

# Development of laws in Australia to give protection and legal status to rabbits

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## **Introduction**

Rabbit Run-Away Orphanage is a no kill organisation and was set up to be a model for other shelters and to improve operational practice of rabbit husbandry in shelters. The Orphanage is also the Australian Chapter of the House Rabbit Society, the oldest dedicated rabbit welfare organisation in the world.

Rabbits are the forgotten pet in the legal system and it is easier to bring new law that reflects modern values rather than update established and entrenched laws that cover other species. The new laws if framed sensibly can become a yardstick for improvement to laws for other species and can assist other activists to overcome objection by established self centred interests.

Rabbits can be considered a keystone species in the formation of a wide range of animal laws reflecting 21<sup>st</sup> century values. They are unique in being used for recreational sport such as hunting, for food by intensive farming practices using domestic breeds as well as the use of traditional wild rabbits. They are used for research in laboratories for human centred purposes and can be a feral pest as in Australia or an endangered species overseas. Their fur is also used as clothing. They are also kept as a pet.

Animal welfare covers a wide range of issues and species so that one organisation cannot cover all issues and species. The Orphanage can play a small part in bringing change leaving other areas to other groups. The Orphanage and the House Rabbit Society are dedicated to bringing education to all levels of government as well as the public, leading to improved welfare and legal change.

Psychologists believe that attitudes towards other species of animals start to formulate at a young age and this is usually with a pet. When children are taught the difference between a pet and a toy and the value of caring for another species will influence social behaviours and bring about tolerance of animals and people later in life. A pet can show children that animals are not objects but creatures that are sentient and to grow up to adulthood understanding we are carers of animals and not owners.

Parents' teaching of their children is influenced by their own upbringing, and if they have been brought up in a way that encourages anti social behaviour such as the adult together with her primary school aged children who were stopped from drowning rabbits in the Yarra river. The only options to end this cycle are through education, prevailing public attitudes and law.

The only law presently specific to rabbit's are in commercial areas such as intensive meat farming or laboratory experimentation and these are no longer satisfactory to modern thinking and humanitarian values.

## Section 1: Areas where law does not cover rabbits

### ***Code of Practice for the operation of Shelters and Pounds***

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We have observed practices by some shelters in addressing the surrender of rabbits which are not covered under a code of practice, with estimated kill rates between 80 and 100%. It is common in NSW for shelters to sell rabbits intact by auction and one shelter in Victoria is transferring every rabbit (intact and unvaccinated) to small private shelters and other organisations such as children's animal farms. A few others keep their rabbits outdoors in third world conditions and from time to time need to kill them or go into quarantine due to disease such as Myxomatosis, Coccidia or heat stress.

The Code of Practice for the Operation of Shelters and Pounds has been updated by the Orphanage to include rabbits. The Code has been delivered to the RSPCA for review prior to submission to the Bureau of Animal Welfare (DPI Vic).

The RSPCA, Lort Smith and Animal Aid have discussed the need for a code to give them direction as their intake of rabbits is increasing each year. The Code of Practice does not have to be legally ratified in order to be complied with in a voluntary manner.

### ***Code of Practice for the Private Keeping of Rabbits***

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The need for a code that would define grey areas of cruelty came about from a conversation with personnel from the RSPCA inspectorate.

This would also be the basis of the knowledge needed to buy a rabbit to provide instruction in responsible care.

The first draft is completed.

### ***Code of Practice for the Boarding of Rabbits***

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This emerging industry has no legal basis and no guidelines for best husbandry. Examples by those offering boarding show a need for this.

At one establishment a dog attacked and injured a rabbit, this was followed by a second attack a short time later resulting in the death of the rabbit.

One establishment boards rabbits in banks of small hutches. The Orphanage has two sanctuary rabbits with spinal issues caused by close confinement in small hutches.

Dog kennels and catteries are also starting to board rabbits along with dogs and cats but usually do not have enough expertise or knowledge of rabbits to ensure their adequate care.

