



# Animal Welfare

The Murrumbateman Village Market welcomes the presence of animals at the market because they contribute substantially to the friendly vibe of the market, but management is required to ensure that the presence of animals does not create undue risk for the market, stallholders or visitors. Animals in this context are:

- Companion animals: Animals brought to the market by a visitor for the purpose of accompanying them during their time at the market.
- Assistance animals: An animal brought to the market by a person with a disability, where the animal is trained to assist the person with mobility and everyday interactions.
- Display animals: animals brought to the market by a vendor and located at their stall to be representative of an offered product and so attract visitors to the stall.
- Stock animals: animals which are provided for sale at the market.

Management and policy for each type of animal is different. Possible responses to public contact re animal issues are described at bottom. The most pertinent rules are as follows:

- No dogs in the shed apart from assistance dogs, because of a combination of risks for food preparation and tripping from dog leads.
- We accept owner assertions about the status of assistance animals and provide a committee member escort if necessary.
- If an assistance animal appears unattended, follow it to find out if their owner requires additional assistance.
- Vendors offering animals for sale must have their compliance with the NSW Pet Shop Code of Practice approved by the RSPCA before attendance.
- Direct complaints about animals at the market to the Community Stall, for reference to this policy.

## Management of Companion Animals

Companion animals (generally dogs) are welcomed to the market because they add enjoyment to the market and improve the experience for most attendees. However, dogs must be kept on a lead and always be under the control of owners.

A companion animal means each of the following: dog, a cat, any other animal that is prescribed by the regulations as a companion animal. The fact that an animal is not strictly a “companion” does not prevent it being a companion animal for the purposes of this Act. All dogs are treated as companion animals, even working dogs on rural properties, guard dogs, police dogs and corrective services dogs. (See Companion Animals Act 1998 No 87 Part 1 Section 5 <https://www.legislation.nsw.gov.au/#/view/act/1998/87/id8>).

Visitors to the market remain responsible for the security and behaviour of their animals whilst at the market. Acceptable forms of animal control are:

- for visitors bringing dogs:
  - not having more dogs than can be readily controlled,
  - having all dogs on a lead,
  - retracting long leads to a shortest practical length in crowded situations so that other visitors are not presented with a trip hazard,
  - actively managing interactions between dogs so that the risk of hostile action is minimised, and
  - immediately picking up faeces that a dog might deposit in the grounds of the market and disposing of it in one of the available bins.
- For visitors bringing other animal types:
  - control their animals such that the safety of themselves, their animals and others is ensured, and that the smooth functioning of the market is not impaired.
- Involvement by committee members where necessary to support these guidelines.

Health regulations require that companion animals (see also Assistance Animals below) be excluded from areas that are being used for the preparation of food to reduce the risk of contamination to food being prepared for immediate consumption. Dogs are allowed in an outdoor dining area as long as:

- The area is not enclosed,
- the dog is on leash,
- the dog is always on the ground, and
- the dog is not being fed (it can drink though).

See <https://www.olg.nsw.gov.au/sites/default/files/Guidelins-on-the-Exercise-of-Functions-under-the-CAA-November-2013.pdf> (Section 14.4).

Dogs are not allowed in food preparation or consumption areas (defined as 10 metres from the actual food preparation as per link above), see Companion Animals Act at <https://www.legislation.nsw.gov.au/#/view/act/1998/87/part3/div1/sec14>. At the time of writing, two stalls actively prepare food in the food shed – Jean Luc Waffles and Thinh Dinh's Vietnamese. With these stalls effectively classed as kitchens, dogs are required to be excluded to a distance of 10 metres. For the market, it is sufficient to have them excluded from entering the shed interior, even if that places the animals much closer to stalls at the open edge of the shed. These guidelines would also be applicable to the "dining" area in front of the Gozleme stall, the BBQ stalls and wherever cooked food is being offered as samples (e.g. Berkshire Pork).

Even if we could let dogs into the shed, we would not do so because of the risk of an altercation. The shed is frequently crowded and an altercation between dogs on leads could create a cascade of tipped tables, spilt stock and tripped visitors, who could be further injured by falling on tables, display cases or even broken glass from smashed containers. The consequence of falls is potentially serious and so, to avoid that situation, animals will continue to be excluded from the shed.

