



Australian Capital Territory

# Animal Welfare Regulations

Subordinate Law No. 12 of 1993

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**SCHEDULE  
ELECTRICAL DEVICES**



Australian Capital Territory

## **Animal Welfare Regulations**

**Subordinate Law No. 12 of 1993<sup>1</sup>**

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The Australian Capital Territory Executive makes the following Regulations under the *Animal Welfare Act 1992*.

Dated 22 March 1993.

TERRY CONNOLLY  
Minister

BILL WOOD  
Minister

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### **PART I—PRELIMINARY**

#### **Citation**

1. These Regulations may be cited as the Animal Welfare Regulations.

**Commencement**

2. These Regulations commence on the day on which they are notified in the *Gazette*.

**Interpretation**

3. In these Regulations, unless the contrary intention appears—
- “cattle” has the same meaning as in the *Stock Act 1991*;
  - “Executive Officer” means a person appointed to be Executive Officer under regulation 29;
  - “member” means a member of an Ethics Committee;
  - “relevant person” means—
    - (a) if the licensee is a body established by or under an Act—the Minister; or
    - (b) in any other case—the licensee;
  - “stock” has the same meaning as in the *Stock Act 1991*;
  - “the Act” means the *Animal Welfare Act 1992*.

**Electrical devices**

4. For the purposes of subsection 13 (2) of the Act—
- (a) the devices specified in the Schedule are prescribed electrical devices; and
  - (b) the animals specified in the Schedule are prescribed animals.

**PART II—ANIMAL EXPERIMENTATION ETHICS COMMITTEES*****Division 1—Ethics Committee*****Establishment**

5. A licensee shall establish and maintain an Ethics Committee in accordance with this Part.

**Constitution**

6. (1) An Ethics Committee shall be constituted by not less than 4 members, appointed in writing by the relevant person, of whom—
- (a) 1 shall be a person—
    - (i) who is eligible to be registered under the *Veterinary Surgeons Registration Act 1965*; or

- (ii) who, in the opinion of the relevant person, has qualifications and experience that would enable the person to provide expertise in relation to programs of research or teaching using animals;

and who has experience relevant to the licensee's activities;

- (b) 1 shall be a person who, in the opinion of the relevant person, has substantial recent experience in animal experimentation;
- (c) 1 shall be a person—
  - (i) who has demonstrated a commitment to, and who has experience in, furthering animal welfare; and
  - (ii) who is not involved in the care and use of animals for scientific purposes; and
- (d) 1 shall be a person who is not currently and has not previously conducted a program of research or teaching using animals.

(2) A person shall not be appointed under paragraph (1) (c) or (d) if the person is—

- (a) employed or engaged by the licensee; or
- (b) employed or engaged by a licensee who has made appropriate arrangements with an existing Ethics Committee for that Committee to exercise the functions of an Ethics Committee in relation to the licensee's activities.

(3) If an Ethics Committee has 7 or more members, not less than 2 of those members shall meet the requirements of paragraph (1) (c) or (d).

(4) A relevant person shall, in appointing a person under paragraph (1) (c), endeavour to appoint a person who is a member of a body the primary objectives of which are to promote, protect and improve animal welfare.

## **Functions**

7. The functions of an Ethics Committee are—

- (a) to monitor the acquisition, transport, production, housing, care, use and disposal of animals by licensees and authorised persons;
- (b) to approve a program of research or teaching;
- (c) to give directions, in writing, to a licensee or an authorised person (as the case may require) relating to the use, care and treatment of an animal used in a program of research or teaching, including—
  - (i) the treatment of or humane killing of an animal; or

- (ii) requiring the cessation of a program of research or teaching;
- (d) to ensure that animals involved in a program of research or teaching are treated humanely;
- (e) to examine and comment on plans and policies of licensees affecting animal welfare; and
- (f) to maintain a register of proposals to conduct a program of research or teaching which has received the approval of the Committee.

**Powers**

**8.** An Ethics Committee has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

**Terms of appointment**

**9. (1)** A member holds office as a part-time member.

**(2)** A member holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment.

**(3)** A member may be re-appointed.

**Appointment of Chairperson and Deputy Chairperson**

**10.** The relevant person shall appoint—

- (a) a Chairperson; and
- (b) a Deputy Chairperson;

from the members of an Ethics Committee.