It is common to board rabbits outside without protection against mosquitoes, heat extremes, noise or predators. Some offer mixed boarding with other species. Rabbits have no control over adrenalin production and can die as a result of stress, fear or fright.

Boarding of rabbits is a new concept in Australia. Most establishments are not operating in correctly zoned areas and have not addressed issues such as waste management, traffic flow, insurance etc.

The Orphanage has developed a code of practice for boarding rabbits to set a minimum standard for boarding.

### ***Code of Practice for the Breeding of Rabbits***

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Breeding of animals is part of the supply demand chain but in its present form leads to overpopulation and needs Government control as self regulation is either nonexistent or not working. I have been unable to determine if registered breeders of rabbits have a code of conduct or whether they adopt the existing UK code of conduct. In Victoria there are four breeders associations and they seem to be fragmented which would make the adoption of a universal internal code of conduct difficult.

Conversation with breeders are difficult as they are very defensive, for instance I was called a welfare Nazi for asking a basic question, why do you breed. And yet show rabbit breeders concentrate on racial purity and regard cross breeds as inferior species. At the same time they are interested in the creation of a new super breed of rabbit. What happens to the "not perfect" rabbit is an animal welfare concern.

Unlike dogs and cats which have higher commercial value the majority of rabbit breeding is either through accidental litters or children earning pocket money. These children often breed rabbits in clusters centred on primary schools due to discussions about earning pocket money. The Orphanage has developed an educational program for primary schools which includes combating this.

Usually backyard breeders sell via pet shops or online. Council permits are not needed as many have no restrictions on the number of baby animals in their local laws. The Orphanage does not recommend the free to a good home style of advert as some people with snakes check internet sites for rabbits as cheap food.

Breeders associations would like to separate their image from backyard breeders due to the public's perception. This separation can be achieved by the adoption of a code of practice.

### ***The Domestic Animal Act***

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The Act needs updating, providing instruction to local government it does not mention rabbits and councils have no idea of anything to do with rabbit welfare and are not obligated to cover them in their Domestic Animal Management Plan.

Council attitude towards reporting of rabbits running loose is to say we don't do that as it is not covered by their Domestic Animal Management Plan and refers the person to a animal welfare organisation. The welfare organisation will say we don't have the resources to do that and refers the person back to council. Clearly this is an unsatisfactory situation.

An assessment of local laws (Victorian councils) regarding rabbits was taken by the Orphanage and the findings showed a lack of science and logic.

It is assumed that pet rabbits are kept outside, some councils classify rabbits incorrectly as rodents and not lagomorphs, one country based council states that the maximum number of domestic rabbits in residential zoning is zero but unlimited in farm zones

indicating a willingness for farm activities and total ignorance of rabbits as pets. In metropolitan councils, the maximum number of rabbits allowed varies from two to ten, in some cases rabbits are not mentioned and a special permit is needed.

It is common for council laws to place a limit on adult rabbits but anyone can have up to thirty rabbits under the age of three months, acting as an open invitation for backyard breeders to breed and sell rabbits lawfully. The action of these backyard breeders (who are not registered or permitted breeders) contributes to over population and sets in motion a cycle of breeding, abandonment, and high kill rates at shelters of our pet rabbits, many not surviving to see their first year of life.

At the time of writing it is the start of the breeding season and the Orphanage has seven abandoned litters of rabbit kittens handed in to vets and other shelters and transferred to the Orphanage due to our expertise. This is a time of dread as we know that from the middle of the season to the end we expect to be hand rearing litters due to the death of the mothers caused by over breeding. Most are discovered dead on top of their babies.

We will experience over half of these motherless babies dying in spite of our efforts at hand rearing. This is caused by a lack of suitable antibodies or incorrect bacteria in the cecum. Some will last for 10 weeks then suddenly die due to enterotoxins. This happens so children can make \$5 or \$10 pocket money and is enabled by uncaring Councils who say that rabbits are not covered in the Act and back yard breeders or hoarders are of no concern to them.