## Management of Assistance Animals

Assistance animals are touched on by multiple guidelines. In particular, the prohibition of dogs in some public spaces does not apply to assistance dogs. In addition, the Food Standards Code states that a food business must permit an assistance animal in areas used by customers - see <https://www.legislation.gov.au/Details/F2012C00767>.

An assistance animal is defined under the Disability Discrimination Act 1992 ([http://www5.austlii.edu.au/au/legis/cth/consol\\_act/dda1992264/s9.html](http://www5.austlii.edu.au/au/legis/cth/consol_act/dda1992264/s9.html)) as a dog or other animal: (a) accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability; or (b) accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or (c) trained to: (i) assist a person with a disability to alleviate the effect of the disability; and (ii) meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

The Disability Discrimination Act allows for someone to ask for evidence that a dog is an Assistance dog (section 54A) and in fact can discriminate against the person if that person can't produce evidence  
[http://www5.austlii.edu.au/au/legis/cth/consol\\_act/dda1992264/s54a.html](http://www5.austlii.edu.au/au/legis/cth/consol_act/dda1992264/s54a.html)

The evidence in question is whether the animal is a legitimate Assistance Dog, not whether the person has a disability. However, neither Commonwealth nor NSW laws provide for accreditation of assistance animals, and Yass Council have indicated that an assistance animal doesn't need to have any accreditation. Gaps and overlaps therefore exist.

We are required to observe the various regulations but are left with making judgements about individual cases. If an instance arises where a person with a disability wishes to take an assistance dog into areas where they would otherwise be barred, then competing factors will be addressed using this framework:

- We continue to ban dogs from the market shed because otherwise it would create unnecessary risk of conflict between dogs and consequent damage to stalls and injury to patrons, primarily through the risk of being tripped over.
- If a patron with a disability says their dog is an Assistance dog, then we take that statement at face value, unless the demeanour of their dog indicates that it might be a hazard to other people in close quarters. They can, therefore, go anywhere in the shed and right up to a food counter as well. If an issue arises then a committee member should be sought, who will smooth the passage of the patron through food preparation areas.

The Companion Animals Act allows the local authority to make orders in relation to the prohibition of dogs in public places, so we could ask Council to do so if we get a rash of incidents.

## **Stallholders in affected locations will be familiarised with this policy.**

An important operational matter for assistance animals is that they are trained to seek out other people if their person requires additional assistance – falls, unconsciousness etc. Hence, it will be necessary to impress upon Committee members and stallholders that an assistance animal that is on its own should be followed rather than restrained so that the owner can be located via the animal and assistance rendered.

## **Management of Display Animals**

Display animals are welcomed at the market because they add interest and movement to the market, and thereby increase the attractiveness of the market overall.

Display animals are those that are brought by a vendor to accompany them at a stall and to attract people to the vendor's stall, typically alpacas, and which are not for sale. A specific code of practice for this situation has not been identified, though any practice would need to be seen to be supporting the welfare of the animals. Environmental conditions, food, water and refuge would be of particular interest, and feedback from the local RSPCA inspector would be invited if uncertainties arose.

Vendors remain responsible for managing:

- the emplacement and integrity of the animal enclosure,
- the behaviour, welfare and security of their stock at their stall, and
- the interactions of visitors with their animals to ensure that both the safety of the visitors and the welfare of the animals is preserved.

## **Management of Stock Animals**

Stock animals could be any form of domesticated animal intended for sale at the market. Common instances so far are dogs and poultry.

The primary concern with stock animals brought to the market is for the welfare of the animals. As such compliance with the NSW Animal Welfare Code of Practice – Animals in Pet Shops is required. The Code of Practice is available at [https://www.dpi.nsw.gov.au/\\_data/assets/pdf\\_file/0019/244018/Animal-welfare-code-of-practice-animals-in-pet-shops.pdf](https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0019/244018/Animal-welfare-code-of-practice-animals-in-pet-shops.pdf).

