



Australian Capital Territory

Animal Welfare Regulations 2001 No 26

made under the

Animal Welfare Act 1992

Republication No 2

Republication date: 24 September 2002

Last amendment made by Act 2002 No 30

Amendments incorporated to 17 September 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Animal Welfare Regulations 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 24 September 2002. It also includes any amendment, repeal or expiry affecting the republished law to 17 September 2002.

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):

- 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.

Amendments incorporated to
17 September 2002



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Animal Welfare Regulations 2001

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1 Name of regulations

These regulations are the *Animal Welfare Regulations 2001*.

3 Meaning of code

In these regulations:

code means the *Australian code of practice for the care and use of animals for scientific purposes*, 6th 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 these regulations is explanatory and is not part of these regulations.

Note See *Legislation Act 2001*, 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 subregulation (1), a cage has enough floor space if it provides at least 550 cm² of floor space for each fowl in the cage.
- (3) In calculating floor space for subregulation (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 regulation has enough floor space if it complies with the Animal Welfare Regulations, regulation 31A, as in force immediately before that commencement.

Note The Animal Welfare Regulations, reg 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 cm²;
 - (b) in the case of a cage in which 2 fowls are confined—1350 cm²; or
 - (c) in any other case—
 - (i) if the average weight of the fowls in the cage is 2.4 kg or less—450 cm² per confined fowl; or
 - (ii) if the average weight of the fowls in the cage is greater than 2.4 kg—600 cm² per confined fowl.
- (5) Subregulation (4) and this subregulation expire on 1 January 2008.

Schedule 1 Permitted uses of electrical devices on animals

(see reg 5)

column 1 item	column 2 permitted electrical device	column 3 permitted species of animal
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

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

(see reg 6)

Part 2.1 **Amphibians**

column 1 item	column 2 animal
1	axolotl
2	frog

Part 2.2 **Birds**

column 1 item	column 2 animal
3	budgerigar
4	chicken
5	cockatiel
6	finch
7	pigeon
8	quail

Part 2.3 **Fish**

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

Part 2.4 **Mammals**

column 1 item	column 2 animal
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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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

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

Endnotes

3 Legislation history

3 Legislation history

Animal Welfare Regulations SL 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))

4 Amendment history

Commencement

reg 2 om R1 (LA s 89 (4))

Caging egg-producing domestic fowls

reg 8 (4), (5) exp 1 January 2008 (reg 8 (5))
am Act 2002 No 30 amdt 3.32

Repeal of Animal Welfare Regulations

reg 9 om R1 (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

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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