 6.21 The person-in-charge of the animals should ensure that the animals are subjected to a veterinary inspection prior to commencing work. Animals may require treatment for disease or injury, vaccination, or quarantine for disease.
- 6.22 Animals should be inspected for signs of stress or injury at all stages of filming, on and off set. Animals displaying signs of stress should be removed to a familiar environment as soon as practicable. If disease or injury is detected or suspected, a veterinary surgeon should be consulted immediately.
- 6.23 All animals must be given prompt and proper treatment for illness and injuries. Animals that are lame, ill or injured in any way should not be used for filming until treated by a veterinary surgeon and given approval to work.
- 6.24 It should be ensured that all animals receive routine veterinary treatment program for preventable diseases and pests (ie. fleas, ticks, gastrointestinal worms and heartworm prevention).
- 6.25 Animal trainers and other individuals responsible for the animals may only administer first aid to an animal.
- 6.26 Animal trainers and other individuals may administer some veterinary treatments under direction or supervision of a veterinary surgeon. In these instances the provisions of the Queensland Government *Health (Drugs and Poisons) Regulation 1996* administered by Queensland Health must be complied with.
- 6.27 Producers and animal trainers should ensure that the veterinary surgeon employed is knowledgeable about the species of animals being used on the film set.

- 6.28 Producers and animal trainers should be aware that, generally, the veterinary surgeon:
- is responsible for and should be fully prepared for situations that require the emergency euthanasia or medical treatment of an animal in the event of an injury or sickness sustained on the film set. Sick animals should be isolated from other animals on the set and preferably removed from the set at the earliest opportunity.
 - is responsible for providing specialist advice on the use, care, treatment and welfare of the animals, and for the provision of all medication and equipment necessary for the treatment, prevention and spread of disease.
 - should liaise with the producer, animal trainer and production crew regarding the care and management of animals during preparation, rehearsal and filming.
 - should be present on the film set at all times during rehearsal and filming of scenes in which stunts or special effects create a risk of injury or stress to the animals involved.
- 6.29 The final decision as to an animals' ability to start, continue or finish filming rests with the veterinary surgeon.

7. RESPONSIBILITIES

- 7.1 A formal agreement should be entered into between the producer and the person in charge of any animals to be used in the production process regarding the overall responsibility for the animal's care and treatment during the production process.

Producers

- 7.2 Producers are responsible for ensuring that all animals are suitable for use in film production and are cared for appropriately during all phases of the production stage. This responsibility is outlined in the duty of care obligations of the Act (see part 1.6).
- 7.3 The producer should be aware that they may be regarded as a person-in-charge under the Act (see Part 1).
- 7.4 The Producer:
- (a) is responsible for establishing procedures for animal care and protection;
 - (b) is responsible for engaging animal trainers for the supply, training, care and handling of animals on the film set;
 - (c) should heed the advice of the animal trainer or veterinary surgeon in all matters relating to animal care, handling and management;
 - (d) should liaise with the animal trainer or a veterinary surgeon to establish whether special precautions are necessary to minimise stress on the animals or their exposure to diseases.
 - (e) should be available for consultation with the animal trainers at all times. Animals must not be allowed to suffer for any reason.
 - (f) should consult with animal trainers, veterinary surgeons, or another form of animal specialist during the planning and production stage to obtain early advice on -
 - (i) the ability and availability of animals to perform;
 - (ii) the procedures to be adopted to protect the health and welfare of animals being used from the time they are assembled, during rehearsal and filming through to their dispersal; and
 - (iii) any changes to the script that may have a bearing on the ability of animals to perform.
 - (g) should provide animal trainers and veterinary surgeons with all relevant details relating to the script, location and types of film sets and any environmental conditions likely to be encountered.