The Pet Shop code of practice defines the sale of animals at a market as a “Pet Shop” and so the strictures of the code apply to any stall selling animals intended as pets at a market, specifically “dogs, cats, guinea pigs, rats, mice birds, fish and other vertebrate species”. While it is arguable that the code has been targeted primarily at retail premises, it is clear that the code's requirements for environmental control and shelter also apply to a stall selling pets at a market. The code's requirements make it difficult, though not impossible, for a pet shop to be based on a vehicle.

The RSPCA has specified that the mandatory compliance requirements in respect of the sale of animals at the market are:

- temperature control,
- freedom from wind,
- reliable clean water,
- freshness of bedding,
- availability of refuge, and
- correct documentation.

Note: the RSPCA advises that the need for temperature control and freedom from wind necessitates a covered van.

Disquiet by market visitors over the sale of animals at the market raises a risk of reputation damage if the market is not able to demonstrate a proactive stance over those sales or to show reasonable efforts to establish that a seller is not participating in undesirable practices. To that end, the following process will apply to stallholders seeking to sell animals at the market:

- They will be informed of the requirement to be compliant with the pet shop code for their selling infrastructure at the market.
- They will be asked to engage the RSPCA to inspect their selling infrastructure at their premises and to have him report the result of that inspection to the Market Committee.
- Contact details for the RSPCA inspector at time of writing are James Arentz, Sydney Region Inspector RSPCA, 0409 521 059, [jarentz@rspcansw.org.au](mailto:jarentz@rspcansw.org.au)
- The Market Committee will receive the RSPCA assessment and use that to inform a decision whether to allow the seller to participate in the market, bearing in mind:
  - the extent of compliance of the selling infrastructure to be used at the market with the Pet Shop code, and any other factors that might affect the welfare of the animals at the market, and
  - any other factors that might attract a reputation risk to the market through allowing attendance of the vendor to the market, particularly for vendors who have previously been issued with non-compliance notices by the RSPCA or who might otherwise have attracted negative public attention.
- The vendor will be informed of the Committee's decision regarding their attendance.

Upon stall setup, if the Market Manager, or his representative, has any doubts about the compliance of the stall with the code of practice, the RSPCA will be asked to undertake an inspection. Vendors will also be required to have on hand at the market the documentation that is required for each animal offered for sale. Infractions of the code would result in the vendor being asked to leave the market.

In addition to the requirements of the code, the Market Manager will endeavour to locate the stall such that the local conditions suit their welfare. This may include a sunny site in winter, a shady site in summer and, in general, protection from wind. Stallholders bringing animals to the market remain responsible for adherence to the Animal Welfare Code of Practice and the safety of the public in any interaction with their animals.

From 1 July 2019 even casual sellers of dogs and cats will be required to have those animals registered before sale. Hence, any enquiries about casual selling of dogs and cats at the market should be referred to the guidelines at [https://www.dpi.nsw.gov.au/\\_data/assets/pdf\\_file/0011/937280/How-to-sell-or-give-away-a-cat-or-dog.pdf](https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0011/937280/How-to-sell-or-give-away-a-cat-or-dog.pdf). Over and above these registration requirements, casual sellers of dogs and cats will be required to comply with the welfare and infrastructure requirements of the Pet Shop code of practice.

To maximise benefit from the overheads of managing animal vendors, the Market will seek to develop a status of being RSPCA-friendly.

### Management of Complaints about Animal Issues

Any complaints received regarding the treatment of animals at the market will be dealt with by Committee members present at the time. Potential responses include:

- directing interested parties to a printout of this Animals policy,
- engaging other stallholders who might have expertise in conditions for similar animals,
- requesting assessment by the RSPCA or Yass Council Ranger, and/or
- issuing a statement conveying that:
  - Anyone applying to sell animals at the Murrumbateman Village Market is required to be compliant with the legal requirements and have their market infrastructure vetted by the RSPCA before attending.
  - Murrumbateman Village Market committee members actively check on animals throughout the duration of the market to ensure that they are held in conditions that comply with the legal requirements.
  - People identifying issues should describe them in writing to the Committee so that details can be addressed and any omissions in the policy rectified.
- Murrumbateman Village Markets is aware of the legal requirements surrounding the sale of animals in NSW. We actively seek to comply with those requirements, and to ensure the health and welfare of animals sold at the market.

