



New South Wales

# Animal Research Amendment (Right to Release) Act 2022 No 66

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New South Wales

# **Animal Research Amendment (Right to Release) Act 2022 No 66**

Act No 66, 2022

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An Act to amend the *Animal Research Act 1985* to make provision for the rehoming of cats and dogs used in animal research. [Assented to 25 November 2022]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Animal Research Amendment (Right to Release) Act 2022*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## Schedule 1 Amendment of Animal Research Act 1985 No 123

### [1] Section 11 Annual reports

Insert after section 11(1)—

- (1A) Without limiting subsection (1), the report must include the following information about applications made to the Panel under section 54C(4)(a)—
- (a) the number of applications made,
  - (b) the number of applications approved,
  - (c) the number of applications refused,
  - (d) for each application approved—
    - (i) the number of animals subject to the approval, and
    - (ii) the length of the animal research project, and
    - (iii) the reasons the relevant animal care and ethics committee was satisfied the project was justified to run for longer than 3 years, and
    - (iv) the nature of the research.

### [2] Section 22 Complaints

Insert “, including a condition taken to be imposed under Part 6A” after “subject” in section 22(1)(d).

### [3] Section 28 Complaints

Insert “, including a condition taken to be imposed under Part 6A” after “subject” in section 28(1)(c).

### [4] Part 6A

Insert after section 54—

## Part 6A Rehoming

### 54A Definitions

In this Part—

**animal rescue organisation** includes an animal shelter, foster carer or foster care network that provides temporary care for an animal for the purpose of finding a new home for the animal.

**authorised person** means the following—

- (a) an accredited research establishment,
- (b) the holder of an animal research authority.

**rehome** means giving an animal to—

- (a) a suitable individual, or
- (b) an animal rescue organisation.

**relevant animal** means a dog or a cat.

**suitable individual** means an individual who—

- (a) agrees to provide an animal with a home and appropriate care, and
- (b) agrees to not keep the animal for animal research, and
- (c) meets criteria prescribed by the regulations for the purpose of this definition.

**54B Preparing animals for rehoming**

An authorised person must, over the period a relevant animal is kept by the person for animal research, take reasonable steps to ensure that the animal is prepared for rehoming, including by providing the following as appropriate for an animal of the species, breed and age of the animal—

- (a) exercise,
- (b) environmental enrichment,
- (c) socialisation, handling and basic training.

**54C Rehoming animals after research**

(1) An authorised person who keeps a relevant animal for animal research must take all reasonable steps to rehome the animal on the occurrence of the first of the following—

- (a) the animal ceases to be used by the authorised person for animal research,
- (b) the animal has been kept by 1 or more authorised persons for animal research for a total of 3 years.

Maximum penalty—30 penalty units.

(2) For the purpose of subsection (1), reasonable steps include giving the following information about the relevant animal to a suitable individual or an animal rescue organisation who may be able to rehome the animal—

- (a) the animal's species, breed, age, weight and gender,
- (b) a description of the animal's general health, physical condition and temperament,
- (c) whether or not the animal is desexed,
- (d) whether or not the animal is microchipped and, if so, the microchip number,
- (e) the date the animal was last vaccinated and wormed,
- (f) the medications the animal is currently taking,
- (g) other information prescribed by the regulations.

(3) The information may be given under subsection (2) by a database maintained by the Department for the purposes of rehoming animals kept for animal research.

(4) Subsection (1)(b) does not apply to an authorised person who keeps an animal for animal research if—

- (a) on application from the authorised person, the Panel approves the keeping of the animal for research for longer than 3 years, and
- (b) the authorised person complies with any conditions of the approval.

(5) An application for approval under subsection (4)(a) must not be made without the approval of the animal care and ethics committee supervising the research project.

(6) The animal care and ethics committee must not give approval unless—

- (a) the committee is satisfied the animal research project is justified to run for longer than 3 years, and
- (b) at least 1 Category A member of the committee is satisfied animal welfare will not be compromised.

- (7) An application under subsection (4)(a) must include—
  - (a) proof of the animal care and ethics committee’s approval, and
  - (b) the reasons the committee is satisfied the project is justified to run for more than 3 years.
- (8) The regulations may make provision about applications for the Panel’s approval under subsection (4).
- (9) This section does not apply to an animal seized under section 51A that is in the possession of an inspector.
- (10) The regulations may prescribe requirements for a database maintained under this section.
- (11) In this section—

*Australian Code* means the document published by the Australian Government entitled *Australian code for the care and use of animals for scientific purposes* as in force from time to time.

