

2001

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ANIMAL WELFARE REGULATIONS 2001

EXPLANATORY STATEMENT

Circulated by authority of
Brendan Smyth MLA,
Minister for Urban Services

EXPLANATORY STATEMENT

Outline

These regulations allow for provisions:

- identified in the *Animal Welfare Amendment Act 2000* (the Act) to be enacted,
- enacting recommendations agreed to by the National Consultative Committee on Animal Welfare (NCCAW); and
- enacting recommendations agreed to by the Agricultural Resource Management Council of Australia and New Zealand (ARMCANZ).

The Act was implemented on 21 December 2000.

The Act amends the principal *Animal Welfare Act 1992* (principal Act) and was enacted to continue the promotion of animal welfare and related purposes.

Formal Clauses

Part 1- Preliminary:

Clauses 1 and 2 are formal provisions dealing with the name and commencement date of the regulations. The regulations are to commence on the day they are notified in the Gazette.

Clause 3 is a definitional clause and explains the meaning of the word "code" within the Regulations. For the purposes of the Regulations "code" refers to the gazetted *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes, 6th edition*.

Clause 4 explains the use of notes within the Regulations and identifies that they are not part of the Regulations.

Clause 5(1) relates to the prescribed electrical devices and animals as required by section 13(2) of the principal Act. This clause allows people to use certain electrical devices on specific species of animals as mentioned in Schedule 1 of the Regulations. Schedule 1 of the Regulations has been amended to remove the use of an electric fence, known as an "Invisible Fence" to contain dogs within the boundaries of a property. This device was removed after a recommendation to remove them from use was issued by the National Consultative Committee on Animal Welfare.

Clause 6 relates to the use or breeding of animals for research, teaching or breeding under section 25 of the Act by organisations which have been issued a licence under section 28 of the principal Act. This clause removes the need

for preschools and primary schools to apply for a licence under the Act if they are only holding examples of animals listed in Schedule 2 of the Regulations. These animals are the usual classroom pets used to teach children the care and responsibility required when in charge of an animal.

Clause 7 provides for the animal ethics committee as required by section 50 of the principal Act. Animal ethics committees are now established in accordance with the current *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes*.

Clause 8 provides for persons keeping egg-producing domestic fowls in cages. This clause increases the space allowance for egg-producing domestic fowls to 550 cm² per bird for cages that are commissioned after the Regulations are commenced. All cages in use prior to the Regulations being commissioned are able to continue to be used until 1 January 2008. At 1 January 2008 all egg-producing domestic fowls are to be provided 550 cm² each. This change is made following a recommendation of the Council of Agricultural Ministers.

Clause 9 repeals the existing Animal Welfare Regulations.

Schedule 1 is a table that outlines the permitted electrical devices to be used on permitted species of animals.

Schedule 2 outlines the animals permitted to be used for teaching in preschools and primary schools without the need for a Research or Teaching Licence.