- (h) may need to consult with more than one animal trainer, veterinary surgeon, or other form of animal specialist where specialist knowledge is required. For example where filming of wildlife is proposed a wildlife biologist may need to be consulted.
- (i) should ensure that any advice provided by the veterinary surgeon and/or animal trainer on the management, care and treatment of animals is complied with.
- (j) are responsible for adequate arrangements for:
 - (i) appropriate facilities for holding, restraining and examination of animals by veterinary surgeons;
 - (ii) adequate trained personnel to assist in the examination of animals;
 - (iii) transport and other arrangements for the evacuation of sick or injured animals; and
 - (iv) transport and other arrangements for the evacuation of all animals in cases of emergency.
- (k) should ensure that no animals, other than those being filmed, that are likely to unduly stress the animals being used in film production are allowed on the film set. This includes that the control of pet animals on or near the set.
- (l) should ensure there are adequate numbers of competent trainers, veterinary surgeons and/or animal handlers available where large numbers of animals are being used or where filming is being undertaken at differing locations concurrently

7.5 It is recommended that producers engage animal trainers experienced in film production to manage all animals used in association with film production. However, if producers choose to have private owners, including cast and crew, to provide animals, all aspects of this Code should still be observed.

Animal Trainers

7.6 Animal trainers must be aware that they may be regarded as the person-in-charge of the animals under the Act (see part 1).

Animal trainers must keep the producer, veterinary surgeon and film crew informed about any on-going requirements for the care and management of animals during preparation, rehearsal and filming. In the absence of an animal trainer the following responsibilities apply to the relevant person in charge of the animals.

7.7 The animal trainer –

- (a) must not use training methods and equipment that involve pain and suffering. The animal trainer is responsible for maintaining any training and/or cuing equipment in a serviceable order and for the safe and humane use of such equipment.
- (b) must ensure that veterinary treatment of sick and injured animals is provided.
- (c) should ensure that all necessary measures are taken to minimise any stress to the animal including ensuring all persons on the set behave appropriately towards the animal.
- (d) should be knowledgeable about and be familiar with the species of animals to be used on the film set. In the absence of a veterinary surgeon, the animal trainer should have the final decision as to an animals' ability to start, continue or finish filming.
- (e) should ensure that all employees, including actors, are familiar with how to deal with the types of animals to be used on the set. Adequate pre-production acclimatization should be a pre-requisite for all actors to be able to become familiar with the animals to be used.
- (f) is responsible for training and preparing the animals in advance to perform the required action on the film set.
- (g) should only use animals that are fit and healthy. Animal trainers and handlers should check the animals daily for injury and/or illness. Any animal that becomes sick, injured or stressed should be withdrawn immediately from rehearsal or filming and treated appropriately. These animals should not resume work until a veterinary surgeon has assessed their condition as satisfactory.
- (h) should ensure that animals under their control are afforded adequate safety from attack from other animals, that they cannot attack other animals or people and cannot escape.
- (i) should ensure that animals used are housed, transported and maintained according to standards set out in recognised national and/or state animal welfare codes of practice. Special environmental conditions and facilities for shelter and protection must be provided if required.
- (j) should remove animals that are susceptible to fright from the set or use animals that have been trained to avoid being frightened and must provide sufficient protection when special effects are likely to cause fear or injury to animals.

- (k) should provide the producer with a report within 24 hours of any incident occurring which has an actual or potential negative impact on an animal's welfare, detailing the type of incident and the action taken to address or alleviate the incident.
- (l) should ensure animals are exercised daily for appropriate levels and durations where appropriate.
- (m) should have appropriate licences from relevant state government authorities for keeping and using native or declared pest animals.
- (n) should arrange for a veterinary surgeon to be present at all times on the set during rehearsal and filming when, because of the nature of the activities, there is an inherent risk that animals could be injured or otherwise suffer ill effects during filming. Examples include races, chases, stampedes and agility tasks.
- (o) should, in conjunction with the safety officer, make regular checks of the film set to identify and, where possible, remove or reduce hazards which could place animals, or persons working with the animals, in danger of injury. Such hazards could include climatic conditions such as high winds, storms, or rough terrain.
- (p) should not leave the film set whilst rehearsal or filming is in progress unless there has been an appropriate delegation of responsibility for the animals to another person.