The Orphanage is required to pay microchip transfer fees to new owners on adoption. Other shelters are exempt as dogs and cats are covered by the Act and rabbits are not included.

## Section 2: Areas where law is existent for rabbits

### *Code of Practice for the Operation of Pet Shops*

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This industry has internal concerns about the public perception of the sourcing of animals with some seeking liaison with shelters. This is partly due to the collapse of the Pets Paradise chain after a campaign from Oscars Law about their support of puppy mills.

Petsco was formed after the Pets Paradise collapse and use the same retail outlets. Being aware of the reasons for collapse they sought to source animals from shelters and worked for a while with the Geelong Animal Welfare Society for the supply of rabbits. This arrangement ceased due to problems arising due to Petsco wanting complete control of the sales process, treating shelters as substitute breeders whilst carrying out business as normal.

The Orphanage entered into an arrangement with Pet Barn having one store set up as an adoption centre. The Orphanage ceased placing rabbits there after a change of management became more sales focused. Lort Smith has similar concerns with their dogs and cats in this store but unlike the Orphanage is contracted to supply.

Independents and smaller business can depend on the large margins in pet sales to stay afloat. Puppies purchased for \$50 can be sold for \$1,000.

Pet Stock does not sell animals.

We have little knowledge and interaction in regard to management of other chains of stores.

The Orphanage is willing to work with pet shop chains but in its present form this can be impracticable. Good salespeople take pride in their ability to turn a prospect into a sale leading to an animal sold by impulse or manipulation by the sales person. This philosophy is opposite to that of welfare organisations that put animal needs as the primary aim and encourages education and considered decision making prior to purchase.

The situation overseas is that the UK bans the sale of pets in pet shops. Los Angeles in the USA recently passed a law where pet shops are to source animals from shelters. This needs monitoring over time to see if the problems listed above are addressed and how the creation of a competitive level playing field makes a difference.

There is public perception that the age of rabbits sold is too young at five weeks. Rabbits are weaned at three and a half weeks and the mother reduces interaction with them shortly thereafter. Whilst technically this is an argument for their sale at this age it creates problems in the future as there are difficulties in determining their sex correctly resulting in unplanned litters, or territorial fighting between two males requiring separation. Incorrect sexing of baby rabbits occurs frequently with a 50% chance of getting it wrong. This leads to disposal of animals issues and perpetuates the cycle resulting in overpopulation and sometimes to abandonment in shelters or anywhere else. It is difficult for vets to determine sex accurately at this age, so how can untrained staff or their suppliers who are usually backyard breeders or prior customers with accidental litters cope with this problem.

It is easier to determine sex when older so the solution is simple, give in to the customers' wishes and increase the minimum age at which rabbits are sold to eight weeks. At this age it is easier for staff to be trained to determine sex accurately and the Orphanage is willing to develop and provide the information needed.

A mystery pet shop survey conducted by the Orphanage showed that systemic breaking of the code in not providing information to new pet owners occurs with rabbit sales. The results were reported to Department of Primary Industries (Vic).

A double sided A4 information sheet was developed by the Orphanage and is available to cover this code requirement. A co- branded copy has been delivered to a few pet shop chains and other organisations both here and overseas.

The Orphanage is concerned with housing arrangements used within pet shops. Current size and placement of housing does not meet rabbit's needs as a prey animal. The size is inadequate to allow the placement of hiding spots or tunnels necessary for their health and wellbeing. It would assist sales if the area was enlarged enough to accommodate saleable products for enrichment.

Staff knowledge is generally inadequate unless in a few instances the staff member keeps rabbits indoors as a pet. As an example, we have been informed that shredded paper is a good diet for rabbits and other such nonsense. Basic dietary information is also incorrect often with a sign on the window that they are cheap to feed with scraps which can result in expensive dentistry to correct, gut mobility issues or the promotion of manufactured junk food leading to obesity with resultant problems.