**Resignation**

**11.** A member may resign his or her office by writing signed by the member and delivered to the relevant person.

**Termination of appointment**

**12.** The relevant person may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

**Acting members**

**13. (1)** The relevant person may appoint a person to act as a member—

- (a) during a vacancy in the office of the member, whether or not an appointment has previously been made to the office; or

- (b) during any period, or during all periods, when the member is absent from duty or from the Territory or is, for any reason, unable to perform the duties of the office;

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(2) Anything done by or in relation to a person purporting to act under subregulation (1) is not invalid on the ground that—

- (a) the occasion for the person's appointment has not arisen;
- (b) there is a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act has not arisen or had ceased.

### **Meetings**

**14. (1)** The Chairperson, or, if he or she is unable to do so, the Deputy Chairperson, shall—

- (a) convene such Ethics Committee meetings as the Chairperson or Deputy Chairperson, as the case requires, considers necessary for the efficient performance of the Committee's functions; and
- (b) when requested by the Minister or on receipt of a written request signed by a majority of members, convene a meeting.

(2) The Chairperson shall, in each period of 12 months, convene at least 4 meetings.

### **Procedure at meetings**

**15. (1)** The Chairperson shall preside at all Ethics Committee meetings at which he or she is present.

(2) Where the Chairperson is not present at a meeting the Deputy Chairperson shall preside.

(3) Where the Chairperson and the Deputy Chairperson are both absent from a meeting, the members present shall elect 1 of their number to preside.

(4) The member presiding at a meeting may give directions regarding the procedure to be followed in connection with the meeting.

(5) Questions arising at a meeting shall be decided by a majority of the votes of the members present and voting.

(6) The member presiding at a meeting has a deliberative vote and, in the event of an equality of votes, a casting vote.

(7) An Ethics Committee shall keep minutes of its proceedings.

### **Quorum**

16. Of the members constituting a quorum at a meeting of an Ethics Committee, 4 shall be members referred to in paragraphs 6 (1) (a), (b), (c) and (d).

### **Conduct of affairs**

17. Subject to these Regulations, an Ethics Committee may conduct its affairs in such manner as it thinks fit.

## ***Division 2—Approvals***

### **Application for approval**

18. (1) A licensee or an authorised person may apply to an Ethics Committee for approval to carry out a program of research or teaching in which an animal is to be used.

(2) An application shall—

- (a) be in accordance with a form approved by the Ethics Committee; and
- (b) be executed by the applicant.

### **Further information—approvals**

19. The Ethics Committee may, by written notice, require the applicant to furnish to the Committee, either orally or in writing, such further information relating to the application as is specified in the notice.

### **Approvals**

20. A licensee shall not conduct a program of research or teaching using animals unless the program has been approved by the Ethics Committee.

Penalty: \$1,000.

### **Grant of approval**

21. (1) On application in accordance with regulation 18, an Ethics Committee shall, in writing—

- (a) grant a research program approval or a teaching program approval; or
- (b) refuse to grant such an approval.



**(2)** In determining whether or not to grant such an approval, the Ethics Committee shall have regard to—

- (a) the scientific or educational objectives of the program (including the anticipated value of obtaining or establishing significant information in relation to humans or animals);
- (b) the reasons given for using an animal for the program;
- (c) the arrangements for the care and housing of any animals used for the program;
- (d) whether the program meets the requirements of any relevant law in force in the Territory or an approved code of practice;
- (e) the number and species of animals to be used for the program;
- (f) the procedures to be used to monitor the welfare of an animal for the duration of the program;
- (g) the procedures to be used in the program, including whether anaesthesia will be used and whether the method by which the animals will be killed (if applicable) is humane;
- (h) the reasons given for—
  - (i) repeating an experiment which has already been performed (where applicable); or
  - (ii) using an animal that has already been used in a program (where applicable);
- (j) the reasons given for the use of any procedure—
  - (i) which has the potential to cause pain or distress to an animal, particularly where anaesthesia or analgesia cannot be used; or
  - (ii) in which death will unavoidably occur;  
and details of the measures to be taken to avoid or minimise pain or distress to the animal;
- (k) any aspect of the proposed program which gives rise to ethical considerations; and
- (m) any risk to the health of other animals or to humans in the place in which the program is to be carried out.