8. GUIDELINES FOR PRODUCTION

On Set

- 8.1 Animals being used in scenes should not be exposed to risk of injury, stress or death. For instance:
- Animals should not be used in scenes in which they are incited to fight.
- Animals should not be exposed to excess noise or temperature extremes (unless the animal is tolerant to such situations)
 - Animals should not be exposed to strong lights, especially when filming nocturnal animals.
 - Animals should not be forced to perform tasks for which they have not been trained, and the animal trainer should be consulted at all stages of filming.
 - Native wildlife should not be required to perform acts that they would not perform in the wild, unless they are appropriately domesticated and trained.
 - The onset area should be inspected for any objects that may cause harm to the animal ie. holes, equipment, stones etc.
- 8.2 A veterinary surgeon should be present on the set when there is a risk for animals to be injured or otherwise suffer ill effects during filming. All non-essential personnel should be removed from the area whilst animals are working. A veterinary surgeon should be on stand-by for scenes that do not involve any such risks as identified in 8.1 above provided they are available within a reasonable timeframe to attend to any animal on the film set.
- 8.3 Sufficient animal trainers and handlers to adequately control the number of animals and species should be present on set or location at all times.
- 8.4 All husbandry practices associated with pain and stress (eg, dehorning, beak trimming, hot-iron branding, ear tagging etc) should not be staged or undertaken solely for the purpose of filming. Where these husbandry practices are required, refer to the relevant Animal Welfare Codes of Practice (see Appendix A).
- 8.5 Animals that are known to be pregnant should not be used for action scenes. Pregnant animals may however be depicted in film production that do not involve activities that are likely to adversely affect the health and wellbeing of the animal.
- 8.6 Animal trainers or handlers should be used as 'doubles' for actors for the handling of animals where there is inherent risk of injury or stress to the animal. Animal trainers are better trained to read the signs of stress and their advice and guidance is essential to the well-being of the animal.

Stunts and special effects

- 8.7 In the instance that stunts or special effects are to be utilised, the following principles should be observed;
- If special effects are likely to cause fear in animals, the animals should be removed from the set, unless trained for such situations;
 - Only those animals trained for special effect or stunt work should be utilised for such sequences, whether the work is considered dangerous or not;
 - Animals should be protected from fire and smoke, including carbon dioxide and artificial smoke. If it is necessary to have animals in close proximity to such activities, the animal trainer, handler or veterinarian should be consulted.
 - Pyrotechnics should never be used in such close proximity to animals that could put them to flight and cause injury to themselves. If it is necessary to have animals near pyrotechnics, cotton wool or noise reduction devices should be applied to the animal's ears.
 - Squibs should not be used so close as to frighten or endanger animals.
 - The use of electric shocks to control or modify an animal's behaviour should be kept to a minimum and involve only battery operated devices. They must be used only by people who are suitably trained and in strict accordance with the manufacturer's recommendations.

Simulation of death or unconsciousness

- 8.8 If it is deemed necessary to simulate death or unconsciousness in an animal, the following principles apply;
- The use of drugs on animals to simulate death, unconsciousness or sleep should be undertaken only as a last resort and after all other avenues of achieving the desired production outcome have been exhausted. The use of these drugs must be approved by the production manager, the production company and the senior animal trainer/handler. Drugs should be administered by a registered veterinary surgeon.
 - All S4 classified drugs must be used only under strict veterinary supervision and guidance. The use of S4 drugs by inappropriate persons is an offence under the *Veterinary Surgeons Act 1936*. (see s 6.19).
 - Sufficient animals should be available to ensure that no animal is used to simulate death or a similar state more than once in any 24-hour period and then only on the recommendation of the veterinary surgeon. A veterinary surgeon should be consulted to approve the use of an animal more than once in this way.
 - Unconscious animals must be handled carefully to ensure no harm comes to them. Only experienced persons should manage unconscious animals.