*Category A member*, of a committee, means a member of the committee referred to in the Australian Code, section 2.2.4(i).

**Note**— An authorised person is not required to rehome a companion animal owned by an individual and primarily kept by the individual for purposes other than animal research.

#### **54D Confidentiality**

- (1) A suitable individual or an animal rescue organisation with whom a relevant animal is rehomed under section 54C must not disclose identifying information about an authorised person who kept the animal for animal research.
- (2) Subsection (1) does not apply if the disclosure is made—
  - (a) with the consent of the authorised person, or
  - (b) in connection with the administration or execution of this Act, or
  - (c) for the purposes of any legal proceedings arising out of this Act, or
  - (d) with other lawful excuse.

#### **54E Animals unsuitable for rehoming**

- (1) If a relevant animal is certified by a veterinary practitioner registered under the *Veterinary Practice Act 2003* to be unsuitable for rehoming, the authorised person is not required to comply with section 54C.
- (2) A certificate given under subsection (1) must include the reasons the animal is unsuitable for rehoming.
- (3) A veterinary practitioner who gives a certificate under subsection (1) must—
  - (a) be independent of the authorised person to whom the certificate is given, and
  - (b) have expertise in the welfare of animals of the species of the relevant animal.

#### **54F Record keeping**

An authorised person must keep the following for each relevant animal kept by the person for animal research—

- (a) records of the reasonable steps taken under section 54B and 54C,

- (b) records of all communications with suitable individuals and animal rescue organisations about rehoming the animal,
- (c) details of a suitable individual or an animal rescue organisation with whom the animal has been rehomed,
- (d) a certificate issued under section 54E,
- (e) a copy of—
  - (i) each application made under section 54C(4)(a), and
  - (ii) the Panel’s approval or refusal of each application.

Maximum penalty—20 penalty units

**54G Condition of authority or accreditation**

- (1) It is a condition of the accreditation of an animal research establishment or of an animal research authority that the accredited establishment or the authority holder comply with this Part.
- (2) Subsection (1) extends to an accreditation or authority in force immediately before the commencement of this section.

**[5] Section 62 Regulations**

Insert “, and the reports to be made,” after “kept” in section 62(1)(c).

**[6] Schedule 3 Savings, transitional and other provisions**

Insert after clause 3—

**Part 3 Provisions consequent on enactment of Animal Research Amendment (Right to Release) Act 2022**

**4 Animals kept for research before commencement**

- (1) Part 6A does not apply to an animal that was being kept for research by an accredited research establishment or the holder of an animal research authority immediately before the Part’s commencement.
- (2) This clause ceases to have effect 3 years after the commencement of this Act, Part 6A.

## **Schedule 2 Amendment of Animal Research Regulation 2021**

### **[1] Section 24 Reporting requirements—the Act, s 62**

Insert after section 24(4)—

- (5) The report must, where relevant, include the following information—
  - (a) the total number of animals rehomed under the Act, section 54C,
  - (b) the total number of animals unable to be rehomed under the Act, section 54C and a summary of the reasons the animals were unable to be rehomed,
  - (c) the number of applications made under the Act, section 54C(4)(a),
  - (d) the number of applications made under the Act, section 54C(4)(a) that were approved,
  - (e) the number of applications made under the Act, section 54C(4)(a) that were refused,
  - (f) the length of each animal research project for which an application under the Act, section 54C(4)(a) was approved,
  - (g) the total number of certificates received by the authorised person under the Act, section 54E and a summary of the reasons the animals were unsuitable to be rehomed,
  - (h) for an animal that was euthanased, whether the animal was euthanased—
    - (i) because the animal was unable to be rehomed under the Act, section 54C(1), or
    - (ii) because the animal was certified under the Act, section 54E as unsuitable for rehoming, or
    - (iii) for another reason and, if so, the reason.

### **[2] Schedule 1 Supplementary provisions of Code of Practice**

Insert after section 11—

#### **11A Animals that have been rehomed**

A licensed animal supplier must not accept an animal for use in connection with animal research if the animal has previously been rehomed under the Act, section 54C.

[Second reading speech made in—

Legislative Council on 18 May 2022

Legislative Assembly on 13 October 2022]