

1993

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

ANIMAL WELFARE ACT 1992

ANIMAL WELFARE REGULATIONS

EXPLANATORY MEMORANDUM

Circulated by authority of

Bill Wood

Minister for the Environment, Land and Planning

ANIMAL WELFARE REGULATIONS

The Animal Welfare Regulations are made under the Animal Welfare Act 1992 (the Act).

The Act regulates all activities involving animals in the Territory. In the Act, there are provisions for Regulations concerning, amongst other things:

- . electrical devices permitted and the animals on which the devices may be used;
- . the constitution, functions, mode of operation and powers of Animal Welfare Ethics Committees in relation to research or teaching using animals;
- . animal traps either prohibited or restricted in the Territory;
- . exemption of certain persons from the requirements of any or all of the provisions in the Act;
- . all or any of the provisions of the Act to apply or not apply in relation to an animal; and
- . matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

There are no financial implications in the Regulations.

Details of the Animal Welfare Regulations are set out in the attachment.

PART I - PRELIMINARY

Regulations 1,2 and 3 are formal requirements. They refer to the title of the Regulations, the procedure for commencement, and provide an interpretation of certain terms used throughout the Regulations.

Regulation 4 states that permitted electrical devices and the animals on which the devices may be used are prescribed in the Schedule. Subsection 13(1) of the Act prohibits the use of electric shock to an animal except as authorised by a law of the Territory. Subsection 13(2) exempts electrical devices prescribed in Regulations on animals as prescribed in the Regulations.

PART II - ANIMAL EXPERIMENTATION ETHICS COMMITTEES

Regulation 5 requires that the holder of a licence to use or breed animals for research or teaching shall establish and maintain an Ethics Committee in accordance with Part II of the Regulations. The Ethics Committee is responsible for authorising programs of research and teaching for the licensee.

Regulation 6 details the constitution of the Ethics Committee, which must be at least 4 members appointed by the relevant person. The relevant person is defined in Regulation 3 as the Minister if the licensee is a body established by or under the Act, or in any other case, the licensee. 1 member must have qualifications in veterinary science or have qualifications and experience to provide comparable expertise, and the person must have experience relevant to the activities of the licensee.

1 member must have substantial recent experience in animal experimentation.

1 member must have a demonstrable commitment to, and established experience in, furthering the welfare of animals, who is not employed or engaged by any institution that uses animals for research or teaching. The person should where possible be selected on the basis of membership of an animal welfare organisation.

1 member shall be an independent person who does not currently and has not previously conducted research or teaching involving animals, and who is not employed or engaged by any institution that uses animals for research or teaching.

The Committee may include additional persons to ensure it can function adequately. If an Ethics Committee has more than 7 members, at least 2 must meet the latter two categories.

Regulation 7 specifies the functions of an Ethics Committee. The functions relate to ensuring the humane treatment of animals at all stages from acquisition through their use for research or teaching to the disposal. The Committee may issue directions to researchers or teachers relating to the welfare of animals, including the humane killing if necessary. If directions are not followed, the Committee has power under Regulation 24 to vary the approval, under Regulation 25 to arrange destruction of the animals involved or under Regulation 26 to suspend or cancel approval of the program. It may also examine and comment on plans and policies of the licensee which affect animal welfare, and is required to maintain a register of approved proposals to use animals for research or teaching.

Regulation 8 states that an Ethics Committee has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Regulation 9 specifies that members of an Ethics Committee hold office as a part-time member, and shall hold office for a period not exceeding 3 years but may be re-appointed.

Regulation 10 imposes an obligation on the relevant person to appoint a Chairperson and Deputy Chairperson of the Committee.

Regulations 11, 12 and 13 specify that members may resign or appointments be terminated, and that acting members may attend meetings in place of a member unable to attend.

Regulation 14 deals with the convening of meetings. Meetings are to be held as frequent as the volume of business demands, but not less than quarterly. Additional meetings may be held at the request of the Minister or a majority of members.

Regulations 15, 16 and 17 deal with operating procedures of an Ethics Committee and what constitutes a quorum for such a committee.

Regulation 18, 19 and 20 imposes an obligation on a researcher or teacher proposing to use animals to obtain approval of the Ethics Committee in a form as approved by the Committee. The Committee may request further information. Regulation 20 creates an offence of conducting research or teaching using animals unless the program has been approved by the Ethics Committee and a penalty of \$1000

Regulation 21 provides for approval to be granted or refused to an application made under Regulation 18 following consideration of various issues relating to the use of animals in a program of research or teaching specified in subregulation 21(2). Among these considerations is that the Committee must be satisfied that animals are necessary for the program and why techniques which do not use animals have been rejected as unsuitable. The refusal to grant a licence is reviewable by the Administrative Appeals Tribunal.

Regulation 22 imposes an obligation on the Ethics Committee to maintain a register of approvals.

Regulations 23 and 24 enable the Committee to place conditions on the approval of programs and to vary the approval if it is desirable in the interests of animal welfare. Such decisions by the Committee are reviewable by the Administrative Appeals Tribunal.

Regulations 25 and 26 empowers the Committee to issue directions to a researcher or teacher relating to ensuring the welfare of the animals, or to suspend or cancel approval if so necessary. The issue of a direction or the suspension of an approval is reviewable by the Administrative Appeals Tribunal.

Regulation 27 imposes an obligation on the licensee or authorised person as defined in section 4 of the Act to keep adequate records in relation to the acquisition, breeding, health, care, use and disposal of animals, including the condition of animals during experiments. The regulation empowers the Ethics Committee to require the production of records. The Regulation also creates offences of failing to keep or provide the records when required and imposes a penalty of a fine of \$1000.

Regulation 28 enables the Committee to conduct inspections of all animal housing, laboratory areas and other related areas to ensure compliance with any directions or an approved code of practice.

Regulations 29 and 30 allow for the appointment of an Executive Officer, who shall have veterinary qualifications or relevant qualifications and experience, from among the members of the Committee. The Executive Officer is authorised to conduct inspections and ensure adequate standards of animal welfare are maintained. The Executive Officer has implied responsibility for directing researchers or teachers in the adequate care of animals. Before the Executive Officer arranges for the treatment or humane killing of an animal being used in a program, all reasonable steps should be taken to consult with the responsible authorised person. In the case of an Executive Officer having veterinary qualifications, the Animal Welfare Act 1992 authorises such a person to humanely destroy animals if that action is necessary.

Regulation 31 requires an Ethics Committee to report on an annual basis to the Minister on the activities of the Committee.

PART III - MISCELLANEOUS

Regulations 32 and 33 specify those decisions that must be notified in writing and include a statement that a review of the decision may be sought subject to the Administrative Appeals Tribunal Act 1989.