Use of equipment and props

- 8.9 In terms of the use of equipment and props in association with animals on set, the following principles apply:
- Film sets should be free of hazards, obstacles or environmental conditions that may injure animals.
 - All equipment associated with working animals should be in a safe and working condition. Equipment should be maintained and checked by the animal trainer and/or handler.
 - Any colours or dyes used on animals should be non-toxic and approved by the trainer and veterinary surgeon.
 - Tie-downs should not be used on animals not properly trained to wear them or if animals struggle or resist.
 - Action and breakaway props (such as spears, barbed wire fences etc) should be made of safe materials such as sugar glass, balsa wood or rubber. Where balsa wood is used attention should be given to ensuring all nails, splinters and wires are removed. Tempered glass or other glass should not be used.
 - Tripping devices, wires or pitfalls should not be used with any animal.
 - Sequences involving free running of animals such as cattle and horses should be carefully planned. Sufficient experienced and skilled handlers should be available to ensure the safety of the animals.
 - Action scenes should be staged to prevent animals being overworked. This can be accomplished by allowing a sufficient rest period between takes or by providing sufficient animals to be able to rotate animals between takes.
 - When animals are working on a studio stage, non-skid mats should be used in the area where the animals are working to avoid slippage and injury.

Off Set

- 8.10 Risks for animals off set (including those associated with leaving and entering the set) should be identified and appropriate measures of risk mitigation undertaken to avoid or minimise the risk of injury to the animals.
- 8.11 Stress arising from all off set causes, including restraint or being confined for long periods, should be avoided. Animals kept under confined conditions should be able to exercise as appropriate for the species. Any confined conditions should be compliant with those set out in relevant State Acts and/or accepted animal welfare codes of practice.

9. SPECIES SPECIFIC GUIDELINES

- 9.1 These additional guidelines relating to particular species should be considered. There is a wide range of animal welfare codes of practice that should be referenced in conjunction with this code. Refer to Appendix A for a list of potentially applicable codes.

Horses and Livestock

- 9.2 Cast, crew and any background extras required to ride horses on a production should have adequate skills and knowledge of horses and have experience in riding horses to ensure the safety of the horses.
- 9.3 Sufficient housing in the form of stalls or barns should be available to house horses from different social groups separately. Housing should also take into consideration age, size, social grouping, male dominance etc.
- 9.4 The requirements for feed, water and management practices to maintain the condition of the animal should be provided as outlined in the Primary Industries Standing Committee (PISC) specific codes of practice for horses and livestock. Consideration should also be given to the animals' customary diet, changing climates and working conditions.
- 9.5 There should be sufficient means available to gather horses after takes involving large numbers of animals and flight scenes (eg. stampedes, herding operations, raids, charges, wagon crashes etc:
- 9.6 In crash scenes involving horses, equipment must be prepared so that horses can run free before the crash.
- 9.7 A sufficient number of back-up horses should be provided to allow for adequate rest periods for all horses.
- 9.8 Care should be taken to prevent stampedes when moving large numbers of animals.
- 9.9 Specially trained horses should be used for scenes involving jumping, rearing, or falling, or any scenes involving unusual action.
- 9.10 The use of computer technology to simulate animals in fall scenes is recommended.
- 9.11 Where horses are required to fall, the area should be appropriately prepared to prevent injury to the horse.
- 9.12 Top rails used for jumping should be made of breakaway material or scored balsa wood.
- 9.13 Adequate numbers of animals should be used for hard pulling. Mechanical aides should be used to assist in pulling wagons and other props on steep ascents and in braking on steep descents.

- 9.14 Horses and other livestock should be properly shod for the surface being used. If necessary skid or hock boots should be used in downhill slides or rodeo-slide stops.
- 9.15 Only experienced riders on trained and experienced horses should undertake:
- sliding or riding down steep sandbanks or earth slides,
 - saddle drags, or
 - horse jumps or falls into water that exceed a 3 metre vertical drop.
- 9.16 The use of animals where there is deep mud, deep sand and any loose wire must be avoided.
- 9.17 Jerking or twisting of horses' mouths should not be permitted.
- 9.18 The use of horses for other than production purposes (eg. for recreational purposes) should not be allowed unless the animal trainer or handler has given prior authority.
- 9.19 Horses and livestock should be checked daily for injuries and illness and more frequently during filming.
- 9.20 At the end of each day horses used should be thoroughly inspected for saddle sores, scalding and girth galls.

