



Australian Capital Territory

# **Animal Welfare Regulation 2001**

**SL2001-26**

made under the

**Animal Welfare Act 1992**

**Republication No 4**

**Effective: 1 November 2004 – 23 November 2005**

Republication date: 1 November 2004

Last amendment made by A2003-41  
(republishing includes editorial amendments  
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Animal Welfare Regulation 2001*, made under the *Animal Welfare Act 1992* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 1 November 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Animal Welfare Regulation 2001

made under the

**Animal Welfare Act 1992**

## Contents

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	Page
1 Name of regulation	2
3 Meaning of <i>code</i>	2
4 Notes	2
5 Prescribed electrical devices and animals for Act, s 13 (2)	2
6 Prescribed animals for Act, s 25 (2) (c)	2
7 Ethics committees—Act, s 50 and dict	3
8 Caging egg-producing domestic fowls	3

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R4  
01/11/04

Animal Welfare Regulation 2001  
Effective: 01/11/04-23/11/05

contents 1

## Contents

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	Page	
<b>Schedule 1</b>	<b>Permitted uses of electrical devices on animals</b>	4
<b>Schedule 2</b>	<b>Animals permitted to be used for teaching in certain schools</b>	5
<b>Part 2.1</b>	<b>Amphibians</b>	5
<b>Part 2.2</b>	<b>Birds</b>	5
<b>Part 2.3</b>	<b>Fish</b>	6
<b>Part 2.4</b>	<b>Mammals</b>	6
<b>Endnotes</b>		
1	About the endnotes	7
2	Abbreviation key	7
3	Legislation history	8
4	Amendment history	8
5	Earlier republications	9



Australian Capital Territory

# Animal Welfare Regulation 2001

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made under the

**Animal Welfare Act 1992**

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**1 Name of regulation**

This regulation is the *Animal Welfare Regulation 2001*.

**3 Meaning of code**

In this regulation:

*code* means the *Australian code of practice for the care and use of animals for scientific purposes*, 6<sup>th</sup> Edition, 1997 published by the National Health and Medical Research Council, amended by omitting from the first line of paragraph 2.2.1 (iii) on page 10 ‘approve, subject’ and substituting ‘approve, approve subject’.

**4 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

**5 Prescribed electrical devices and animals for Act, s 13 (2)**

The Act, section 13 (1) does not apply to the use by a person of an electrical device mentioned in an item of schedule 1 on an animal mentioned in the same item of that schedule.

*Note* The Act, s 13 (1) prohibits the administration of a shock to an animal, except in a manner authorised under a Territory law.

**6 Prescribed animals for Act, s 25 (2) (c)**

The Act, section 25 does not apply to a person who uses an animal mentioned in schedule 2 for teaching purposes in a preschool or primary school.

*Note* The Act, s 25 (1) prohibits the use or breeding of an animal for research or teaching.

**7 Ethics committees—Act, s 50 and dict**

- (1) An animal ethics committee established in accordance with the code is an ethics committee for the Act.
- (2) The constitution and functions of an ethics committee are the constitution and functions set out in the code.

**8 Caging egg-producing domestic fowls**

- (1) A person who keeps a domestic fowl (*Gallus gallus*) for producing eggs must ensure that the cage in which the fowl is kept has enough floor space.

Maximum penalty: 10 penalty units.

- (2) For subsection (1), a cage has enough floor space if it provides at least 550cm<sup>2</sup> of floor space for each fowl in the cage.
- (3) In calculating floor space for subsection (2), any space occupied by a baffle is taken to be floor space.
- (4) For subsection (1), a cage that is in use immediately before the commencement of this section has enough floor space if it complies with the *Animal Welfare Regulations 1993*, section 31A, as in force immediately before that commencement.

*Note* The *Animal Welfare Regulations 1993*, s 31A, as far as relevant, provided as follows:

- (2) The floor space of a cage shall be taken to be adequate if it is not less than—
  - (a) in the case of a cage in which 1 fowl is confined—1000 cm<sup>2</sup>;
  - (b) in the case of a cage in which 2 fowls are confined—1350 cm<sup>2</sup>; or
  - (c) in any other case—
    - (i) if the average weight of the fowls in the cage is 2.4 kg or less—450 cm<sup>2</sup> per confined fowl; or
    - (ii) if the average weight of the fowls in the cage is greater than 2.4 kg—600 cm<sup>2</sup> per confined fowl.
- (5) Subsection (4) and this subsection expire on 1 January 2008.

## Schedule 1 Permitted uses of electrical devices on animals

(see s 5)

<b>column 1 item</b>	<b>column 2 permitted electrical device</b>	<b>column 3 permitted species of animal</b>
1	electro-ejaculator	cattle and sheep
2	electric stock prod	cattle and pigs
3	electric fence	animals other than poultry or domestic animals
4	electric 'fightback' lure	dogs



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## **Schedule 2**      **Animals permitted to be used for teaching in certain schools**

(see s 6)

### **Part 2.1**      **Amphibians**

<b>column 1 item</b>	<b>column 2 animal</b>
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1	axolotl
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2	frog
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### **Part 2.2**      **Birds**

<b>column 1 item</b>	<b>column 2 animal</b>
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3	budgerigar
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4	chicken
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5	cockatiel
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6	finch
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7	pigeon
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8	quail
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## **Part 2.3**                      **Fish**

<b>column 1</b> <b>item</b>	<b>column 2</b> <b>animal</b>
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9	goldfish
10	guppy
11	platy
12	silver perch
13	sword tail

## **Part 2.4**                      **Mammals**

<b>column 1</b> <b>item</b>	<b>column 2</b> <b>animal</b>
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14	guinea pig
15	mouse
16	rabbit
17	rat

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This regulation was originally the *Animal Welfare Regulations 2001*. It was renamed under the *Legislation Act 2001*.

#### **Animal Welfare Regulation 2001 No 26**

notified 2 August 2001 (Gaz 2001 No 31)

commenced 2 August 2001 (s 2)

as amended by

#### **Statute Law Amendment Act 2002 No 30 pt 3.3**

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.3 commenced 17 September 2002 (s 2 (1))

#### **Statute Law Amendment Act 2003 A2003-41 sch 3 pt 3.1**

notified LR 11 September 2003

s 1, s 2 commenced 11 September 2003 (LA s 75 (1))

sch 3 pt 3.1 commenced 9 October 2003 (s 2 (1))

### 4 Amendment history

#### **Name of regulation**

s 1 am R4 LA

#### **Commencement**

s 2 om LA s 89 (4)

#### **Caging egg-producing domestic fowls**

s 8 am Act 2002 No 30 amdt 3.32; A2003-41 amdt 3.1  
(4), (5) exp 1 January 2008 (s 8 (5))

#### **Repeal of Animal Welfare Regulation**

s 9 om LA s 89 (3)

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	12 September 2001
2	A2002-30	24 September 2002
3	A2003-41	9 October 2003

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