To ensure customer satisfaction and increase sales, staff knowledge and housing need addressing.

### ***Queensland ban on ownership of rabbits as pets***

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The main argument used is based on ignorance and a fear of pet rabbits breeding in the wild and overrunning Queensland. Compulsory desexing eliminates this illogical reason for the need of such a law.

The underlying illogical and incorrect views are not addressed by desexing and would need a public education campaign to overcome.

Their law does not appear to be workable as Long Eared Guinea Pigs are the most numerous illegally kept pet in Queensland, with a rabbit specialist food supplier listing 17 Vets who supply product on their website, a medical University starting to run introductory courses on rabbits and the sale of sixty ton of rabbit pellets annually.

I am unaware of any prosecutions under this insensible law which carries a \$30,000 fine.

### ***The farming of rabbits for meat***

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All intensive farming codes are written by industry focusing on their commercial gain and pay scant attention to animal welfare. There is a constant battle between attempts by farmers to increase profit and animal activists who interpret these changes as being at the expense of the animals well being.

The pressure from others such as Voiceless and other vegan /vegetarian based groups tend to focus on animal welfare issues used by the food industry and has brought public



exposure so is worthwhile but we feel their underlying motive, the total abolition of eating meat is unobtainable due to the economic counter arguments that would be used, and that the public majority are not vegetarian.

As an economic argument is usually used then if an economic counter argument is found it will more likely succeed and avoid protracted humanitarian argument and the expense of court.

The majority of people who keep rabbits as pets will refuse to eat them. If a restaurant is visited with rabbit on the menu a discussion as to why this is offensive and that patronage will be lost often results in the offending dish being removed from the menu. The same argument can be used with other businesses such as supermarkets, delicatessens and butchers; The Coles chain has stopped selling rabbit to gain customers and these are examples of economic counter measures.

Many rabbit farms take short cuts with the code to reduce costs and in this case whether or not the code is judged to be poor is not an issue. Enforcement of the code can force farms to increase costs to address them.

Farms creating an offensive smell are common indicating a health problem; Coccidia multiplies rapidly when faecal matter is more than three days old and E Cuniculi spores develop in urine. Respiratory diseases can develop when ammonia concentrations are high; these affect the quality of meat both with the safe human consumption of the meat, or for the animal's wellbeing.

An investment in waste management and regular vet checks can result in a premium price to the farmer for guaranteed disease free meat. Maximum productivity is reached when animals are healthy.

The above is an example of bringing better husbandry practice by using economic argument but the winners are to bring an improvement in the rabbits well being. The alternative is exposure to the public and health officials forcing better waste management and vet costs for the treatment of disease upon them. It is more expensive to fix a problem than to prevent it.

There is a tendency for farmers to search for new ways to make money .Once a product is found the trend is for the pioneers to make money and then others join in expecting a windfall. This eventually causes a glut of produce and drop in price. We have seen this boom bust cycle in the past with produce such as wine, emu oil, alpaca and olives

A point will be reached when this industry becomes economically impracticable without a gradual increase of price or withdrawal from the market by financially over extended farmers. Vigilance of the code is needed due to inexperience at the start of the cycle and at the end due to economic strain.

Farmers who use traditional methods are judged by their peers for husbandry skills and wellbeing of their livestock. This is not the case with intensive farming operating in the name of efficiency but is simply personal greed at the cost of the animal's welfare. The main objective is to increase cash returns by decreasing cost. In the past before intensive farming, chicken was the most expensive meat available and lamb was the cheapest and the public at this time still purchased both. If intensive farming were to be outlawed causing prices to rise then market forces would simply adjust.

A few animal activists steal an occasional rabbit from a farm. This serves no purpose and is counterproductive for animal welfare so should be discouraged. It causes determination by the farmers to group together to fight activism. This has happened in

the USA with the creation of a website offering shared advice on how to combat activism and to instruct defensive measures against court action.