**(3)** The Ethics Committee shall not grant an approval under subregulation (1) unless satisfied that—

- (a) the use of an animal—
  - (i) is essential to a research program in order to obtain significant scientific data; or

- (ii) is a justified and necessary aid in a teaching program; and
- (b) the person who proposes to use the animal has appropriate experience and qualifications in the care and handling of animals.

### **Register of decisions**

**22.** An Ethics Committee shall establish and maintain a register of programs of research or teaching for which it has given approval.

### **Conditions of approval**

**23.** The Ethics Committee may grant an approval subject to such specified conditions as the Committee considers, on reasonable grounds, to be desirable in the interests of animal welfare, including conditions relating to—

- (a) the welfare of an animal to be used in a particular program;
- (b) the number and species of animals which may be used in a particular program; or
- (c) compliance with any relevant approved code of practice.

### **Variation of approval**

**24. (1)** On application by a licensee or an authorised person accompanied by the approval, the Ethics Committee shall, if satisfied that it is desirable in the interests of animal welfare—

- (a) vary the approval accordingly; or
- (b) refuse to vary the approval.

**(2)** Where the Ethics Committee believes on reasonable grounds that it is desirable in the interests of animal welfare to vary an approval, the Committee shall give the licensee or the authorised person (as the case requires) notice in writing—

- (a) specifying those interests, and stating the facts and circumstances on which the Committee based its beliefs; and
- (b) inviting the licensee or the authorised person (as the case requires) to show cause within the period of time specified why the approval should not be varied in the manner specified in the notice.

**(3)** After—

- (a) the expiration of the period of time specified in a notice given under subregulation (2); and
- (b) taking into consideration any representation made by the licensee or the authorised person (as the case requires);

the Ethics Committee may vary the approval if satisfied that it is desirable to do so in the interests of animal welfare.

**Directions**

**25. (1)** The Ethics Committee may, if satisfied on reasonable grounds that—

- (a) a program is not being conducted in accordance with the terms of the approval;
- (b) a condition of an approval has been contravened;
- (c) an animal is suffering to such an extent that it is inhumane to continue the program;
- (d) there is a significant danger to the health of other animals or humans in the institution or organisation where the program is being conducted; or
- (e) it is desirable in the interests of animal welfare;

by notice in writing, direct a licensee or an authorised person to do all or any of the following:

- (f) humanely destroy a specified animal;
- (g) provide veterinary treatment for a specified animal;
- (h) withdraw a specified animal from an experiment;
- (j) cease using a particular research or teaching technique;
- (k) keep a work area clean and tidy;
- (m) regularly disinfect benches;
- (n) keep the animals comfortable and in a well ventilated environment;
- (o) keep pens and cages clean and in good repair.

**(2)** A notice under subregulation (1) may specify a period within which the licensee or authorised person is to comply with the direction.

**(3)** If a person to whom a direction is given under paragraph (1) (f) contravenes the direction, the Committee shall request the Executive Officer to destroy the animal, or cause it to be destroyed, in a manner that causes it to die quickly and without unnecessary pain.

**Suspension or cancellation of approval**

**26. (1)** Where the Ethics Committee believes on reasonable grounds that a person—

- (a) has contravened a condition of an approval under regulation 21;
- (b) has contravened a direction given under regulation 25; or
- (c) has failed to comply with a direction within the time specified in a notice under subregulation 25 (2);

the Committee shall give written notice to the authorised person—

- (d) stating the facts and circumstances that, in the Committee's opinion, constitute the basis for the Committee's beliefs referred to in paragraphs (a), (b) and (c); and
- (e) inviting the person, within 7 days after the date of the notice, to show cause why the authorisation should not be suspended or cancelled (as the case may be).

**(2)** After the expiration of the period specified in a notice under subregulation (1) and taking into consideration any representation made by the person, the Ethics Committee shall, if satisfied on reasonable grounds of the matters referred to in paragraphs (1) (a), (b) and (c)—

- (a) in the case of a notice of intention to suspend the approval for a specified period—suspend the authorisation for that period, or for such shorter period as the Committee thinks fit; or
- (b) in the case of a notice of intention to cancel the approval—cancel the approval or suspend it for such period as the Committee thinks fit.