Dogs

- 9.21 All dogs (pets, dogs brought by cast and crew, and dog actors) on set, should have been vaccinated against parvovirus, distemper, and hepatitis before coming onto the set. The animal trainer should obtain proof of vaccination or the name and phone number of the veterinary surgeon, which vaccinated the dog.
- 9.22 Scenes involving either the birth of puppies or the use of puppies under the age of twelve weeks should be carefully monitored to ensure that no stress is imposed on the animals. Bitches that have previously given birth should be used in preference where possible to maiden animals to help limit stress factors.
- 9.23 Unless the dog is part of the filming it should be appropriately identified, wear a collar and be kept on a leash at all times except when it is being held in a secure pen, fenced area, or crate.
- 9.24 If a dog attacks, threatens, or bites any person or animal, it should be removed immediately from the set and location.
- 9.25 Bitches should not be used on the set if they are in heat.

Cats

- 9.26 All cats (pets, cats brought by extras, and cat actors) on set, should have been vaccinated as recommended by a veterinary surgeon.
- 9.27 Scenes involving either the birth of kittens or the use of kittens under the age of twelve weeks should be carefully monitored to ensure that no further stress is imposed on the animals. Females that have previously given birth should be used in preference where possible to maiden animals to help limit stress factors.
- 9.28 It is recommended that entire male and female cats should not be used at the same location, especially during the breeding cycle.
- 9.29 When working with dogs, in addition to assuring the safety of the cats, the cats must be trained and prepared for working with dogs so that the work is not stressful.

Birds

- 9.30 No bird should be released after dark unless it is trained to stay in a lighted area, or the area is enclosed.
- 9.31 No bird should be released, indoors or outdoors, unless it is trained to be retrieved or is otherwise safely retrievable. Unless otherwise accustomed to confinement, birds may injure themselves when released indoors by repeatedly flying into walls and ceilings.
- 9.32 Birds, including chickens, should only be stacked in containers that do not permit birds to defecate on one another. Containers should be constructed of sufficient strength to prevent collapse and comply with the minimum standards under relevant State laws or codes of practice.
- 9.33 When not in transportation or work, birds should be housed in containers that permit each bird to perform normal movements and behaviours. Guidelines to adequate space requirements for birds kept in cages can be found in:
- the National Consultative Committee on Animal Welfare (NCCAW) Guidelines for the Welfare of Pet Birds
 - the Primary Industries Standing Committee (PISC) code of practice for the Transport of Poultry.
- 9.34 All native and exotic birds used for the purposes outlined in this code must have appropriate permits for their keeping and use as required under any native fauna legislation.

Fish

- 9.35 Except where filming is for scientific, educational, documentary, news or lifestyle type programs, fishing scenes are best simulated with dead fish, animatronics, or methods other than using live fish.
- 9.36 Legally caught fish should be either returned to the water quickly or humanely destroyed. Brain damage occurs within a few minutes through lack of oxygen if fish are left out of water.
- 9.37 If live fish are used, an expert knowledgeable in the specific type of fish should be present and should determine how to structure the scene without harm to the fish. Fish or other aquatic animals should not be harmed unnecessarily for filming purposes.
- 9.38 Fish and other aquatic animals should be maintained in containers or tanks suitable for their species, and should receive adequate and appropriate care, including suitable water quality, aeration, temperature regulation, and regular feeding.
- 9.39 Provision should be made for housing to minimise hierarchical dominance by larger fish and afford fish protection in the form of suitable retreats. Fish that 'school' need company of their own rather than solitary housing.
- 9.40 When fish are acquired live for a scene and are later returned to their place of acquisition, receipts showing both the acquisition and the safe return should be retained for any audit or inspection.
- 9.41 Should a scene call for a fish to be out of water, consideration must be given to the species that are most tolerant. A fish should not be out of water longer than 30 seconds. Fish should be rotated so that no fish is used more than one time in a row and no fish can be used more than three times in one day.
- 9.42 Many fish require specific handling requirements. All fish have a protective mucus layer over their body that acts as a defence against fungal and bacterial infections. Care should be taken when handling any fish as damage could result to this mucus layer. When handling use wet hands (or wet gloves) and the minimum of handling to ensure the least amount of damage and stress.
- 9.43 All wild caught fish used for the purposes outlined in this code must have appropriate permits for their capture, holding and use as required under any fisheries legislation. Some species of fish are protected under the *Nature Conservation Act 1992*.