The Orphanage is concerned about the health and wellbeing in rabbit meat farms so will direct efforts to ensure their welfare becomes higher and the application of the relevant code of practice is improved and enforced. Bringing major change to industry written code can be a lengthy and costly process.

## ***Rabbits used for research***

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We are limiting our comments to rabbits as we recognize our expertise with rabbits and have lower levels of knowledge with other animals, and leave this to be addressed by other organizations.

The use of Rabbits in laboratories is covered by a code which is fairly good. This Industry is made up of highly intelligent people who wish to maintain high standards of care with rabbits within their facilities.

There are two reasons for their attitude:

- Public perception and scrutiny

The industry is highly sensitive toward public feelings and their continuance depends on this. Historically they are aware that Animal Welfare groups such as the RSPCA started due to animal experimentation and that other organisations are active in this area.

Protocols and justification prior to experimentation are required to be followed, and it this area that needs continual refinement in response to changing public attitudes. This will bring about corresponding change to the code.

The Swiss and a few other European countries have legally classified vertebrates as non objects recognising that animals are sentient beings with intrinsic value.

A point will be reached in time when this industry is unable to continue in Australia such as happened recently in the UK with the ban on animals being used for product testing.

- The effects of unwell or stressed animals affecting experimental results. Scientific results can be affected and questioned due to health and environmental reasons such as coccidia, E Cuniculi or other illness of the animal and viruses or bacteria in the air, feed and water.

We wish to make the following points:

- Research is carried out for human centred purposes some of which are trivial. Very little research is carried out to increase the welfare of rabbits or to understand veterinary treatments for management of illness.
- The Orphanage fails to see how an animal that is so physiologically different to humans are of use in research, for example rabbits don't have sweat glands so why test them for anti-perspirants.

- Many cosmetic manufacturers claim to be cruelty free but export to China which is the fastest growing market for their product. China requires mandatory testing on animals for all cosmetics before release for sale. The Orphanage regards claims of non animal testing by these companies as false.
- As prey animals, rabbits hide discomfort and pain when it occurs, which can lead to a situation with the rabbit suffering without its pain being noticed.
- Rabbits are highly intelligent and communicate with body language that is very subtle and is difficult for humans to interpret and a major part of communication is scent which is not able to be sensed by humans. We also suspect that rabbits are highly telepathic and can express feelings of pain and terror to other rabbits in the facility
- The Orphanage questions the use of any animal experimentation when more humane alternatives are available
- The Orphanage regard that addressing experimentation should include parents who allow animals to breed for the purpose of educating children on “the miracle of birth”

## Section 3: Other Areas of concern

### *Desexing*

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We hope to eliminate backyard breeders who operate for pure financial gain or reward without regard to the welfare of rabbits. Unlike some other species the largest majority of breeders are children who breed to earn pocket money. Apart from the great distress and harm to animals this activity causes in the quest for a small amount of money it leads to an overall economic loss and the systemic breakdown of an overburdened welfare system caused by overpopulation.

One of the aims of compulsory desexing prior to sale is to drive backyard breeders out of the market. Breeders would not be allowed to sell animals unless they are desexed or have been issued with a pre-paid desexing voucher.

Owners would not be allowed to keep an intact pet rabbit, unless they are council permitted and registered as breeders, or have a veterinarian certificate stating a danger to the rabbit's health or for religious belief.

Further any animal that is capable of becoming a feral pest and creating an economic burden on the country should be desexed and microchipped.

The fine asked for is \$1,000 for the first offence with subsequent fines of \$30,000. We expect this to reduce overpopulation and subsequent kill rates in shelters by 50%

A proposal for the compulsory desexing of rabbits was submitted in 2010 to the Bureau of Animal Welfare (DPI Vic) and referred to the Animal Welfare Advisory Committee. This committee is mainly composed of people involved with cats and dogs.