**(3)** The suspension or cancellation of an approval takes effect on—

- (a) the date on which notice under subregulation 32 (1) of the suspension or cancellation is given to the person; or
- (b) if a later date is specified in that notice—on that later date.

**Records**

**27. (1)** A licensee or authorised person (as the case requires) shall maintain a record in relation to the—

- (a) acquisition;
- (b) breeding;
- (c) health;
- (d) care;

- (e) use; and
- (f) disposal;

of an animal used in a program of research or teaching.

(2) The Ethics Committee may require a licensee or an authorised person to produce the records referred to in subregulation (1) for inspection.

(3) A licensee or authorised person shall not contravene a request made by the Ethics Committee under subregulation (2).

Penalty: \$1,000.

### **Inspections**

28. An Ethics Committee may inspect, or cause to be inspected, any place used for a program of research or teaching, for the purposes of ensuring that the licensee is complying with a direction of the Ethics Committee or an approved code of practice.

### **Executive Officer**

29. (1) The members of an Ethics Committee shall appoint 1 member to be the Executive Officer of the Committee.

(2) The members of the Ethics Committee shall not appoint a member under subregulation (1) who does not meet the requirements of paragraph 6 (1) (a).

### **Executive Officer—duties**

30. (1) The Executive Officer may, on behalf of the Committee, inspect premises used for a program of teaching or research specified by the Committee.

(2) Where, in the course of inspecting premises, the Executive Officer is of the opinion that—

- (a) emergency treatment of an animal is required; or
- (b) an animal is so severely injured, so diseased or in such a physical condition that it is cruel to keep it alive;

he or she shall request an authorised officer—

- (c) in a case to which paragraph (a) applies—to provide emergency treatment for the animal; or
- (d) in a case to which paragraph (b) applies—to destroy the animal in a manner that causes it to die quickly and without unnecessary pain.

**Report to Minister**

**31. (1)** An Ethics Committee shall, within 90 days after the end of each financial year, furnish to the Minister a report relating to the activities of the Committee during that financial year.

**(2)** A report shall include—

- (a) the name of each member of the Committee;
- (b) the number of meetings held by the Committee during the year;
- (c) the number of approvals given by the Committee during the year;
- (d) particulars of each program for which approval has been given by the Committee;
- (e) the numbers of each species of animal used in each program;
- (f) particulars of the facilities available for the care of each species of animal kept by the licensee;
- (g) particulars of the objectives of each program, or the anticipated benefits of the program; and
- (h) particulars concerning the number of live animals of each species or variety supplied to each licensee.

**PART III—MISCELLANEOUS****Notice of decisions**

**32. (1)** Where an Ethics Committee makes a decision—

- (a) under paragraph 21 (1) (b) to refuse to grant an approval;
- (b) under regulation 23 to grant an approval subject to conditions;
- (c) under paragraph 24 (1) (a) to vary an approval;
- (d) under paragraph 24 (1) (b) to refuse to vary an approval;
- (e) under subregulation 25 (1) to issue a direction to a licensee or an authorised person;
- (f) under paragraph 26 (2) (a) to suspend an approval; or
- (g) under paragraph 26 (2) (b) to cancel an approval;

the Ethics Committee shall cause notice in writing of the decision to be given to the relevant applicant or authorised person.

**(2)** A notice under subregulation (1) shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the

Tribunal for a review of the decision to which the notice relates;  
and

- (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 26 of that Act.

(3) The validity of a decision referred to in subregulation (1) shall not be taken to be affected by a failure to comply with subregulation (2).

### Review by Tribunal

33. A person entitled under subregulation 32 (1) to be given notice of a decision may apply to the Tribunal for a review of the decision.

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## SCHEDULE

Regulation 4

### ELECTRICAL DEVICES

Column 1	Column 2	Column 3
Item	Electrical device	Species of animal
1	An electro-ejaculator	cattle and sheep
2	An electric stock prod	cattle and swine
3	An electric fence	animals other than poultry or domestic animals
4	An electric “fightback” lure	dogs
5	A fence known as an invisible fence	dogs

#### NOTE

1. Notified in the ACT Gazette on 24 March 1993.

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