

Animal Welfare Amendment Regulation 2025 (No 1)

Subordinate law SL2025–16

made under the

Animal Welfare Act 1992

EXPLANATORY STATEMENT

PURPOSE OF THE REGULATION

The purpose of the Animal Welfare Amendment Regulation 2025 (No 1) (the Regulation) is to support the efficient and effective operation of the *Animal Welfare Act 1992* (the Act), specifically in regard to the use of soft jaw traps by setting the circumstances under which a soft jaw trap is not a prohibited item under section 14 of the Act.

The Regulation supports the lawful possession and use soft jaw traps, provided that use is undertaken by a person who:

- is an authorised person exercising a function under the *Biosecurity Act 2023*
- a conservation officer exercising a function under the *Nature Conservation Act 2014*;
- a trapping permit-holder; or
- a person holding a nature conservation licence that authorises the person to carry out trapping.

The ACT Parks Conservation Service (PCS) has identified the need to use soft jaw traps as an essential part of their responsibilities under the *Biosecurity Act 2023* to control animals on reserves that are declared pests, specifically dingos and wild dogs. PCS uses a range of methods to control dingos and wild dogs, including 1080 baiting (sodium fluoroacetate), thermal ground and aerial shooting, and trapping. The most safe and effective trapping method is a soft jaw trap, which is affixed to the ground and when activated snares the foot/leg of a dingo or wild dog to prevent

escape. PCS uses soft jaw traps in accordance with the National Standard Operating Procedure: Trapping of wild dogs using padded-jaw traps (NATSOP-DOG001)¹.

PCS has identified that if not managed, dingos and wild dogs will attack stock including sheep adjacent to Namadgi National Park, with 30,000 sheep estimated on rural leases within the ACT or adjacent areas.

The amendment further supports limited use of soft jaw traps by other stakeholders including rural lessees. Clause 4 of the amendment inserts a new subsection (1A) into section 5A of the Regulation and new paragraphs (c) and (d) specifically provide that a soft jaw trap is not a prescribed prohibited item if the possession or use of that item is undertaken by a person with a trapping permit or nature conservation licence. This will allow rural lessees to apply to the Animal Welfare Authority for a trapping permit on their land. This will ensure that any dingos or wild dogs who move from ACT parks and reserves onto leased rural land can be safely and effectively trapped. To ensure that use of the traps is done in the most humane way possible and consistent with the objects of the Act which recognises animals as sentient beings, the Animal Welfare Authority has the ability to impose conditions on a trapping permit, for example the requirement to comply with the National Standard Operating Procedure.

Section 112 of the Act provides the Executive with the power to make regulations for the Act.

CONSULTATION ON THE PROPOSED APPROACH

Key stakeholders have been engaged in the development of the Regulation. Specifically, the Animal Welfare Advisory Committee established under section 119 of the Act, the Animal Welfare Authority as established under section 5 of the Act, the Conservator of Flora and Fauna as established under the *Nature Conservation Act 2014* as well as relevant areas of PCS within the City and Environment Directorate.

CONSISTENCY WITH HUMAN RIGHTS

During the development of this regulation due regard was given to its compatibility with human rights as set out in the *Human Rights Act 2004* (HRA).

The Regulation does not impose any limitations on a person's human rights.

¹ petsmart.org.au/wp-content/uploads/sites/3/2024/04/NATSOP-DOG001.pdf.

CLAUSE NOTES

Clause 1 Name of regulation

This clause names the regulation as the *Animal Welfare Amendment Regulation 2025 (No 1)*.

Clause 2 Commencement

This clause states that the regulation takes commences the day after it is notified.

Clause 3 Legislation Amended

This clause names the regulation that is amended, the *Animal Welfare Regulation 2001*.

Clause 4 New section 5A (1A)

This clause inserts a new provision (1A) into section 5 of the *Animal Welfare Regulation 2001*. The new clause provides for an item mentioned in subsection (1) (a) to not be a prescribed prohibited item in relation to possession or use by:

- (a) an authorised person exercising a function under the *Biosecurity Act 2023*;
- (b) a conservation officer exercising a function under the *Nature Conservation Act 2014*;
- (c) a trapping permit-holder;
- (d) a person holding a nature conservation licence that authorises the person to carry out trapping.

Clause 5 Section 5A (2), new definitions

This clause inserts two new signpost definitions. The new definitions relate to the definition of a conservation officer and nature conservation licence. The definitions refer to those contained in the *Nature Conservation Act 2014*, the dictionary and section 262 respectively.