

1997
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Horodny)

**Animal Welfare (Amendment) Bill (No. 2)
1997**

A BILL

FOR

**An Act to amend the *Animal Welfare Act 1992* and
the *Animal Welfare Regulations* and for related
purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

PART I—PRELIMINARY

Short title

- 5 **1.** This Act may be cited as the *Animal Welfare (Amendment) Act (No. 2) 1997*.

Commencement

- 2.** This Act commences on the day on which it is notified in the *Gazette*.

Job No. 1997/020

PART II—AMENDMENT OF ANIMAL WELFARE ACT

Principal Act

3. In this Part, “Principal Act” means the *Animal Welfare Act 1992*.¹

Regulations

- 5 4. Section 112 of the Principal Act is amended—
- (a) by omitting from paragraph (3) (a) “\$1,000” and substituting “50 penalty units”; and
 - (b) by omitting from paragraph (3) (b) “\$5,000” and substituting “250 penalty units”.

10 **PART III—AMENDMENT OF ANIMAL WELFARE REGULATIONS**

Principal Regulations

5. In this Part, “Principal Regulations” means the *Animal Welfare Regulations*.²

15 **Constitution**

6. Regulation 6 of the Principal Regulations is amended—
- (a) by omitting from subregulation (1) “not less than 4 members, appointed in writing by the relevant person, of whom” and substituting “a Chairperson, and not less than 4 other members each of whom is”;
 - (b) by omitting from paragraph (1) (a) “1 shall be”;
 - (c) by omitting from subparagraph (1) (a) (i) “eligible to be”;
 - (d) by omitting from paragraph (1) (b) “1 shall be”;
 - (e) by omitting from paragraph (1) (c) “1 shall be”;
 - 25 (f) by omitting from paragraph (1) (c) “and” (last occurring) and substituting “or”;
 - (g) by omitting paragraph (1) (d) and substituting the following paragraph:
 - 30 “(d) a person without any association, past or present, with the conduct of a program of research or teaching using animals.”;
 - (h) by inserting after subregulation (1) the following subregulations:

“(1A) The Chairperson shall be a person without any involvement, past or present, in the conduct of a program of research or teaching using animals.

5 “(1B) The members of an Ethics Committee shall be appointed in writing by the relevant person.”;

(j) by inserting in subregulation (2) “or has been” after “the person is”;

(k) by omitting subregulation (3); and

(m) by adding at the end the following subregulation:

10 “(5) The relevant person shall appoint members under paragraphs (1) (a), (b), (c) and (d) so as to ensure as far as practicable that equal numbers of those members hold office at any time.”.

Substitution

15 7. Regulation 10 of the Principal Regulations is repealed and the following regulation substituted:

Deputy Chairperson

20 “10. (1) The relevant person shall appoint a member appointed under paragraph 6 (1) (a), (b), (c) or (d) to be the Deputy Chairperson of the Ethics Committee.

“(2) A person who is employed or engaged by a licensee is not eligible to be the Deputy Chairperson of an Ethics Committee maintained by the licensee.”.

Acting members

25 8. Regulation 13 of the Principal Regulations is amended by omitting subregulation (2).

Meetings

30 9. Regulation 14 of the Principal Regulations is amended by omitting from paragraph (1) (b) “a majority of members” and substituting “at least 2 other members”.

Procedure at meetings

10. Regulation 15 of the Principal Regulations is amended—

(a) by omitting subregulation (3); and

35 (b) by omitting subregulations (5) and (6) and substituting the following subregulations:

“(5) Subject to subregulations 21 (3) and 24 (4)—

- (a) questions arising at a meeting shall be decided by a majority of the votes of the members present and voting, including the member presiding; and
- 5 (b) in the event of an equality of votes on a proposed resolution, the resolution shall be taken not to have been passed.

“(6) The member presiding at a meeting has a deliberative vote only.”.

10 **Substitution**

11. Regulation 16 of the Principal Regulations is repealed and the following regulation substituted:

Quorum

“16. At a meeting of an Ethics Committee—

- 15 (a) the Chairperson, and 4 other members all of whom hold office by virtue of appointments under different paragraphs of subregulation 6 (1); or
- (b) if the Chairperson is absent—4 members (including the Deputy Chairperson) all of whom hold office by virtue of appointments
- 20 under different paragraphs of subregulation 6 (1);

constitute a quorum.”.

Approvals

12. Regulation 20 of the Principal Regulations is amended by omitting from the penalty provision “\$1,000” and substituting “50 penalty units”.

25 **Grant of approval**

13. Regulation 21 of the Principal Regulations is amended—

- (a) by omitting from subregulation (3) “satisfied that” and substituting “it has resolved to do so unanimously on the grounds that”; and
- 30 (b) by omitting paragraph (3) (a) and substituting the following paragraphs:
 - “(a) the primary objective of the program is to improve health or welfare for humans, or animal welfare;
 - (aa) the use of an animal is—
 - 35 (i) in the case of a research program—essential to obtain significant scientific data; or

- (ii) in the case of a teaching program—a justified and necessary aid;
- (ab) the program will not cause unreasonable pain to any animal used in the program; and”.

5 **Variation of approval**

14. Regulation 24 of the Principal Regulations is amended by adding at the end the following subregulation:

“(4) The Ethics Committee may not vary an approval unless the Committee resolves unanimously in favour of the variation.”.

10 **Substitution**

15. Regulation 28 of the Principal Regulations is repealed and the following regulation substituted:

Annual inspections

15 “28. For the purpose of ensuring that a program of research or teaching by a licensee is being carried out in accordance with the Act and these Regulations, and in particular, in accordance with any relevant—

- (a) code of practice; or
- (b) direction by the Ethics Committee;

20 the Committee shall, at least once each calendar year, inspect, or arrange an inspection of, each place used by the licensee to carry out the program.”.

PART IV—SAVINGS

Appointments saved

16. (1) In this section—

25 “commencement day” means the day on which the Principal Regulations are amended by this Act.

30 (2) Despite the amendment of the Principal Regulations by this Act, a person who held an office of Chairperson, Deputy Chairperson or member of an Ethics Committee immediately before the commencement day, holds that office on and after that day for the remainder of the person’s term of appointment, despite any change in the qualifications for holding office effected by this Act, but subject to the Act and Regulations in all other respects.

NOTES

Principal Act

1. Reprinted as at 31 January 1996 See also Act No 45, 1997

Principal Regulations

2. Reprinted as at 31 January 1996

Penalty units

See section 33AA of the *Interpretation Act 1967* and section 9 of the *Subordinate Laws Act 1989*.