Reptiles and Amphibians

- 9.44 No reptile or amphibian should be used on the set unless the trainer is a licensed demonstrator or exhibitor.
- 9.45 Special note should be taken on air and surface temperatures during filming, to ensure they are appropriate for the species being used.
- 9.46 When using venomous or dangerous reptiles, the trainer should ensure all safety measures are complied with to avoid envenemation of animals.
- 9.47 Most animals have a natural fear of reptiles. In scenes using several different animals, it is recommended these animals become acquainted before filming in a manner approved by an appropriate expert as minimising stress to both parties.
- 9.48 Most reptiles and amphibians are not accustomed to being handled, so care should be taken to minimise contact with anyone other than the trainer.
- 9.49 Between scenes reptiles and amphibians should be returned to a suitable enclosure away from direct sunlight or excessive heat.

APPENDIX A

These Model Codes are adopted under the Animal Care and Protection Act 2001. They were prepared for the Primary Industries Standing Committee (PISC) and are endorsed by the Primary Industries Ministerial Council (PIMC). Copies of these PISC codes can be obtained from the CSIRO website at <http://www.publish.csiro.au/nid/22/sid/11.htm> or by contacting CSIRO Publishing, PO Box 1139, Collingwood, Victoria 3066.

- Model Code of Practice for the Welfare of Animals: Animals at Saleyards
- Model Code of Practice for the Welfare of Animals: Cattle (2nd Edition)
- Model Code of Practice for the Welfare of Animals: Domestic Poultry
- Model Code of Practice for the Welfare of Animals: Farmed Buffalo
- Model Code of Practice for the Welfare of Animals: Farming of Ostriches
- Model Code of Practice for the Welfare of Animals: Feral Livestock Animals
- Model Code of Practice for the Welfare of Animals: Husbandry of Captive
- Model Code of Practice for the Welfare of Animals: Intensive Husbandry of Rabbits
- Model Code of Practice for the Welfare of Animals: Land Transport of Cattle
- Model Code of Practice for the Welfare of Animals: Land Transport of Horses
- Model Code of Practice for the Welfare of Animals: Land Transport of Pigs
- Model Code of Practice for the Welfare of Animals: Land Transport of Poultry
- Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments
- Model Code of Practice for the Welfare of Animals: The Camel
- Model Code of Practice for the Welfare of Animals: Pigs
- Model Code of Practice for the Welfare of Animals: The Farming of Deer
- Model Code of Practice for the Welfare of Animals: The Goat
- Model Code of Practice for the Welfare of Animals: The Sheep
- National Guidelines for Beef Cattle Feedlots in Australia

APPENDIX B

The following animals are declared pests and require declared pest permits under the *Land Protection (Pest and Stock Route Management) Regulation 2003*:

PART 5—ZOO, OR FILM OR TELEVISION PRODUCTION

Division 1—Mammals

Aardvark (*Orycteropus Afer*)
Addax (*Addax Nasomaculatus*)
Addra Gazelle (*Gazella Dama*)
African Elephant (*Loxodonta Africana*)
African Porcupine (*Hystrix Cristata*)
Agile Gibbon (*Hylobates Agilis*)
American Black Bear (*Ursus Americanus*)
Asian Elephant (*Elephas Maximus*)
Asiatic Black Bear (*Ursus Thibetanus*)
Baboon (Also Hamadryus Baboon Or Olive Baboon) (*Papio Hamadryus*)
Barbary Sheep (*Ammotragus Lervia*)
Binturong (*Arctois Binturong*)
Black And White-Ruffed Lemur (*Varecia Variegata Variegata*)
Blackbuck Antelope (*Antilope Cervicapra*)
Black-Capped Capuchin (*Cebus Apella*)
Black Gibbon (*Hylobates Concolor*)
Black Rhinoceros (*Diceros Bicornis*)
Bolivian Squirrel Monkey (*Saimiri Boliviensis*)
Bongo (*Tragelaphus Eurycerus*)
Bonnet Macaque (*Macaca Radiata*)
Bornean Gibbon (*Hylobates Muelleri*)
Brazilian Agouti (*Dasyprocta Leporina*)
Brazilian Tapir (*Tapirus Terrestris*)
Brown Bear (*Ursus Arctos*)
Caracal (*Felis Caracal*)
Celebes Ape (*Macaca Nigra*)
Chamois (*Rupicapra Rupicapra*)
Cheetah (*Acinonyx Jubatus*)
Chimpanzee (*Pan Troglodytes*)
Coati (*Nasua Nasua*)
Common Eland (*Taurotragus Oryx*)
Common Hippopotamus (*Hippopotamus Amphibius*)
Common Marmoset (*Callithrix Jacchus*)
Common Squirrel Monkey (*Saimir Sciureus*)
Congo Buffalo (*Syncerus Caffer*)
Cotton-Top Tamarin (*Saguinus Oedipus*)
Crab-Eating Macaque (*Macaca Fascicularis*)
De Brazza's Guenon (*Cercopithecus Neglectus*)
Dingo (*Canis Familiaris Dingo*)
Eastern Black And White Colobus (*Colobus Guereza*)
Emperor Tamarin (*Saguinus Imperator*)
European Fox (*Vulpes Vulpes*)
European Rabbit (Wild Breeds Only) (*Oryctolagus Cuniculus*)

Feral Pig (*Sus Scrofa*)
Ferret (*Mustela Putorius*)
Fishing Cat (*Felis Viverrinas*)
Giant Anteater (*Myrmecophaga Tridactyla*)
Giraffe (*Giraffa Camelopardalis*)
Goat, Other Than A Domestic Goat (*Capra Hircus*)
Golden Lion-Tamarin (*Leontopithecus Rosalia*)
Goodfellow's Tree Kangaroo (*Dendrolagus Goodfellow*)
Gorilla (*Gorilla Gorilla*)
Grant's Gazelle (*Gazella Granti*)
Greater Kudu (*Tragelaphus Strepsiceros*)
Green Agouti (*Dasyprocta Azarae*)
Hairy Armadillo (*Chaetophractus Villosus*)
Himalayan Tahr (*Hemitragus Jemlahicus*)
Hoolock Gibbon (*Hylobates Hoolock*)
Indian Crested Porcupine (*Hystrix Indica*)
Indian Rhinoceros (*Rhinoceros Unicornis*)
Jaguar (*Panthera Onca*)
Japanese Macaque (*Macaca Fuscata*)
Kloss's Gibbon (*Hylobates Klossii*)
Lar Gibbon (*Hylobates Lar*)
Leaf Monkey (*Trachypithecus Spp.*)
Leopard (*Panthera Pardus*)
Lion (*Panthera Leo*)
Lion-Tail Macaque (*Macaca Silenus*)
Lion Tamarin (*Leontopithecus Spp.*)
Malayan Tapir (*Tapirus Indicus*)
Mandrill (*Mandrillus Sphinx*)
North American Otter (*Lontra Canadensis*)
North American Porcupine (*Erethizon Dorsatum*)
Ocelot (*Felis Pardalis*)
Onager (*Equus Onager*)
Orang-Utan (*Pongo Pygmaeus*)
Pig-Tailed Macaque (*Macaca Nemestrina*)
Polar Bear (*Ursus Maritimus*)
Przewalski's Horse (*Equus Ferus Przewalskii*)
Puma (*Felis Concolor*)
Pygmy Hippopotamus (*Hexaprotodon Liberiensis*)
Pygmy Marmoset (*Callithrix Pygmaea*)
Red-Handed Tamarin Or Golden-Handed Tamarin (*Saguinus Midas*)
Red Panda Or Lesser Panda (*Ailurus Fulgens*)
Red-Ruffed Lemur (*Varecia Variegata Rubra*)
Rhesus Macaque (*Macaca Mulatta*)
Ring-Tailed Lemur (*Lemur Catta*)
Sable Antelope (*Hippotragus Niger*)
Scimitar Oryx (*Oryx Dammah*)
Serval (*Felis Serval*)
Siameng (*Hylobates Syndactylus*)
Silvery Gibbon (*Hylobates Moloch*)
Sitatunga (*Tragelaphus Spekii*)
Small-Clawed Otter (*Amblonyx Cinereus*)

