



Australian Capital Territory

# **Animal Welfare Regulation 2001**

**SL2001-26**

made under the

**Animal Welfare Act 1992**

**Republication No 8**

**Effective: 22 September 2009 – 19 July 2010**

Republication date: 22 September 2009

Last amendment made by A2009-20

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 22 September 2009. It also includes any amendment, repeal or expiry affecting the republished law to 22 September 2009.

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 does not include 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**

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R8  
22/09/09

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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*.

**2 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

**3 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.

**4 Offences against regulation—application of Criminal Code etc**

Other legislation applies in relation to offences against this regulation.

*Note 1* *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

**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.

**6A Licence conditions—Act, s 28**

A licence is subject to the following conditions:

- (a) that the licensee must, in accordance with the Act, establish and maintain—
  - (i) an animal ethics committee; or
  - (ii) appropriate arrangements with an existing animal ethics committee for that committee to exercise the functions of an animal ethics committee in relation to the licensee's activities;
- (b) that, if the authority asks the licensee for information or a document under the Act, section 31 (Licensees—request for information and documents), the licensee must give the information or document to the authority;

- (c) that the licensee must comply with any direction of the animal ethics committee issued under the Act.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

## **6B Authorisation conditions—Act, s 39**

An authorisation is subject to the following conditions:

- (a) that, if the animal ethics committee asks the authorisation holder for information or a document under the Act, section 43 (Authorisation holders—request for information and documents), the person must give the information or document to the committee;
- (b) that the authorisation holder must comply with any direction of the animal ethics committee issued under the Act.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

## **7 Animal ethics committees—Act, s 50 and dict**

- (1) An animal ethics committee established in accordance with the code is an animal ethics committee for the Act.

*Note* **Code** is defined in the dictionary.

- (2) The constitution and functions of an animal ethics committee are the constitution and functions set out in the code.
- (3) An animal ethics committee for a licence must report annually to the authority about the following in relation to the animals that the committee has approved for use or breeding by the licensee:
  - (a) how many animals were used or bred;



(b) the species of the animals.

*Note* If a form is approved under the Act, s 110A for the report, the form must be used.

- (4) A report under subsection (3) must be given to the authority within 4 months after each 30 June.

**7A Circus permit condition—Act, s 56**

A circus permit is subject to the condition that the circus permit-holder must not include in the circus troupe a prohibited animal, whether or not for the purpose of using the animal in the circus.

**7B Travelling zoo permit condition—Act, s 56**

A travelling zoo permit is subject to the condition that the travelling zoo permit-holder must not include as part of the travelling zoo a prohibited animal, whether or not for the purpose of using the animal in the travelling zoo.

**7C Prohibited traps—Act, s 60**

- (1) The following are prohibited traps:

- (a) glue trap;
- (b) metal-toothed rodent trap.

- (2) In this section:

***glue trap*** means a trap (however described) that contains glue, or another viscid substance, that is non-drying.

***metal-toothed rodent trap*** means a trap (however described) that has a spring-loaded metal arm and metal-toothed edge around the trap's base.

**7D Trapping permit condition—Act, s 65**

A trapping permit is subject to the condition that, if the authority asks the trapping permit-holder for information or a document under the Act, section 68 (Trapping permit-holders—request for information and documents), the permit-holder must give the information or document to the authority.

**8 Caging egg-producing domestic fowls**

- (1) A person commits an offence if—
- (a) the person keeps a domestic fowl (*Gallus gallus*) for producing eggs; and
  - (b) the cage in which the fowl is kept does not have enough floor space.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) 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.
- (4) In calculating floor space for subsection (3), any space occupied by a baffle is taken to be floor space.

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## 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

## **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
2	frog

### **Part 2.2**      **Birds**

<b>column 1 item</b>	<b>column 2 animal</b>
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3	budgerigar
4	chicken
5	cockatiel
6	finch
7	pigeon
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

## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- maximum penalty
- person.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Animal Welfare Act 1992* (see Legislation Act, s 148). For example, the following terms are defined in the *Animal Welfare Act 1992*, dict:

- animal
- animal ethics committee
- authority
- confine.

*code* means the *Australian code of practice for the care and use of animals for scientific purposes*, 7<sup>th</sup> Edition, 2004 published by the National Health and Medical Research Council.

## 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 SL2001-26**

notified 2 August 2001 (Gaz 2001 No 31)

commenced 2 August 2001 (s 2)

as amended by

#### **Statute Law Amendment Act 2002 A2002-30 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))

#### **Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.5**

notified LR 27 October 2005

s 1, s 2 commenced 27 October 2005 (LA s 75 (1))

sch 1 pt 1.5 commenced 24 November 2005 (s 2)

#### **Animal Welfare Legislation Amendment Act 2007 A2007-7 pt 3**

notified LR 26 March 2007

s 1, s 2 commenced 26 March 2007 (LA s 75 (1))

pt 3 commenced 27 March 2007 (s 2 (1))

#### **Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.3**

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

sch 3 pt 3.3 commenced 22 September 2009 (s 2)

### 4 Amendment history

#### **Name of regulation**

s 1 am R4 LA



**Dictionary**

s 2 om LA s 89 (4)  
ins A2007-7 s 32

**Meaning of code**

s 3 **orig s 3**  
om A2007-7 s 32  
**pres s 3**  
(prev s 4) renum as s 3 A2007-7 s 33

**Notes**

s 4 **orig s 4**  
renum as s 3  
**pres s 4**  
(prev s 4A) ins A2005-54 amdt 1.32  
renum as s 4 A2007-7 s 33

**Offences against regulation—application of Criminal Code etc**

s 4A renum as s 4

**Licence conditions—Act, s 28**

s 6A ins A2007-7 s 34

**Authorisation conditions—Act, s 39**

s 6B ins A2007-7 s 34  
am A2009-20 amdt 3.7, amdt 3.8

**Animal ethics committees—Act, s 50 and dict**

s 7 sub A2007-7 s 35

**Circus permit condition—Act, s 56**

s 7A ins A2007-7 s 36

**Travelling zoo permit condition—Act, s 56**

s 7B ins A2007-7 s 36

**Prohibited traps—Act, s 60**

s 7C ins A2007-7 s 36

**Trapping permit condition—Act, s 65**

s 7D ins A2007-7 s 36

**Caging egg-producing domestic fowls**

s 8 am A2002-30 amdt 3.32; A2003-41 amdt 3.1; A2005-54  
amdt 1.33; ss renum A2005-54 amdt 1.34  
(5), (6) exp 1 January 2008 (s 8 (6))

**Repeal of Animal Welfare Regulation**

s 9 om LA s 89 (3)

**Permitted uses of electrical devices on animals**

sch 1 am A2007-7 s 37

## Endnotes

### 5 Earlier republications

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#### Dictionary

dict

ins A2007-7 s 38

def **code** ins A2007-7 s 38

## 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. 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
4	A2003-41	1 November 2004
5	A2005-54	24 November 2005
6	A2007-7	27 Mar 2007
7	A2007-7	2 January 2008

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