From an email received from Dr Steven Tate, Director, Bureau of Animal Welfare, Department of Primary Industries Victoria.

*"Thanks.*

*Your papers on pet rabbit welfare, attitudes to pet rabbits, web page amendments and de-sexing of rabbits was considered favourably at Animal Welfare Advisory Committee on 18 August..*

*Jane Malcolm in the Bureau created the discussion paper attached with your documents attached.*

*AWAC intends to respond to you and to form a working group to look at pet rabbit codes and issues. I imagine you and some others will be on their reference group.*

*Regards  
Steve"*

We are still waiting for a response from AWAC in 2013 after two and a half years of waiting.

## ***The use of rabbits as clothing***

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Rabbits are not farmed for fur in Australia and we would participate in steps to prevent this happening. In Australia the public generally disapprove the wearing of fur and women who do are criticised by the majority of other women for their choice of garment.

Occasionally a designer, importer or retail chain will feature fur in their newest collection trying to establish a new fashion trend. This results in an immediate backlash from the public who widely disapprove and force the withdrawal of product from the market.

We would like to see this status quo maintained.

Rabbits are also used for the production of wool. This was a traditional French provincial industry with the Angora rabbit but they were economically driven from this market by the Chinese who now control the market. I do not know a lot about the standards of welfare used but suspect a lot, this needs to be investigated in the future with possible exposure to the public needed.

The Orphanage would like to see a fashion parade where homeless rabbits are either carried by models or free to run around the catwalk. Ideally this should be in cooperation with an educational institution as a student project and this will raise awareness of the use of fur with future fashion designers.

## ***Myxomatosis Campaign***

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A working paper has been prepared to discuss this matter and a legal campaign is in discussion.

Thousands of domestic rabbits are being killed each year, resulting in devastating effects on families. In effect:

1. Withholding a potential life saving vaccination from pet rabbits is cruel and unnecessary
2. Arguments that release of the vaccine to the public for their pets will adversely impact on eradication strategies for wild rabbits are groundless
3. Australians are widely known for their involvement in welfare issues but this is not the case with the federal government's attitudes to animal welfare and in particular pet rabbits.

Other methods regularly used in the past have not worked. At a federal level petitions seem to have no value to politicians.

## ***Federal Government***

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We question the move by federal government for Department of Agriculture, Fisheries and Forestry (DAFF) to represent animal welfare in regard to rabbits, as DAFF seem unable to differentiate between feral and domestic rabbits. Australian governing bodies such as DAFF concern themselves much more with pest control and the productivity of the farming industry than they do with pets or humane welfare

The current Minister of Agriculture Barnaby Joyce is an advocate for protecting farmers and rural interests. his conviction in this causes him to be regarded as a maverick by his actions of crossing the floor to express this in the past. We fail to see how he will support welfare issues with pet rabbits.

The number of rabbits in Australia kept as pets is poorly documented and if the government were to determine this by a future census they would be surprised by the result of the number of rabbits kept and this would show that rabbits are the third most popular pet.

There has been rapid growth in the number of rabbits kept as a preferred pet in the last decade. This growth rate is accelerating and driven in part by the largest increasing demographic group, the single nesters.

Government planning for this group includes expanding the high rise district of Melbourne fivefold and their pet of choice is the house rabbit due to the desire of a substitute child, companionship, small living arrangement in apartments and lack of time or space to exercise a dog.

A census could also show the amount of concern by the public regarding animal welfare.

We will also ask the federal government to reinstate funding for research into more humane methods of bio control for feral rabbits such as genetically modified agents causing sterility. This is the public's preferred pest control method and for this to replace the least preferred method of control, myxomatosis at an appropriate time in the future.

Due to evolution there are claims of survival of feral rabbits and new strains are needed to combat the effectiveness of the Myxoma virus in killing wild populations. The truth is that there are no survivors; there are increasing numbers of sick feral rabbits. Feral rabbits that do not die suffer long term discomfort and pain from upper and lower respiratory diseases.