Smooth-Coated Otter (*Lutrogale Perspicillata*)
Snow Leopard (*Uncia Uncia*)
Spider Monkey (*Ateles Spp.*)
Stump-Tailed Macaque (*Macaca Arctoides*)
Sulawesi Crested Macaque (*Macaca Nigra Nigra*)
Sun Bear (*Helarctos Malayanus*)
Tiger (*Panthera Tigris*)
Two-Toed Sloth Or Hoffman's Sloth (*Choloepus Hoffmanni*)
Waterbuck (*Kobus Ellipsipyrmnus*)
White-Cheeked Gibbon (*Hylobates Leucogenys*)
White-Fronted Capuchin (*Cebus Albifrons*)
White Rhinoceros (*Ceratotherium Simum*)
Zebra (*Equus burchellii*).

Division 2—Reptiles

Aldabra Tortoise And Aldabra Giant Tortoise (*Aldabrachelys Elephantina*)
Alligator Snapping Turtle (*Macrolemys Temminckii*)
American Alligator (*Alligator Mississippiensis*)
Asian Box Turtle (*Siebenrockiella Crasscollis*)
Banded Fijian Iguana (*Brachylophus Fasciatus*)
Boa Constrictor (*Boa Constrictor*)
Burmese Or Indian Python (*Python Molurus*)
Common Box Turtle (*Terrapene Carolina*)
Common Cooter Or Florida Slider (*Pseudemys Floridana*)
Common Map Turtle (*Graptemys Geographica*)
Common Mud Turtle (*Kinosternon Subrubrum*)
Common Or Green Iguana (*Iguana Iguana*)
Common Or Yellow-Bellied Slider (*Trachemys Scripta*)
Common Snapping Turtle (*Chelydra Serpentina*)
Corn Snake Or Red Rat-Snake (*Elaphe Guttata*)
Crested Fijian Iguana (*Brachylophus Vitiensis*)
Emerald Or Green Lizard (*Lacerta Viridis*)
Emerald Tree-Boa (*Corallus Caninus*)
Florida Softshell Turtle (*Apalone Ferox*)
Galapagos Tortoise (*Geochelone Nigra*)
Giant-Plated Lizard (*Gerrhosaurus Validus*)
Jackson's Chameleon (*Chamaeleo Jacksonii*)
Jewelled Or Ocellated Lizard (*Lacerta Lepida*)
Komodo Dragon (*Varanus Komodoensis*)
Loggerhead Musk-Turtle Or Musk Turtle (*Sternotherus Minor*)
Madagascar Gekko (*Phelsuma Madagascariensis*)
Malayan Box Turtle (*Cuora Amboinensis*)
Mata Mata (*Chelus Fimbriatus*)
Mexican Musk Turtle Or Mexican Mud-Turtle (*Staurotypus Triporcatus*)
New Guinea Crocodile (*Crocodylus Novaeguineae*)
Nile Monitor (*Varanus Niloticus*)
Painted Turtle (*Chrysemys Picta*)
Philippine Water Lizard Or Sail-Fin Lizard (*Hydrosaurus Pustulatus*)
Radiated Tortoise (*Geochelone Radiata*)
Rainbow Boa (*Epicrates Cenchria*)
Reticulated Python (*Python Reticulatus*)

Rhinoceros Iguana (*Cyclura Cornuta*)
Solomon Island Tree Skink (*Corucia Zebrata*)
Spiny Turtle Or Spiny Terrapin (*Heosemys Spinosa*)
Spotted Turtle (*Clemmys Guttata*)
Spur-Thighed Tortoise (*Testudo Graeca*)
Tokay (*Gekko Gecko*)
Yellow Anaconda (*Eunectes Notaeus*)
Yellow-Margined Box Turtle (*Cistoclemmys Flavomarginata*)
Yellow Mud Turtle (*Kinosternon Flavescens*).

Division 3—Amphibians

African bullfrog (*Pyxicephalus adspersus*)
Dyeing poison-arrow frog (*Dendrobates tinctorius*).